

An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-319963-24

Strategic Housing Development

Demolition of buildings, construction of 143 no residential units (105 no. houses, 38 no. apartments) and associated site works.

Location

Monacnapa, Blarney, Co. Cork (www.monacnapashd.ie)

Planning Authority

Cork City Council

Applicant

Eoin Sheehan

Prescribed Bodies

1. Uisce Eireann
2. Transport Infrastructure Ireland (TII)
3. National Transport Authority
4. Department of Culture, Heritage and the Gaeltacht
5. An Taisce
6. The Heritage Council

7. Failte Ireland
8. An Chomhairle Ealaion
9. Cork City Childcare Committee

Observer(s)

32 submissions received
See Appendix 6

Date of Site Inspection

23rd August 2025

Inspector

Lorraine Dockery

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1.0 Introduction

- 1.1 This is an assessment of a proposed strategic housing development submitted to the An Coimisiún Pleanála under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 1.2 By way of background, I highlight that An Coimisiún Pleanála granted permission under ABP-312893-22, subject to 29 no. conditions on 19th July 2022 for demolition of buildings, construction of 143 no. residential units (105 no. houses, 38 no. apartments), creche and associated site works at Monacnapa, Blarney Co. Cork. An Coimisiún Pleanála's decision was brought under Judicial Review and the decision was QUASHED on 15th day of May 2024 by High Court Order (H.JR.2022.0000762). The High Court ordered that the matter be REMITTED to An Coimisiún Pleanála to be determined in accordance with law. I am the new Inspector assigned to the case and am assessing the file de novo.

2.0 Site Location and Description

- 2.1 The subject site, which has a stated gross area of 7.79ha, is located on the north-western periphery of Blarney, approximately 9 km northwest of Cork City Centre. Blarney is bisected by the R617 Blarney Inner Relief Road/Sunberry Road. The site is located to the north of the R617, accessed via a steep, narrow local road that serves a one-off dwelling and twenty detached houses at Sunberry Heights and Sunberry Drive estates.
- 2.2 The R617 carries traffic from west Cork to access the N20 Cork/Limerick Road about 1.5kms east of the development site. The R617 in the vicinity of the junction with Sunberry Heights has a marked rise in gradient west to east, a speed limit of 50 kph and a number of other entrances. A solid central white line is noted for much of its length at this location, together with double yellow lines on both sides of the carriageway. Sight distance is restricted in both directions by walls and vegetation.
- 2.3 The site is currently in agricultural use and accessed via a short laneway from the Sunberry Drive estate. It is an elevated site overlooking Blarney to the south, including Blarney Castle and its associated grounds. Levels rise steeply from south

to north across the site with various undulations throughout, upwards to a local peak called Knockacorbally beyond the northern site boundary (OS maps indicate a height of 106m). The eastern boundaries of the site address the rear gardens of houses in Sunberry Drive and Castleowen and comprise a combination of mature hedge, fence/wall or undefined.

3.0 Proposed Strategic Housing Development

3.1 The proposal, as per the submitted public notices, comprises 143 no. residential units a crèche and all associated ancillary site development and landscaping works at Monacnapa, Blarney, Co. Cork. The proposed development also consists of the demolition of an existing garage and southern boundary wall, to be replaced with a new southern boundary wall, as well as the lowering of the existing eastern boundary wall and pier, at no. 1 Sunberry Drive.

3.2 Access is proposed via the existing Sunberry Heights/Sunberry Drive roadway off the Blarney Relief Road (R617).

3.3 The following tables set out some of the key elements of the proposed scheme:

Table 1: Key Figures of Overall Development

Site Area	7.79 hectares (gross) 4.1 ha (nett)
No. of residential units	143 units (105 houses; 38 apartments) Breakdown: <u>Houses:</u> 8 x 2-bed (5.5%) 71 x 3-bed (50%) 26 x 4-bed (18%) <u>Apartments:</u> 8 x 1 -bed (5.5%) 30 x 2-bed (21%)
Other Uses/Works	Creche- 309.66m ² (42 spaces)

	Demolition and replacement of an existing garage and southern boundary wall, together with lowering of the existing eastern boundary wall and pier at No. 1 Sunberry Drive Upgrade to existing Sunberry Heights/Sunberry Drive access including the widening of the footpath at the junction with the Blarney Relief Road (R617); other stated road works
Demolition Works	Garage and boundary wall- 27.64m ²
Density	35 units/ha (based on net developable area)
Height	2-3 storeys with split level houses
Dual Aspect	100% apartments (stated) I consider this figure to be 68%
Site Coverage	0.2 (gross), 0.4(nett)
Plot Ratio	1:0.2 (gross); 1:0.4 (nett)
Public Open Space Provision	7934m ² (18.5% of site)(stated)
Part V	29 units – 21 houses; 8 x two-bed apts
Parking	212 car spaces (of which 30 spaces are located at basement of apt blocks); 238 bicycle spaces; 4 motorcycle spaces
Access	From existing Sunberry Heights/Sunberry Drive access road

- 3.4 In terms of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. An Uisce Eireann Pre-Connection Enquiry in relation to water and wastewater connections was submitted with the application, as required. It states that the proposed connections can be facilitated without infrastructure upgrade, subject to conditions. In addition, a Design

Submission was included with the application documentation, in which Uisce Eireann state that they have no objections to the proposal, based on the information provided.

- 3.5 An EIA Screening Statement has been submitted with the application which concludes that the proposed development is a sub-threshold development and that there is no requirement for a mandatory EIAR. The proposed development will not give rise to significant environmental effects. In addition, an Article 299B Statement has been submitted with the application, in accordance with Article 299B(1)(B)(II)(C) of the Planning and Development Regulations 2001-2021, as amended.
- 3.6 A Material Contravention Statement was submitted, which seeks to address the issue of Material Contravention in relation to the Blarney-Macroom Municipal District Local Area Plan, 2017 primarily in relation to density. The matter of unit mix in the context of the draft Cork City Development Plan 2022 (as it was at the time) is also addressed.
- 3.7 Cork City Council is stated to be the owner of the lower section of the Sunberry Heights/Sunberry Drive access road and its junction with the R617 (Blarney Relief Road)- letter of consent from Cork City Council (dated 15/02/2021) attached). The applicant states that they have an easement over the remaining section of the Sunberry Heights/Sunberry Drive access road to the entrance to the proposed development site. It is further stated that ESB Networks own the existing substation at the entrance to the proposed development and has agreed to engage with the applicant regarding the potential relocation of the substation in the event of a grant of planning permission. There is a wayleave in favour of Cork City Council for the laying of water mains along the southern boundary of the proposed development site.

4.0 Planning History

Subject Site

ABP-308156-20 (SHD Application)

Permission REFUSED for the construction of 150 residential units, creche and

ancillary site works (December 2020)

The reason for refusal was as follows:

1. The proposal for the construction of 150 number residential units, on lands zoned Medium B Density Residential Development in the Blarney Macroom Municipal District Local Area Plan 2017, materially contravenes zoning objective BL-R-03, that states Medium B Density Residential Development including detached dwellings, limited to the lower portion of the site. The proposed development includes a residential density in excess of that planned for on the lower portion of the site which has been reserved for a residential density range of between 12-25 units per hectare in the adopted land use zoning objective. It is considered that the inclusion of a residential density of 36.6 units per hectare, within an area of land for which the residential density range is 12-25 units per hectare and would be contrary to the Local Area Plan and not be in accordance with section 8(1)(a)(iv)(II) of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, which is required to be included in the public notice at application stage, therefore, An Bord Pleanála is precluded from granting permission for the proposed development .

08/9047 (PL04.234024)

Permission REFUSED for the demolition of existing shed and construction of 133 dwellings, creche, new vehicular access and all ancillary landscaping & site development works for two no. reasons which may be summarised as (i) materially contravene the zoning objective for the site, would be visually obtrusive, in particular from views from Blarney Castle and (ii) not satisfied that surface water arising within the proposed development would be adequately dealt with on site or safely discharged to the adjoining surface drainage system, and not add to or exacerbate flooding in the vicinity and downstream of the site. (November 2009)

5.0 Section 5 Pre Application Consultation

A Section 5 pre application consultation took place via Microsoft Teams on the 18th June 2021. Representatives of the prospective applicant, the planning authority and An Coimisiún Pleanála were in attendance. Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, An Coimisiún Pleanála was of the opinion that the documentation submitted constituted a reasonable basis for an application for strategic housing development to An Coimisiún Pleanála (ABP-310013-21).

The applicant was advised that the following specific information should be submitted with any application for permission:

1. Notwithstanding that the proposal constitutes a reasonable basis for an application demonstrate / justify the suitability of the proposed site to accommodate the residential density with regard to the sites BL-R-03 Objective as set out in the Blarney Macroom Municipal District Local Area Plan 2017, the provisions of the development plan and relevant national and regional planning policy including the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual'); Circular NRUP 03/2021 Residential Densities in Towns and Villages; The 'Design Standards for New Apartments – Guidelines for Planning Authorities' (2020) and the 'Urban Development and Building Heights – Guidelines for Planning Authorities' (2018).
2. A report that addresses and provides a clear design rationale for the proposed design and layout, character areas, materials and finishes of the proposed development including specific detailing of finishes and frontages for the proposed apartment blocks, and the maintenance of same. Having regard the visual sensitivity of this site particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development.
3. A layout plan and report that address and provides details of pedestrian connectivity to Blarney Town Centre.

4. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority, and the phased delivery of such public open spaces.
5. Childcare Demand Report, which identifies demand for childcare places likely to be generated by the proposal and the capacity of the childcare facility previously granted on the subject site and existing facilities in the vicinity to cater for such demand.
6. School Demand Report, which identifies demand for school places likely to be generated by the proposal and the capacity of existing schools in the vicinity to cater for such demand.
7. Address issues raised in the planning authority's Area Engineers Report and the Road Design Report.
8. Address issues raised in the report of Irish Water to An Coimisiún Pleanála dated 19th May 2021 and in the planning authority's Drainage Report.
9. A phasing plan for the proposed development which includes the phasing arrangements for the delivery of public open spaces and Part V provision.
10. A Sunlight/Daylight/Overshadowing analysis showing an acceptable level of residential amenity for future occupiers and existing residents, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. This report should address the full extent of requirements of BRE209/BS2011, as applicable.
11. A material contravention statement, in respect to any and all elements of the development that may materially contravene the Local Area Plan and Development Plan objectives or policies applicable to the site.
12. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 unless it is proposed to submit an EIAR at application stage.

A list of authorities that should be notified in the event of the making of an application were advised to the applicant and included:

1. Uisce Eireann
2. Transport Infrastructure Ireland
3. National Transport Authority
4. Department of Culture, Heritage and the Gaeltacht
5. An Taisce-the National Trust for Ireland
6. The Heritage Council
7. Fáilte Ireland
8. An Chomhairle Ealaíon
9. Cork County Council Childcare Committee

Applicant's Statement

A Statement of Response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. This statement seeks to address the points raised above.

A Material Contravention Statement was submitted with the application in relation to the matter of density. The matter of unit mix in the context of the draft Cork City Development Plan 2022 (as it was at the time) is also addressed. This shall be addressed further within the main planning assessment.

6.0 Relevant Planning Policy

National Planning Policy

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

- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024)
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities
- Architectural Heritage Protection, Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets
- The Planning System and Flood Risk Management (including the associated Technical Appendices)
- Urban Development and Building Heights, Guidelines for Planning Authorities
- Childcare Facilities – Guidelines for Planning Authorities
- Climate Action Plan 2025 (as informed by CAP 2024)
- Appropriate Assessment of Plans and Projects in Ireland - Guidelines for Planning Authorities
- Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development

Other policy documents of note:

- National Planning Framework, First Revision (April 2025)

Objective 4

A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs

Objective 37

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.

Objective 45

Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.

Objective 101

Planning authorities will be required to apply a standardised, tiered approach to differentiate between i) zoned land that is serviced and ii) zoned land that is serviceable within the life of the plan.

- Regional Spatial & Economic Strategy for the Southern Region- located within Cork Metropolitan Area
 - Cork MASP Policy Objective 15- Tourism
- Cork Metropolitan Area Transport Strategy (CMATS) 2040
- National Biodiversity Action Plan

Local Planning Policy

I highlight to An Coimisiún that the time of lodgement of the subject application, the relevant statutory plans were the Cork County Development Plan 2014 and the Blarney Macroom Municipal District Local Area Plan 2017. As of 31st May 2019, the site is located within the boundary of Cork City Council. In the intervening period since the application was lodged, a new City Development Plan has been adopted. The **Cork City Development Plan 2022-2028** is the operative City Development Plan and it is under this operative Plan that I am assessing the proposal before me.

Section 1.3

For the first time, a single statutory development plan will encompass Cork City and all its suburbs, including the towns of Ballincollig, Blarney, Tower and Glanmire, and the immediate hinterland areas.

Site is located within the development boundary of Blarney. Blarney is designated as an 'Urban Town' within the 'Inner Urban Suburbs' (Table 11.1). Site is also located within area designated as 'City Expansion Area'.

Zoning: 'Objective ZO 02 New Residential Neighbourhoods' which seeks 'To provide for new residential development in tandem with the provision of the necessary social and physical infrastructure.'

ZO 2.1

Any development proposals must satisfy the requirements for developing on Tier 1 or Tier 2 lands set out in Chapter 2 Core Strategy.

ZO 2.2

This zone covers primarily greenfield, undeveloped lands for new sustainable residential areas. Development in this zone, while primarily residential, must provide an appropriate mix of housing types and tenures along with the amenity, social, community and physical infrastructure required to promote compact growth, balanced communities and sustainable, liveable communities.

Site identified as 'Tier 2' in Zoning Tiers with potential yield for Blarney to 2028 being 641 units.

Chapter 10 Key Growth Areas & Neighbourhood Development Sites

- Section 6 Blarney

10.235 It is therefore expected that residential development in Blarney will largely be confined to areas adjoining the built-up area along Waterloo Road/Monacnapa for the initial period of growth for Blarney

Objective 10.67:

Consolidate future development within the development boundary of the Town and maintain the City Hinterland between Blarney and Tower and Kerry Pike respectively.

- Density and Building Height Strategy- Table 11.1 Cork Building Height Standards. Prevailing heights for this location range from 1-2 storeys with target heights between 2-3 storeys

- Table 11.2 Densities- prevailing dwellings/hectare for this area have a lower target of 35 units/ha and an upper target of 50 units/ha.
- There are a number of policies and objectives which support compact growth, neighbourhood design/placemaking, residential development and protection of built heritage.
- Heritage- the subject site is located outside of the Blarney ACA
- Scenic Route – (i) Cork City Scenic Route Ref. HVP4 Road between Blarney and Grenagh (ii) Cork City Scenic Route Ref. HVP3 Road between Clogheen, Tower and Blarney and the road to Blarney Lake.
- Table 11.9 Dwelling Size Mix- sets out min/max and target figures (target of 21% 1-bed; 34% 2-bed; 30% 3-bed and 15% 4-bed or larger units)
- Parking- Variation No 1 (Revised Parking Standards on a City Wide basis) of the Cork City Development Plan 2022 - 2028 was made on 08.05.2023. As per the Variation the site lies within Parking Zone 3 which has been revised as follows: 'Parking Zone 3 (City Suburbs and Urban Towns)- 1.25 spaces per 1-2 bed unit and 2.25 spaces per 3-3+bed units and 1 space per 6 children for the creche element.

Public Transport

- CMATS proposes both a Core and Orbital bus network as part of BusConnects (see Chapter 4 Transport and Mobility).
- CMATS has also identified lands at Stoneview for the construction of a new railway station as part of the expansion of Cork Commuter Rail services.
Indicative location for Park and Ride at Blarney.

6.1 Designated Sites

Cork Harbour SPA is located approximately 11km (as the crow flies) or 23km downstream from the project site.

7.0 Third Party Submissions

- 7.1 In total, 32 submissions were received, many of which are from the residents of Sunberry Drive and Heights. In addition, a submission stated to be on behalf of

Castleowen Residents Association and from two public representatives were received. Submissions from TII and Uisce Eireann were also received. These submissions may be summarised as follows and are expanded upon within the assessment:

Zoning/Density/Design Rationale-

- Queries principle of zoning this site; extent of developable land (72m contour upper and lower site referenced); restricted backland site
- Density concerns given medium density zoning objective in Blarney Macroom LAP; western side of Blarney not suitable for high density development
- Inappropriate design and scale; out of keeping with neighbouring properties; overdevelopment of the site

Traffic and Transport Concerns-

- Suitability of access road to cater for proposed development/use of existing Sunberry Drive Road to access site; existing road not designed for volume of traffic journeys proposed
- Existing road never envisaged to service 500 residents and commercial traffic from proposed creche; misplaced conclusions contained in Transportation Assessment Report
- Absence of alternative is not a justification to permit the use of a road which is unsuited to accommodate the scale of development proposed
- Does not have capacity to create an environment conducive to increased active travel modes; existing physical conditions of road mean that it is not achievable to use as a shared street; cannot meet criteria of multi modal road/street as envisaged in DMURS
- Sunberry Drive is as narrow as 5m in places which results in lane width of 2.5m with footpath little over 1m in width on one side with severe gradients. At junction with R617, there is a climb in excess of 20% on the footpath alone.
- Due to existing constraints of the junction layout, almost the entire width of the Sunberry Drive Road is needed to safely complete the turning manoeuvre for a bin lorry

- Creation of traffic hazard; 35 collisions reported to Gardai in the area surrounding Sunberry Drive with 1 collision on the access road immediately above the junction (Accident Statistics Report- An Garda Siochana included with submission).
- Increased traffic, leading to increased traffic delays and increased accidents both within Sunberry development and with junction of R617. Existing 'blind spot' makes it impossible to see oncoming traffic on hill above entrance to Sunberry Drive
- Poor sightlines and heavy flows of fast-moving traffic in both directions at peak times at the junction with R617
- Unclear how unobstructed visibility splays can be achieved at junction with R617; dependence on the maintenance and cutting back of adjoining vegetation on a regular basis to maintain visibility is not a design solution
- Concerns regarding pedestrian safety in the absence of improvements to footpath
- No additional pedestrian linkages to town; does not encourage pedestrian and cyclist permeability; pedestrian/cycle usage is limited.
- In terms of proposed safety fence/barrier, notes severe gradient of embankment along/immediately adjacent to western edge of Sunberry Drive Road. Therefore, not acceptable to assume that the existing conditions will allow and/or support such barrier at this location; absence of detail in relation to crash barriers
- Maintenance of road/treatment
- Use of access road during construction phase of development given extent of spoil to be removed off site and weakness of soils on site. Cites information contained in geotechnical report
- Closure of vehicular access due to necessary upgrade works to sewer (manhole located in centre of road) and subsequent access concerns; Failure to quantify volume of construction related traffic
- Parking provision within proposed scheme; impacts of the proposal on parking within the village; car dependent development
- Negative impact on tourist related traffic during high season

- Accuracy of TRICS analysis Auto track analysis undertaken by third party which calls into question that submitted with application documentation. Road Safety Audit concerns

Drainage-

- Concerns regarding flooding of neighbouring properties and capacity of infrastructure to accommodate additional dwellings
- Cut, depth and extent of embankment, together with increase in volume and speed of surface water during heavy rain, could lead to increased flooding off-site; could potentially alter ground water conditions on site; serious safety issues; possibility that attenuation system is under-designed; potential to detrimentally affect the aquifer
- Management of surface water is flawed and does not follow good practice; concerns regarding surface water drainage including additional volumes, climate change, impacts on existing back gardens, maintenance, suspended solid measures. No allowance made in drainage design for gradients
- Existing site topography and concerns whether existing watercourse system could cater for proposed development and concerns regarding increase in volume entering same and erosion of woodland floor; high possibility of landslide
- No stand pipes installed to measure groundwater and no meaningful ground investigations undertaken; nature of existing ground conditions have been ignored during design of development
- Lack of survey to ascertain suitability of foul sewer
- Queries existing drainage ditch along western boundary of site- contends this does not exist

Residential Amenity Impacts-

- Overlooking; loss of privacy; increased light pollution; impacts on dark sky views; environs will become akin to an urban environment; construction impacts; impacts on quality of life and peaceful enjoyment of their home; inaccuracy in Daylight Analysis as doesn't show extension to 20 Castleowen; boundary treatments
- Increased level of noise, dust and other disturbance

Visual Amenity/Heritage Impacts-

- Conflicts with previous ACP decision that development on site should be kept below the 72m contour line
- Visually overbearing; incongruous; impacts on Blarney Castle, village and surrounding countryside; An Taisce should be consulted; impacts on ACA and character of town
- Impacts on landscape from cut and fill
- Creation of impression of urban sprawl as settlement boundary extended; detract from historic urban boundary
- Impacts of apartments on village centre/dependent on screening from trees; inadequate landscaping proposals
- Negative impacts on tourism and heritage context of Blarney
- Significant negative impact on important views including view from top of Blarney Castle
- LVIA relies on significant screening by existing tree cover, belonging to Blarney Castle Estate- no control of this woodland
- Proposal does not conserve and enhance the characteristics of the Broad Fertile Lowland character type, does not protect the existing character and setting of the village and will have an adverse impact on the quality and character of the area

Biodiversity-

- Impacts/disturbance to wildlife on subject site; impacts on woodland to south of site and hedgerows; deprivation of groundwater to woods
- Impacts on threatened slug species *Tandonia rustica* and mollusc species; impacts on volant mammals; impacts on nearby pNHA
- Impacts on bats, badgers and red squirrel habitat
- Impacts of proposed surface water drainage arrangements on mature woodland- no consultation/assessment with owners of woodland
- Impacts on bird/bat flight paths/collision risks
- EcIA has not fully considered the likely significant negative impacts of the proposal on boundary woodland habitat
- Submitted Arboricultural Impact Assessment (AIA) is incorrect as there will be significant long term (>25years) negative impacts

- Accuracy of information in Tree Survey Report
- Loss of 20 no. mature trees along southern boundary

Material Contravention-

- Material Contravention in respect of- density, housing mix, building height and visual impact, car parking, provision of childcare, ACA Policy Objectives SS02a & PM17, public open space
- Proposal not of strategic/national importance therefore ABP cannot grant permission under s37(2)(b)
- Proposal does not meet provisions of s.37(2)(b)
- If An Coimisiún purports to justify non-compliance with objectives, this will amount to an unlawful breach of the requirements of the SEA Directive
- Cannot grant permission where justification relies on Building Height Guidelines as these are ultra vires and not authorised by section 28(1)(c) of the Planning and Development Act 2000, as amended. These Guidelines are also contrary to the SEA Directive

EIA and AA Screening

- EIA screening is inadequate and deficient and does not permit an assessment of the potential environmental impacts of proposal; should have been subject to full EIA
- EIA screening is inadequate as it fails to assess the potential impacts of construction traffic associated with extensive cut and fill to be removed from site
- ACP lacks ecological and scientific expertise and/or does not appear to have access to such expertise
- Information submitted as part of AA Screening is insufficient, contains lacunae and is not based on appropriate scientific expertise
- Concerns regarding impacts on protected species

Other Matters-

- Phasing of development/construction duration
- Errors/discrepancies in documentation including Transport Assessment Report

- Legal matters relating to right of way, finishing of estate and consents for surface water to pass through 3rd party lands; residents of estate have maintained it since 1993; concerns regarding wayleave agreements for Uisce Eireann
- Historic opinion of planning authority regarding development on this site
- Subsidence concerns due to drainage works; damage to foundations of Castlewood House and damage to existing retaining wall
- Concerns regarding future development of other adjoining lands; previous refusals on this site
- Infrastructural capacity for example school capacity; public transport, drainage, water services
- Lead to anti-social behaviour
- Lack of kick-about spaces/MUGA space/teenage hangout area
- Increased threat of forest fires and therefore site unsuitable for any construction work
- Procedural- public consultation on ACP website; application not in compliance with Planning and Development Regulations 2001 in respect of plans and particulars lodged

7.2 Many of the submissions received include photographs, maps and other information to support their submission. The submission from Blarney Castle Estates is supplemented with a report from Forestbird Design which examines impacts on landscape while a report from Southgate Associates examines heritage matters. The submission of Michael Howley contains site topographical surveys, photographs, cut embankment analysis, analysis for Junction of Sunberry Drive with R6117 Main Road including access road survey, footpath survey analysis and auto track analysis, together with enclosures relating to historic opinions of planning authority and legal indemnity and correspondence from planning authority relating to bond/completion of Sunberry Drive.

7.3 Four no. submissions in support of the proposal have also been received. These cite massive shortage of new houses being built in Blarney; nowhere for workers to live with many commuting long distances; proposal suitable for first time home buyers with range of housing attracting a greater mix of people to the area; additional

population will be beneficial to local businesses and sports clubs and therefore welcome bringing this undeveloped site into a use that it is zoned for. It is also stated that the proposal would be an attractive and welcoming development where people want to live, a short walk from the town centre and employment. Development previously permitted by ACP has not resulted in detrimental impacts on traffic or visual amenities in the town. Proposal includes for improvements to existing access road from R617 and will ensure minimal disruption to village during construction stage. Creche is much needed and provision of dedicated pedestrian connections welcomed. Additional tree cover will benefit biodiversity.

8.0 Planning Authority Submission

- 8.1 In compliance with section 8(5)(a) of the 2016 Act, the planning authority for the area in which the proposed development is located, Cork City Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Coimisiún Pleanála on 21st April 2022. The report may be summarised as follows:

Information Submitted by the Planning Authority

Details were submitted in relation to documents of note, brief description of the proposed development, site location and description, planning history, third party submissions, summary of views of relevant elected members, ACP notice of pre-application consultation opinion, planning assessment; environmental screening. Appendix B contains internal reports. Appendix C contains planning conditions that the planning authority would recommend in the event that ACP decides to grant permission. A summary of comments from Area Committee Meeting are outlined.

Summary of Inter-Departmental Reports

Planning Policy:

Development as presented is considered haphazard in nature in that it fails to address the topography of the site satisfactorily. Proposed densities are considered inappropriate given difficulties with access and lack of connectivity to town. Constraints on water services and the lack of detailed proposal for public transport improvements in the Blarney area are highlighted. Proposal is considered premature pending a review of planning policy for this site and the town of Blarney as part of

new Cork City Development Plan 2022.

Drainage Division:

Substantial amount of detail to be submitted for approval prior to commencement of works, however in general the principles and concepts underpinning the applicant's proposals have been addressed satisfactorily. No objection to grant of permission, subject to conditions

Environment Report:

Conditions attached

Roads Operations:

Refusal recommended- the large increase in volume of traffic using the Sunberry access road with a substandard gradient will hugely increase the hazard to road users and pedestrians, both on the hill itself and on the adjacent Blarney bypass (R617). This risk is unacceptable and cannot be mitigated.

Urban Roads and Street Design (Planning):

Proposal fails to provide accessible and inclusive access to/from the site for pedestrians and therefore does not achieve DMURS first core principle of connectivity, permeability and legibility for pedestrians and is supporting a car centric development. Given the above, it is considered that the application is premature until such time as the applicant secures agreement with either third parties to permit alternative connectivity and permeability for pedestrians to the receiving urban area or undertakes a comprehensive design review to propose an access route that permits accessible and inclusive access to the site for vulnerable road users.

Traffic Regulation and Safety:

Conditions attached

Parks Department:

Proposed properties along southern boundary will be overshadowed and shaded by the trees on the adjoining historic woodland, with negative impacts on the occupant's enjoyment of private garden space. Further requests to reduce the height of these trees will not be considered given their significance and importance within the woodland. The retention of northern third of site as wildflower meadow is welcomed.

No objections raised

Conservation Division:

Further Information required to adequately illustrate relationship between proposed development and adjacent ACA and Protected Structures

Infrastructure Development Department

Applicant required to co-ordinate with CCC Infrastructure Development Directorate during detailed design and construction phases. Conditions recommended

Chief Fire Officer:

Recommendations/conditions attached

- 8.2 A thorough and comprehensive assessment of the proposal has been undertaken by the planning authority and reference has been made to same within the main body of my report. The assessment concludes as follows:

The planning authority is of the opinion that the proposed strategic housing development is inconsistent with the Cork County Development Plan 2014, and the Blarney-Macroon Municipal District LAP 2017 and would endanger public safety by reason of a traffic hazard. Recommends that permission be refused for two reasons as follows:

1. The proposed density of 35 units per hectare is excessive and contrary to the Medium B Density zoning on the site which has a range of 12-25 units per hectare as outlined in the Cork County Development Plan 2014, and the Blarney-Macroon Municipal Districts' LAP 2017. Having regard to the layout, design and scale of the proposed development and the elevated nature of the site, it is considered that the proposed development will compromise the landscape and heritage character of the area, particularly when viewed from the Blarney ACA and surrounding areas. It is considered that the proposed development would be contrary to the provisions of the CDP and LAP and would detract from the residential and visual amenities of the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. The planning authority is not satisfied on the basis of the information submitted, that the proposed development would not give rise to a serious

traffic hazard, due to the large increase in volume of traffic using the Sunberry access road with a substandard gradient will hugely increase the hazard to road users and pedestrians, both on the hill itself and on the adjacent Blarney by-pass road (R617). This risk is unacceptable and cannot be mitigated. Further, the applicant's proposal fails to provide accessible and inclusive access to/from the site for pedestrians and therefore does not achieve DMURS first core principle of connectivity, permeability and legibility for pedestrians. The proposed development, therefore, would endanger public safety by reason of a traffic hazard, and would be contrary to the proper planning and sustainable development of the area.

If An Coimisiún Pleanála is minded to grant permission for the proposed development, suggested conditions are attached (46 in total).

8.3 The report includes a summary of the views of relevant Elected Members, as expressed at a meeting held remotely on 07/04/2022 and are broadly summarised below:

- Primary concern is access during construction/operational phases; creation of traffic hazard and increased traffic congestion; access completely unsuitable for pedestrian, cycle and vehicular traffic
- Density of development- out of character and represents overdevelopment of site
- Capacity of drainage/infrastructure network given gradient of site; potential flood risk
- Lack of green open spaces
- Impacts on tourism in Blarney; site overlooks Blarney Castle
- Impacts on local residents

9.0 Prescribed Bodies

9.1 The applicant was required to notify the following prescribed bodies prior to making the application:

1. Uisce Eireann

2. Cork City Childcare Committee
3. National Transport Authority
4. Transport Infrastructure Ireland
5. The Heritage Council
6. An Taisce- the National Trust for Ireland
7. Department of Housing, Local Government and Heritage
8. Fáilte Ireland
9. An Chomhairle Ealaíon

9.2 In total, two prescribed bodies have responded and the following is a brief summary of the points raised. Reference to more pertinent issues is made within the main assessment.

Uisce Eireann:

Water:

A water connection is feasible without an infrastructure upgrade. There are existing UE assets within the site. The exact routes of these pipes will have to be investigated on site. The applicant will not be permitted to build over any UE infrastructure. Confirms that the applicant has not engaged with the UE Diversion's Team in order to assess if any of the existing mains will be interfered with by the proposed development or impacted by a reduced cover level.

Wastewater:

Upgrades to the wastewater network (upsizing of approximately 320m of 150mm diameter sewer and upsizing of approximately 310m of 225mm diameter sewer) will be required to cater for the proposed development.

Uisce Eireann currently does not have any plans to upgrade these sewers. Any network upgrades will be carried out by UE and funded by the applicant as part of the connection agreement.

Design Acceptance:

The applicant (including any designers/contractors or other related parties appointed by the applicant) is entirely responsible for the design and construction of all water

and/or wastewater infrastructure within the Development redline boundary which is necessary to facilitate connection(s) from the boundary of the Development to Uisce Éireann's network(s), as reflected in the applicants Design Submission.

Recommended conditions attached

Transport Infrastructure Ireland

The Authority will rely on the planning authority to abide by official policy in relation to development on/affecting national roads as outlined in DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), subject to the following:

- The proposed development shall be undertaken strictly in accordance with the recommendations of the Transport (Traffic Impact) Assessment. Any recommendations arising should be incorporated as conditions on the permission, if granted. The developer should be advised that any additional works required as a result of the Assessment should be funded by the developer.
- The Authority will entertain no future claims in respect of impacts on the proposed development, if approved, due to the presence of the existing road or any new road scheme which is currently in planning

10.0 Oral Hearing Request

10.1 There was no Oral Hearing request in this instance.

11.0 Assessment

11.0.1 This assessment is divided into a Planning Assessment, an Appropriate Assessment Screening, an Environmental Impact Assessment Screening and Water Framework Directive Screening. In each assessment, where necessary, I refer to the issues raised by Prescribed Bodies and observers in submissions to An Coimisiún, together with the Chief Executive Report, in response to the application.

11.0.2 There is an inevitable overlap between the assessments, with matters raised sometimes falling within more than one of the assessments. In the interest of brevity, matters are not repeated but such overlaps are indicated in subsequent sections of the report.

11.0.3 I highlight to An Coimisiún that the terms Sunberry Heights access road and Sunberry Drive access road are used interchangeably within the application documentation. For clarity, they both refer to the same roadway.

12.0 Planning Assessment

12.0.1 I have had regard to all the documentation before me, including, *inter alia*, the report of the planning authority; the submissions received; the provisions of the Cork City Development Plan 2022; relevant section 28 Ministerial guidelines; National Planning Framework (First Revision); provisions of the Planning Acts, as amended and associated Regulations and the nearby designated sites. I have twice visited the site and its environs. In my mind, the main issues relating to this application are:

- Principle of Development/Policy Context
- Traffic and Transportation
- Design Approach/Building Height/Density/ /Unit Mix/Open Space Provision
- Visual Amenity/Heritage Impacts
- Impacts on Existing Residential Amenity
- Quality of Proposed Residential Development
- Drainage and Flood Risk
- Biodiversity
- Material Contraventions
- Other Matters

12.0.2 I again highlight that An Coimisiún Pleanála granted permission under ABP-312893-22, subject to 29 no. conditions on 19th July 2022 for demolition of buildings, construction of 143 no. residential units (105 no. houses, 38 no. apartments), creche and associated site works at Monacnapa, Blarney Co. Cork. An Coimisiún's decision was brought under Judicial Review and the decision was QUASHED on 15th day of May 2024 by High Court Order (H.JR.2022.0000762). The High Court ordered that the matter be REMITTED to An Coimisiún Pleanála to be determined in accordance

with law. I am the new Inspector assigned to the case and am assessing the file de novo.

12.0.3 This current remitted application was received by An Coimisiún Pleanála on the 20th June 2024. At the time of initial lodgement of the application to An Coimisiún Pleanála (ABP-312893-22) on 25/02/2022, although the site was located within the Cork City Council administrative area (as of 31st May 2019), the relevant statutory plans were the Cork County Development Plan 2014 and the Blarney Macroom Municipal District Local Area Plan 2017. In the interim, I highlight to An Coimisiún that the Cork City Development Plan 2022-2028 was adopted by the Elected Members on the 27th June 2022. The adopted Plan came into effect on the 08th August 2022. As stated above, I am assessing this file de novo and as required, I have assessed this proposal against the Plan currently in place, namely the Cork City Development Plan 2022. I also refer An Coimisiún to Section 1.3 of the Cork City Plan 2022 which states that for the first time, a single statutory development plan will encompass Cork City and all its suburbs, including the towns of Ballincollig, Blarney, Tower and Glanmire, and the immediate hinterland areas. The submitted Planning Statement of Consistency is noted where the applicant has undertaken some examination of the proposal in the context of the Cork City Development Plan 2022.

12.1 Principle of Development/Policy Context

12.1.1 Having regard to the nature and scale of development proposed, namely an application for 143 residential units and a childcare facility, located on lands on which such development is permissible under the zoning objective, I am of the opinion that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

12.1.2 The planning authority have assessed the vision/strategic context of the application under the provisions of the policy that was in place at the time. That policy is no longer in place and as stated elsewhere, the Cork City Development Plan 2022 is the operative Plan at this current time. Therefore, given that the opinion of the planning authority relates to the Plans that were in place at that time (Cork County

Development Plan 2014 and Blarney-Macroon Municipal District Local Area Plan 2014), much of this analysis in relation to policy/principle of development is no longer applicable. In particular, I highlight the change in zoning on the subject site. The zoning objective at the time of writing of the Chief Executive Report was 'Medium B Density' with a range of 12-25 units per hectare. Having regard to the zoning as it was at the time of writing the Chief Executive Report, the planning authority recommended refusal of permission based on an excessive density of development. The density parameters have changed with the adoption of the operative City Development Plan 2022 with Table 11.2 sets lower target of 35 units/ha and an upper target of 50 units/ha. I deal with this matter below in section 12.3 and I refer An Coimisiún to same. In terms of national guidance, I note the introduction of, inter alia, the Sustainable Residential and Compact Settlements, Guidelines for Planning Authorities (2024).

- 12.1.3 As stated elsewhere, I am basing this assessment on the Plan that is currently in place, namely the Cork City Development Plan 2022-2028. Blarney is designated as an 'Urban Town' within the 'Inner Urban Suburbs' (Table 11.1) with the site located within an area designated as 'City Expansion Area', as per the operative City Development Plan. Chapter 10, section 6 (Blarney) of the operative Plan focuses on Key Growth Areas & Neighbourhood Development Sites and states that it is expected that residential development in Blarney will largely be confined to areas adjoining the built-up area along Waterloo Road/Monacnapa for the initial period of growth for Blarney (section 10.235). Objective 10.67 seeks to consolidate future development within the development boundary of the Town. The site is located within the Monacnapa area of the town, within the development boundary of Blarney. The Cork Metropolitan Area Transport Strategy 2040 (CMATS) (2020) reaffirms planning policy for Blarney regarding the development of a new rail station and associated Park and Ride facility to support sustainable growth. CMATS envisages enhanced pedestrian and cycling infrastructure for Blarney, including the Blarney Greenway Route, as well as a Core Radial Bus Network to serve the town, all of which will facilitate connectivity between Blarney and the wider metropolitan area.
- 12.1.4 The site is identified as 'Tier 2' in Zoning Tiers, as set out in the operative City Development Plan, with potential yield for Blarney to 2028 stated as being 641 units. Overall, a targeted population growth of 3,688 persons is anticipated to 2028 in

Blarney. The proposed development would aid in achieving the targets set out in the Core Strategy of the Plan for Blarney. The Guidelines on Sustainable Residential Development and Compact Settlements (2024), in particular Table 3.1 are noted. Having regard to the details set out above, I consider the site to be located within the City-Suburban/Urban Expansion area, a lower density car-oriented residential suburb while urban extension refers to greenfield lands at the edge of the existing built-up footprint that are zoned for residential or mixed-use (including residential) development. I consider that the subject site falls within this definition. I also note other national guidance in this regard, including the National Planning Framework (First Revision) (April 2025), which seeks to facilitate compact growth by targeting a greater proportion (40%) of future housing development within the existing footprint of built-up areas. I consider that, in principle, these lands can contribute towards the housing requirements of the planning authority. I am satisfied with the principle of the proposal in this instance.

- 12.1.5 The zoning of the site is 'Objective ZO 02 New Residential Neighbourhoods' which seeks 'To provide for new residential development in tandem with the provision of the necessary social and physical infrastructure.' I am of the opinion that the proposal accords with the zoning objective for the site, with 'residential' use being a permissible use within the operative City Development Plan. There is discussion in the submissions regarding development above the 72m contour line, with the upper and lower parts of the site referenced. I highlight to An Coimisiún that in the previous LAP, the site was zoned as Medium B Residential Development (12-25 units / ha). It had the site-specific zoning objective BL-R-03: Medium B Density Residential Development including detached dwellings, limited to the lower portion of the site. The Local Area Plan stated that the upper part of the site, closer to the ridge, was considered to be generally unsuitable for development and should be retained as open land uses with long term strategic planting as part of the overall scheme. This LAP has now expired and neither the current City Development Plan nor the zoning objective for the site make reference to upper and lower parts of the site. There is now no site-specific zoning objective, and as stated above the site is zoned 'Objective ZO 02 New Residential Neighbourhoods'. I therefore consider that this matter of upper and lower parts of the site, in particular development above the 72m contour line to be no longer relevant in the current policy context for the site.

- 12.1.6 Submissions received in support of the proposal cite a massive shortage of new houses being built in Blarney; nowhere for workers to live with many commuting long distances and that the proposed units would suit first time home buyers. Furthermore, these submissions contend that the additional population will be beneficial to local businesses and sports clubs and therefore they welcome bringing this undeveloped site into a use that it is zoned for. It is also stated that the proposal would be an attractive and welcoming development where people want to live, a short walk from the town centre and employment. I would generally concur with these opinions and support the principle of residential development on the site, subject to normal planning criteria.
- 12.1.7 I note a matter raised in many of the third-party submissions received, relating to a letter from the planning authority at the time of granting of permission for 15 dwellings at Monacnapa (S/1541/89) which states that future development of these lands other than maybe 2/3 low density sites should be achieved from the road system to the west. It is contended that this road system referenced is the access at Sunberry Heights/Drive, from which access to this development is proposed. I am of the opinion that the subject letter/opinion may have reflected the opinion of the planning authority in relation to the overall development of the lands in the context of planning policies at the time it was written. However, I am assessing the proposal within the current legislative framework/planning context- within the framework of current national, regional and local guidance. The same may be said for reference to previous refusals of permission on this site. I am assessing the current proposal before me, de novo, in accordance with the proper planning and sustainable development of the area. Each application is assessed on its own merits.
- 12.1.8 To conclude this point, having regard to all of the above, I am satisfied that the principle of a residential development is acceptable on this site, located within an established urban town. I consider that the proposal would aid in achieving targets for residential development within the settlement, while also fulfilling a local childcare function at an appropriate scale. The planning authority are generally satisfied in this regard. I am generally satisfied with the principle of a development on this site, subject to compliance with normal planning criteria.

12.2 Traffic and Transportation

Context

- 12.2.1 I highlight to An Coimisiún that that this is the issue which excited the most public interest within the third-party submissions received. Almost all of the third-party submissions raise concerns in relation to traffic and transport matters, specifically the capacity of the existing Sunberry Heights/Drive access road to cater for a development of the nature and scale proposed. A limited number of submissions in favour of the proposed development note that development previously permitted by An Coimisiún Pleanála has not resulted in detrimental impacts on traffic in the town. Elected members of the planning authority have also raised concerns in this regard.
- 12.2.2 The planning authority, including a number of internal departments, raise serious concerns and recommend refusal of permission relating to the creation of a serious traffic hazard as a result of increased traffic volumes on an access road of substandard gradient, together with a failure to provide accessible and inclusive access to/from the site for pedestrians, which is contrary to the provisions of DMURS. The planning authority are of the opinion that the proposed development would endanger public safety by reason of a traffic hazard. The TII have not raised concerns in relation to the proposed development.
- 12.2.3 I highlight to An Coimisiún that traffic and transportation concerns did not form a reason for refusal in the previous application on this site, ABP-308156-20.
- 12.2.4 It is noted that a number of transport related documents have been submitted with the application documentation including a Transportation Assessment Report which includes Preliminary Travel Plan, DMURS Statement of Consistency, Stage 1 Road Safety Audit and Bus Service/Bus Capacity Assessment. In addition, an Engineering Services Report and Construction and Environmental Management Plan (CEMP) were also submitted.
- 12.2.5 It is stated in the submitted documentation that a Traffic Survey of the existing roads and affected junctions was undertaken, prior to the Covid 19 pandemic, during normal school term, in order to establish background traffic conditions. I highlight that no details relating to the survey date appears to be included in the documentation. For completeness, such information should be included with the submitted reports. The surveys are included in Appendix C of the submitted

Transportation Assessment Report. While I acknowledge that there is a time-lag in the survey details, I am satisfied that using data from pre-pandemic period would be more appropriate than using data from during lockdown periods. I would not anticipate that travel levels would have increased greatly in the interim, in particular when one takes differing work pattern post-pandemic into account.

- 12.2.6 It is stated that industry standard assumptions have been used and the application of TRICS specifically includes similar Irish residential sites within the surveys. I have no information before me to believe that the information contained within the submitted documents is not accurate. I consider that there is adequate information before me to undertake a comprehensive assessment of the proposed development.
- 12.2.7 The Property Section of the planning authority have given their consent for a 'suite of improvement works on Sunberry Heights Estate Road' (letter of consent included in application documentation).

Access/capacity issues

- 12.2.8 Significant concerns have been raised in the third-party submissions questioning the suitability of the existing Sunberry Drive/ Heights access road to cater for the proposed development. It is further stated by third-parties that the existing road is not designed for the volume of traffic proposed and that the absence of an alternative is not a justification to permit the use of a road which is unsuited to accommodate the scale of development proposed.
- 12.2.9 The Road Operations Report, as contained in the Report of the Chief Executive of the planning authority recommends refusal of permission and states that the large increase in volume of traffic using the Sunberry Road access road with substandard gradient will hugely increase the hazard to road users and pedestrians, both on the hill itself and on the adjacent R617. They state that the risk is unacceptable and cannot be mitigated.
- 12.2.10 One vehicular access to the site is proposed via the existing established access road to Sunberry Heights/Drive. As stated above, the site is zoned for residential development and this is currently the only means of access thereto. This is a local road serving housing only- approximately 21 dwellings- subject to a 50kph urban speed limit. It is steep in nature. The submitted documentation is light on information as to the figure for its existing gradient. The planning authority state that the average

gradient of this roadway is 10.7%; a desirable gradient is 5%. The access road currently consists of a single carriageway road with a continuous narrow footpath along its western boundary. It meets with the Regional Road R617 to the south in the form of a simple priority junction and there are currently restricted sightlines at the R617 due to primarily to vegetational growth. Sightlines of 45m are proposed in both directions, however the Roads Operation Report of the planning authority recommends a sightline of 65m should apply in both directions in accordance with DMURS. The R617 Regional Road links Blarney to the N20 and onwards to Cork City.

12.2.11 In terms of existing traffic movements, it is stated in the documentation that Sunberry Heights is very lightly trafficked with a weekday AM peak hour 2-way traffic flow of 20 Passenger Car Units (PCUs or Car Equivalents) and a weekday PM peak hour 2-way flow of 21 PCUs. It is further stated that the R617 carries a weekday AM peak hour 2-way traffic flow of approximately 1,130 PCUs and a weekday PM peak hour 2-way flow of approximately 1,160 PCUs. I can verify that the Sunberry Height/Drive access roadway was lightly trafficked at the time of my site visits. I also noted the severity of the gradient along its length. I twice visited the site and its environs on the 23rd August 2025 (both early morning and early afternoon). On both occasions, traffic was heavy on the R617 in both directions, possibly heavier during my early afternoon visit. The applicant notes that the sightlines provided and achieved at the improved existing junction are fully in accordance with the requirements of DMURS. I noted at the time of my site visit that sightlines were sub-optimal exiting onto the R617 and turning right onto the R617 was difficult due to the heavy flow of traffic in both directions on the R617. I saw only limited usage of the existing narrow pedestrian footpath along Sunberry Heights during my visits. Due to its gradient, I anticipate that it would be difficult for those in wheelchairs or using buggies/scooters to use with ease.

12.2.12 In terms of proposed traffic movements, the TRICS database was used to ascertain vehicular trip generation associated with the proposed development. In terms of traffic movements associated with the proposed creche facility (which has capacity for 42 children), it is stated that that it will most likely generate a small number of drop-off or pick-up trips from within the proposed residential development only. The total peak hour car-equivalent two-way traffic generated by the subject site is stated

as generating a weekday AM peak hour 2-way traffic flow of approximately 83 PCUs and a weekday PM peak hour 2-way flow of approximately 84 PCUs (see Table 3.4 of Transportation Assessment Report). The submitted Transportation Assessment Report (TAR) states that the subject development is expected to result in traffic increases on the local roads which are generally well below the TII-Recommended threshold levels. The PICADY software package was used to confirm that the increases in traffic associated with the construction of the residential development can be accommodated at the main road junction of R617/Sunberry Heights. The applicants state that the results demonstrate that the junction could accommodate significantly higher traffic volumes (possibly more than several multiples of the volume) without any capacity related problems arising. It notes that junctions benefit from driver courtesy which is not reflected in any of the modelling. They are further of the opinion that the proposal will have a negligible impact upon the capacity of the road network in the area and can easily be accommodated without any adverse traffic capacity or traffic safety issues arising. They conclude that there are no significant operational traffic safety issues affecting the development.

12.2.13 A somewhat unusual situation arises whereby the planning authority recommended refusal of permission on traffic safety grounds when the site was zoned 'BL-R-03 Medium B Density Residential Development under the Cork County Development Plan 2014 and Blarney-Macroom Municipal District LAP 2017 (April 2022), yet subsequently adopted the City Development Plan 2022 (June 2022) and zoned the site for 'New Residential' development with no other obvious means of access other than that proposed through the Sunberry Heights development. It could be considered to be a contradiction on the part of the planning authority. I am of the opinion that a balance needs to be achieved between providing much needed residential development on appropriate sites whilst at the same time ensuring that public safety is not compromised. In this instance, I would concur with the opinion of the planning authority/third parties/elected representatives and also express reservations regarding the means of access proposed to this development. To be clear, I do not have concerns regarding impacts of the proposal on the wider urban road network. My concerns relate to the appropriateness of the Sunberry Heights access road to safely accommodate traffic associated with the proposed development, both during the construction and operational phases. The question

which arises therefore is whether these concerns are so great as to warrant a refusal of permission on an appropriately zoned, serviceable site within the development boundary of Blarney, whilst in the midst a housing crisis.

12.2.14 The gradient of the road cannot be changed and therefore this issue is insurmountable. It also appears that at the present time, this is the only access route available to the proposed development site. The submitted Engineering Services Report states that whilst there may be some concerns regarding the existing gradient of the Sunberry Heights estate road; there are little or no alternatives for accessing the subject lands and Sunberry Heights represents the only possible means of vehicular access. An examination of the zoning for the wider area shows that lands to the west, north and south are currently zoned Objective ZO20 City Hinterland which seek 'To protect and improve rural amenity and provide for the development of agriculture'. Housing is generally not open for consideration within this zone (aside from accommodation for the travelling community). A number of measures are proposed in this current application which seek to improve the overall safety and functionality of the Sunberry Heights access for motorists, pedestrians and cyclists (I refer An Coimisiún specifically to Drg. No. 21017-PL140 and NRB-TA-002). These measures include the provision of a high friction surfacing along the length of Sunberry Heights and carriageway to be designated as a shared street, incorporation of two raised tables, widening of footpath close to junction with R617 and relocation of stop sign to in front of the raised table on Sunberry Heights before the junction with the R617. The measures also include for the provision of a security fence/crash barrier system over the entire length of the estate road on the western side. There is a significant fall in levels at an embankment to the west. The security/crash barrier would be the subject of a detailed risk assessment carried out at detailed design stage. It is stated that this will greatly improve the level of safety to protect all road users using this stretch of the estate road. I concur with third parties that the detailed risk assessment should have been carried out at application stage. I also note that all vegetation is to be cut down to no more than 1m above the road level at the R617 within the sightline triangle. However, it appears to me that some of this area is outside of the applicant's control (outside of red line boundary) (although may be included within the area of consent by the planning authority). Importantly, enforcing this measure could prove problematic.

12.2.15 The applicant references the small-scale nature of the proposed development which they state will have negligible impacts on the road network. In this context, I do not consider a development of 143 residential units and creche with capacity for 42 children to be small-scale given the access arrangements proposed. While I don't have issue with the principle of the proposed development on these lands, I do have concerns regarding the suitability of the access road and its junction with the R617 to accommodate a development of the nature and scale proposed. I would concur with many of the concerns raised by both third-parties and the planning authority/elected representatives in this regard and consider that just because this is the only route available at this time, does not in itself justify the granting of permission if the proposal is unsuitable and would lead to the creation of a traffic hazard or obstruction of road users. I refer An Coimisiún to photographs submitted by third-parties in support of their appeal (specifically those included in the submission of Michael Howley). The submitted Transportation Assessment states that there are no significant operational traffic safety or road capacity issues affecting the proposed development, the proposed vehicular access or the established road network. I would have serious reservations in relation to this statement, given the sole access to the proposed development is via the Sunberry Heights access road, which has a steep gradient, a narrow footpath along one side and restricted sightlines at the junction with the R617. The planning authority state that the average gradient of this roadway is 10.7%; a desirable gradient is 5%. They further state that while in hilly terrain a steeper gradient may be required, regard must be had to the gradient most wheelchair users can negotiate which is 8.3%, limited to shorter distances. The submitted Road Safety Audit acknowledges that the existing Sunberry Heights carriageway is very steep (but does not appear to give a specific gradient) and may result in loss of traction for vehicles in wet or icy conditions. It continues by stating that this could result in collisions with cyclists, other vehicles, loss of control or overshoot onto the R617. It is therefore recommended in the submitted Road Safety Audit that a surfacing course with high polished stone value aggregate is provided on the carriageway, in addition to a salt storage container being provided to facilitate salting and gritting in adverse weather conditions. The Roads Operations Division of the planning authority states that these mitigation measures are not sufficient; that the high friction surface on a hill like this will not last and would cause constant maintenance issues. They further state that there is no possibility that the Council

can commit to regular gritting of this estate road. The planning authority are of the opinion that the large increase in volume of traffic using the Sunberry Road access road with substandard gradient will hugely increase the hazard to road users and pedestrians, both on the hill itself and on the adjacent R617. I would agree with the opinion of the planning authority in this instance and consider this risk to be unacceptable.

12.2.16 I note that the applicants state that the survey results demonstrate that the junction could accommodate significantly higher traffic volumes (possibly more than several multiples of the volume) without any capacity related problems arising. Again, I would have reservations in relation to this statement. At the same time, the applicants state that it is anticipated that the development will be serviced using small transit vans or small-wheelbase refuse trucks, which do not have onerous swept-paths and can easily be facilitated. In my opinion, by virtue of the fact that small transit vans/small-wheelbase trucks are proposed rather than standard refuse vehicles in itself highlights the appropriateness (or otherwise) of the roadway for a development of the nature and scale proposed.

12.2.17 I acknowledge the upgrades proposed which seek to address safety concerns at the junction of the access road and the R617 including the provision of high friction surface, incorporation of two raised tables, widening of footpath close to junction with R617 and relocation of stop sign to in front of the raised table on Sunberry Heights before the junction with the R617. However, I consider that the need for such measures in the first instance raises the question of the suitability of the road to cater for the development proposed. Based on the information before me, I concur with the opinion of the planning authority that the large increase in volume of traffic using the Sunberry Heights access road with a substandard gradient will significantly increase the hazard to road users and pedestrians, both on the access road itself and on the R617. I also consider that this risk is unacceptable, given that currently this hazard cannot be sufficiently mitigated. I recommend refusal of permission in relation to this matter.

Cyclist/Pedestrian Accessibility/Connectivity/DMURS

12.2.18 Third parties also raise concerns that the proposed access does not have capacity to create an environment conducive to increased active travel modes; is of inadequate

width for a shared street and cannot meet the criteria of multi modal road/street as envisaged in DMURS.

12.2.19 The Road Operations Report, as contained in the Report of the Chief Executive of the planning authority note that it is proposed to upgrade Sunberry Height access road to a shared street. They state that it is highly unlikely bicycles will use this road given the severe gradient. Furthermore, no mitigation measures are provided for pedestrians and disabled users in response to existing gradients, apart from widening the footpath at the R617 junction. The Urban Roads and Street Design (Planning) section of the planning authority states that the proposal fails to provide accessible and inclusive access to/from the site for pedestrians and therefore does not achieve DMURS first core principle of connectivity, permeability and legibility for pedestrians and is supporting a car centric development. Therefore, it is their opinion that the application is premature until such time as the applicant secures agreement with either third parties to permit alternative connectivity and permeability for pedestrians to the receiving urban area or undertakes a comprehensive design review to propose an access route that permits accessible and inclusive access to the site for vulnerable road users.

12.2.20 The Planning Policy section of the planning authority raise concerns regarding the lack of connectivity to the town centre. They also note that the Sunberry Heights access road leading to the estate from the R617 has a suboptimum width of pedestrian footway on the western side of the carriageway coupled with a gradient, which is in excess of DMURS desirable gradient for hilly terrain. Given the introduction of 143 no. dwellings, it is expected that this pedestrian route will be heavily utilised. They state that the applicant should be required to include a 2m minimum width of footway and appropriate width of verge and strips between the different users. Furthermore, they raise concerns regarding cycling infrastructure- the design must be legible for all road users and appropriate to cater for future demand as well as existing latent demand.

12.2.21 Section 11.226 of the Cork City Development Plan 2022-2028 states that the layout of proposed new residential, commercial or mixed-use developments must be designed in accordance with the Design Manual for Urban Roads and Streets (DMURS). A DMURS Design Compliance Statement was submitted with the application documentation which states that the proposed residential development is

consistent with both the principles and guidance outlined within the DMURS 2013, as amended in 2019. It further states that high quality connections between the proposed development and the local roads and public transport services within the town are provided. I would not concur with this statement, as detailed below. Again, I have visited the site and its environs. I acknowledge the difficulties of accessing the site and providing meaningful connectivity for all road users. Again, as above, I note the restrictions of the existing access and the limited possibility for the meaningful improvement of same. I note the measures put forward by the applicant which seek to improve the situation. However, I consider that such measures are inadequate and I concur with the opinion of the planning authority that the proposal fails to provide accessible and inclusive access to/from the site for pedestrians and therefore does not achieve DMURS first core principle of connectivity, permeability and legibility for pedestrians. Given the gradient, it is unclear how wheelchair users/those with buggies would walk to/from the development without using a car. The development fails to provide accessible access/egress for vulnerable users given the excessive gradients. It is unlikely that the development will encourage or promote higher levels of permeability and legibility for all users. I concur with the opinion of the planning authority that the application is premature until such time as the applicant secures agreement with either third parties to permit alternative connectivity and permeability for pedestrians to the receiving environment or undertakes a comprehensive design review to propose an access route that permits accessible and inclusive access to the site for vulnerable users. It is unclear how this could be achieved. Pedestrian connectivity to the town centre as proposed is insufficient. Notwithstanding the measures put forward, I consider that the proposal provides a lack of appropriate design measures to create an inclusive access/egress and comfortable route for pedestrians and therefore fails to demonstrate adherence to DMURS, in particular Design Principle 3. Having regard to the above, I consider that the proposal is not in compliance with section 11.226 of the Plan.

12.2.22 Having regard to the above, I therefore consider that the proposal would endanger public safety by reason of a traffic hazard and recommend refusal of permission in this regard. Additionally, I consider that the proposed development would not be in compliance with section 11.226 of the Cork City Development Plan 2022-2028 which states that the layout of proposed new residential, commercial or mixed-use

developments must be designed in accordance with the Design Manual for Urban Roads and Streets (DMURS). Notwithstanding the proposed measures put forward, the proposal fails to provide adequate accessible, inclusive and comfortable access to/from the site for pedestrians and cyclists and therefore does not achieve DMURS core design principles of connectivity, permeability and legibility for pedestrians.

Car Parking

12.2.23 A total of 212 car parking spaces are proposed of which there are 182 no. shared surface car parking spaces (including 18 no. electric vehicle charging points) and 30 spaces located at basement of apt blocks (including 4 no. EV spaces)). There appears to be no specific spaces allocated to the creche facility. A Mobility Management Plan has been submitted.

12.2.24 Variation No 1 (Revised Parking Standards on a City Wide basis) of the Cork City Development Plan 2022 - 2028 was made on 08.05.2023. As per the Variation the site lies within Parking Zone 3 which has been revised as follows: 'Parking Zone 3 (City Suburbs and Urban Towns)- 1.25 spaces per 1-2 bed unit and 2.25 spaces per 3-3+bed units and 1 space per 6 children for the creche element. These are stated as being maximum car parking standards. By my calculations, the residential element would give a requirement of 57.5 spaces for the 1&2 bed units and 218.25 spaces for the 3 & 4 bed units (total 275.75 spaces). The 42 place creche facility would give a requirement for 7 car parking spaces. This would give a maximum parking standard of 282.75 spaces.

12.2.25 Given that 212 car parking spaces are proposed, I consider that the proposal is in compliance with the operative City Plan in this regard. While no dedicated spaces appear to be allocated to the creche facility, I again note that these are maximum standards. Surface parking is provided in the vicinity of the crèche facility and I am satisfied in this regard.

12.2.26 In addition, I highlight to An Coimisiún SPPR 3 of the Sustainable and Compact Settlements, Guidelines for Planning Authorities in relation to car parking. As stated above, I consider that the subject site is located within an accessible location, as per Table 3.8 of the aforementioned guidelines. SPPR3 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. This would give a maximum car parking requirement of 241.5 spaces. The proposed development is in compliance with same.

12.2.27 I am satisfied that given the nature of the development, the locational context of the site, national guidance in relation to sustainable travel patterns and the opinion of the planning authority, that parking provision as proposed is generally considered acceptable in this instance. The proposal is also considered to be in compliance with SPPR3 of the Sustainable and Compact Settlements, Guidelines for Planning Authorities.

Public Transport Capacity

12.2.28 Some of the third-party submissions state that public transport infrastructure is insufficient to serve the proposed development. I note that the site is within walking distance of Blarney village (notwithstanding pedestrian connectivity concerns raised above) and a high-quality public transport route with a half hourly bus service to the City Centre and Mahon, which has capacity. A Bus Service/Bus Capacity Assessment (Appendix H of submitted Transport Assessment Report) was included with this application (see Figure 2.6- of submitted TA). It includes for Bus Eireann commuter service #215 (Cloghroe – Blarney – Cork City Centre – Ballinlough – MahonPoint), and these 30min peak frequency services are in very close proximity to the site. It is stated in the documentation that the proposed development will create a demand for 2-3 seats per bus service travelling to and from Blarney. The documentation states that all observed #215 departing buses at the stops locally had 90%+ Empty Seats, with 7-8 max passengers awaiting a bus. This is unsurprising as Blarney is the start of the #215 route. Similarly, bus passengers to Blarney departing from the city would also benefit from being at the start of the route, with the resulting high seat-availability. As part of Cork Bus Connects, there is a proposed new route into the city, Blarney to Cork Bus Station via Kerry Pike, which will further facilitate access to/from the site and the city. The mid-day frequency for this potential future service is quoted at 120mins Monday to Saturday. Additionally, it is stated that there is a further additional service also planned under Bus Connects, from Ballincollig to Blarney and onwards to/from the City Centre with a proposed frequency of 60 minutes throughout the day. Each of the existing buses has a capacity for 90 people

commuting on each service. Based on the information before me, I am satisfied that the existing and proposed public transport infrastructure has capacity to support the proposed development.

EV equipped parking spaces

12.2.29 See section 12.9 below in relation to Material Contravention

12.2.30 Section 11.245 of the operative City Development Plan states that to encourage the use of Electric Vehicles (EV), developments shall provide for multi-unit residential developments a minimum of one EV equipped parking space per five car parking. All other parking spaces shall be developed with appropriate infrastructure (ducting) that enables future installation of a charging point for EVs. This would give a requirement of 42.4 EV parking spaces. In total, 22 EV charging spaces are proposed (see Table 2 Key Development Statistics of submitted Planning Report and Statement of Consistency). The applicants state that the entire car park areas of the subject scheme will be 'ducted' to accept cabling to serve a charging point for every car space. Given the number of EV charging spaces proposed, An Coimisiún may consider this to be an unidentified material contravention of the operative City Development Plan. I consider that the provisions of section 37(2)(b) are not open to An Coimisiún in relation to this matter and I have addressed this matter further in section 12.9 Material Contravention. In the interests of brevity, I will not reiterate but refer An Coimisiún to same. I highlight to An Coimisiún that this material contravention was not advertised or addressed within the submitted Material Contravention Statement. This is considered therefore to be a 'New Issue' and under the SHD legislation, this matter could not be dealt with by means of condition without first addressing the material contravention, as per the provisions of the Planning and Development (Housing) and Residential Tenancies Act 2016. If An Coimisiún is disposed towards a grant of permission, I recommend that limited agenda Oral Hearing be held to address the matter further. I would not be recommending that such an approach be taken. As stated above, I have serious concerns regarding traffic and transport matters, in particular relating to the access to the proposed development. These concerns are significant, and I recommend that permission is refused.

Impacts on parking in village

12.2.31 One of the submissions received raised concerns regarding impacts of the proposal on parking within the village. I highlight to An Coimisiún that the subject site is located within a short walking distance from the village centre. I have no information before me that the proposal would lead to impacts on car parking provision within the village centre.

Cycle Parking

12.2.32 In total, the proposal includes for 238 no. cycle spaces. This exceeds minimum standards, as set out in City Development Plan. I am satisfied in this regard.

Construction Traffic

12.2.33 Concerns have been raised in the third-party submission received in relation to impacts on amenity/safety/traffic hazard from construction traffic. Construction traffic for the proposed development will be via the R617, Sunberry Heights and Sunberry Drive. A Construction Environmental Management Plan has been submitted with the application documentation, within which construction traffic management is addressed. The planning authority have not raised specific concerns in this regard. I have reservations about the capacity of the Sunberry Heights access road to safely accommodate traffic associated with the construction of the proposed development, notwithstanding that any such works would be temporary in nature. I again refer An Coimisiún to photographs submitted by third-parties in support of their appeal (specifically those included in the submission of Michael Howley) in this regard.

Conclusion

12.2.34 To conclude, I have serious concerns in relation to traffic and transportation issues. I generally concur with the opinion of the planning authority/third parties/elected representatives in relation to this matter. Having regard to all of the information before me and having conducted visits of the site and its environs, I consider that the proposal would lead to the creation of a traffic hazard or obstruction of road users, which cannot be reasonably mitigated by the proposal put forward by the applicant. While I note the adoption of the Cork City Development Plan since the lodging of this SHD application, I consider that irrespective of the new Plan and policies and objectives therein, that this would have no bearing on my recommendation to refuse permission having regard to the substantive concerns regarding traffic and

transportation matters. I therefore consider the proposal to be unacceptable in this regard and I recommend a refusal of permission in relation to this matter.

Furthermore, the matter of EV equipped parking spaces is considered to be a material contravention of the operative City Development Plan, which has not been addressed in the submitted Material Contravention Statement and An Coimisiún is therefore precluded from granting permission, under the provisions of the legislation.

12.3 Design Approach/Building Height/Density/Height/Unit Mix/Open Space

Context

- 12.3.1 With respect to design and layout, a number of documents accompany the application including a Design Statement, photomontages and CGIs, Landscape and Visual Appraisal, together with detailed drawings for each unit. A Housing Quality Assessment provides details in relation to individual units. A coherent design strategy has been put forward for the subject site.
- 12.3.2 The subject site, which has a stated gross area of 4.1ha (net), is located at the edge of the built-up area of Blarney. Access is from the existing Sunberry Drive/Heights access road onto the R617. The subject site is currently under grass, with no internal boundaries or existing landscape features. It had been recently cut at the time of my site visit. The subject site is located on a sloping hill with the levels ranging from 55-65m- (southern portion) at the lowest point to 87m+ (northern portion) at the highest point of the site.
- 12.3.3 Concerns have been raised in the submissions received regarding the scale of development proposed; concerns that the proposal is out of character with existing development and represents overdevelopment of the site. The planning authority deal with the matter of urban design and layout in section 8.4 of their Chief Executive Report and state that the scheme as presented does not take advantage of the elevated, southerly aspect which the site benefits from and An Coimisiún may wish to consider revisions to the layout proposed which comprises a number of large block formations and gables fronting onto the service roads and open space. The Planning Policy section state that the development as presented is considered haphazard in nature and fails to address the topography of the site satisfactorily.

Design Approach

- 12.3.4 The proposal involves the construction of a residential development, which includes for 143 residential units (105 houses; 38 apartments) and associated site development works. The proposal includes for the provision of a creche with capacity for 42 children.
- 12.3.5 Having examined the documentation before me, including photomontages, I am of the opinion that the massing, scale and heights of the proposed development are generally considered acceptable. The northern, most elevated portion of the site has been left free of development, to be utilised as a wildflower meadow. Public open space is also proposed within the central area. There is no Development Plan requirement for the provision of communal open space. Private open space is provided to all apartment units.
- 12.3.6 I concur with the opinion of the planning authority regarding some of their concerns in relation to the overall layout of the proposed development. I highlight to An Coimisiún that a substantial number of units are gabling onto public open space and internal roads- not ideal in terms of surveillance and good planning practice. However, I do highlight that there are a number of windows in these gable elevations and therefore passive surveillance is provided. In addition, many of the proposed dwellings have east/west orientation with gables facing south. Again, however there is significant fenestration on the gable elevations. I consider that the creche building would have been better located closer to the entrance to the development, so traffic would not have to pass residential properties. Some form of designated/specific parking for the creche would also be preferable. Its location is however considered acceptable. The separation distance between Block 1 and 2 is approximately 6.5m with windows in the gable elevation. I deal with this matter further below in section 12.6. I acknowledge that these windows in the north/south elevations serve bathrooms and as a secondary window (not the main window to a room, a supplementary window) to kitchen/dining room. I consider that the windows in east/west elevations in this instance may result in overlooking but the matter could be adequately dealt with by means of condition by stipulating the provision of obscure glazing. In the event that An Coimisiún is minded to grant permission for the proposed development, I recommend that the windows in the gable elevations be permanently comprised of obscure glazing.

- 12.3.7 The planning authority raise concern regarding Houses 49-54, in particular the angled arrangements of these dwellings and irregular shaped gardens have implications for private open space amenities of the occupants and neighbouring properties. I have examined the layout of these properties and consider that these implications would not be great as to warrant a revision to the layout proposed in this instance. Good quality private open space is provided to all units. The planning authority also highlight that An Coimisiún may wish to consider the further setting back of dwellings away from the western boundary of the site so that the established mature treeline is maintained and developed when the houses are occupied. The planning authority suggest that the houses be relocated and that western boundary be incorporated into a strip of landscaping. They note that this would be difficult to achieve by way of condition. I would not disagree with the opinion of the planning authority in this regard and highlight same to An Coimisiún. If An Coimisiún is disposed towards a grant of permission, they may consider omitting Units 95 and 72, while relocating further east Units 96-101 inclusive so as to provide this landscaping strip.
- 12.3.8 Notwithstanding the above, I consider that these concerns are not so great as to warrant a refusal of permission in relation to layout and design. I note that there are no special designations pertaining to the site. The site topography is challenging. The proposal, if permitted would integrate well with existing development in the vicinity. I do not consider it to be out of character with existing development in the vicinity nor do I consider that the proposal represents overdevelopment of the site. I am generally satisfied with the approach taken in relation to materiality. A good quality unit design has been put forward.
- 12.3.9 I consider the transition in scale to be acceptable in this instance. I am satisfied that the proposed development will not impact negatively on the character or setting of any historic structures. The proposal will add visual interest and will make a positive contribution to the skyline. I am of the opinion that its scale and massing is acceptable in townscape and visual terms. The proposal would be an attractive addition to the streetscape at this location. I am generally satisfied in relation to the design and layout of proposed scheme.

Building Height

12.3.10 The proposal seeks to introduce a development with a height of two- three storeys.

Given the level differences across the site, some dwellings are split level while others have accommodation at attic level. The two apartment blocks are three-storey in height over basement level. The dwellings in Sunberry Heights/Drive are generally dormer/two-storey in height. The planning authority have not raised issue in relation to the heights proposed.

12.3.11 In terms of Development Plan policy, I refer An Coimisiún to Table 11.2 of the operative City Plan 'Cork City Density and Building Height Standards'. This notes that the prevailing heights in Blarney are 1 (lower) and 2 (upper) storeys. The target height for Blarney is stated as being 2 (lower) and 3 (upper) storeys. The proposal is therefore considered to be in compliance with Development Plan policy in this regard and does not represent a material contravention of the Plan in relation to this matter. I do not consider the proposed heights to be a departure from that currently existing in the vicinity. Nonetheless, I have had regard to the criteria set out in section 3.2 of the Building Height Guidelines, as follows:

Table 2:

At scale of relevant city/town
• Proposal assists in securing objectives of the NPF, in terms of focusing development in key urban centres, fulfilling targets in relation to greenfield, infill development and delivering compact growth • Site is well served by public transport • Proposal would successfully integrate into/enhance the character and public realm of the area and makes a positive contribution to place-making. Landscape and Visual Impact Assessment submitted • Proposal would not adversely affect the skyline- height of nearby buildings noted • Given the scale of development proposed, I have no information before me to believe that the drainage infrastructural carrying capacity of the area could not accommodate the proposed development. Neither the PA nor Uisce Eireann have raised concerns in this regard.
At District/Neighbourhood/Street Level

• Proposal responds well to its overall environment and would make a positive contribution to the urban neighbourhood/streetscape of the area • Proposal puts forward a good design response- it is not monolithic nor does it have long, uninterrupted walls of building • High quality, well considered materials proposed- this matter could be adequately dealt with by means of condition • Proposal would enhance the overall urban design context. Presently the site adds little to the streetscape • Proposal would make a positive contribution to legibility of the area; good public realm is proposed; would make an appropriate level of enclosure of streets/spaces • Proposal would positively add to the mix of uses within the area; would allow meaningful contact between the development and the street and would make a positive contribution to the character and identity of the area. The proposed childcare facility is noted • Proposal would respect the form of buildings and landscape around the site's edges and the amenity enjoyed by neighbouring properties. This has been demonstrated in the submitted documentation
At site/building scale
• Proposed design maximises access to natural daylight, ventilation and views and minimise overshadowing. The proposal has been examined in the context of BRE guidelines and I am satisfied in this regard • Proposal ensures no significant adverse impact on adjoining properties by way of overlooking overbearing and/or overshadowing. Any impacts are considered to be in line with what one would expect within such an urban area • Proposal would result in an effective urban design and streetscape solution
Specific Assessments
• Environmental assessment has been undertaken within this report and I am satisfied in this regard

12.3.12 Having regard to all of the above, I consider the proposed height to be consistent with the provisions of the adopted City Development Plan 2022 and also consistent with national policy in this regard.

Density

12.3.13 Concerns have been raised in the third-party submissions regarding the proposed density, in particular given the medium density zoning objective in the Blarney Macroom LAP 2017. The opinion of the planning authority, as contained in the Chief Executive Report, is based on the Plan that was in place at the time of making the application and they raised concerns regarding the proposed density and noted that it exceeded the threshold set out in the Blarney Macroom Municipal LAP 2017. The now expired LAP zoned the site for Medium B Residential Development (12-25 units / ha). Density at approximately 35 units/ha is proposed (based on a site area of 4.1 ha). The applicants submitted a Material Contravention Statement with the application documentation to address the matter of density. It puts forward that the proposed development is of strategic importance as a strategic housing development, and it will contribute to an increased supply of residential accommodation in line with the National Planning Framework and the Housing for All Plan where there is evidence of demand and an acute shortfall in supply. Furthermore, it states that permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government. Finally, the Material Contravention Statement concludes that in this context, that the Board can grant planning permission for the proposed development in accordance with Section 9(6)(c) of the Planning and Development (Housing) and Residential Tenancies Act, 2016 (as amended), and Section 37(2)(b) of the Planning and Development Act, 2000 (as amended).

12.3.14 As stated elsewhere in this report, this expired LAP is no longer in place and the current zoning of the site, as contained in the City Development Plan 2022 (within whose administrative area the site is located) is Objective ZO 02 'New Residential Neighbourhoods' which seeks 'To provide for new residential development in tandem with the provision of the necessary social and physical infrastructure'. Blarney is designated as an 'Urban Town' within the 'Inner Urban Suburbs' (Table 11.1) with

the site located within area designated as 'City Expansion Area', as per the operative City Development Plan.

12.3.15 Table 11.2 of the operative City Plan 'Cork City Density and Building Height Standards' notes that the prevailing density in Blarney is 0-25 dwellings/hectare. In terms of target density for Blarney, a lower range of 35 dwellings/hectare is cited with an upper range of 50 dwellings/hectare. Given that the density proposed is 35 units/hectare, I consider that the proposal is in compliance with the operative City Development Plan in this regard. The proposal does not represent a material contravention of the Plan in this regard. The planning authority state in their Chief Executive Report (dated April 2022) that a lower density scheme would be more appropriate on this site. Again, I consider this to be somewhat of a contradiction as in June 2022 with the adoption of the new City Plan, a higher target density was indicated for the site than that proposed in this application. I highlight to An Coimisiún that a lower density of development would not be in compliance with either current local or national policy.

12.3.16 The Guidelines on Sustainable Residential Development and Compact Settlements (2024) are noted, in particular Table 3.1. As stated above, I consider the site to be located within the City-Suburban/Urban Expansion area. It is a policy and objective of these Guidelines that residential densities in the range 40 dph to 80 dph (net) shall generally be applied at suburban and urban extension locations in Dublin and Cork. I highlight to An Coimisiún that the proposed density is lower than that contained within the Guidelines. The operative City Development Plan could be considered to be in conflict with national guidelines in this regard. While I consider the proposal to be in compliance with Development Plan policy and does not represent a material contravention of the operative City Development Plan, it could be considered not to be in compliance with national guidance in this regard. I note however that the guidelines state 'shall generally be applied', which I consider gives some flexibility depending on circumstances. In this instance, given the site topography particularly at its northern end, I consider that some flexibility could be allowable in terms of density. However, given the change in zoning with the adoption of the Cork City Development Plan 2022 and the introduction of the Guidelines on Sustainable Residential Development and Compact Settlements (2024) since the lodgement of the application, I recommend to An Coimisiún that if they are considering a grant of

permission in relation to this application, consideration should be given to ventilating the issue of density further through a limited agenda Oral Hearing, which would focus only on the issues contained within the limited agenda. It is considered to be a significant 'New Issue' in the context of third parties. I would direct An Coimisiún to Section 18 of the Planning and Development (Housing) Residential Tenancies Act 2016 which allows for a limited agenda Oral Hearing to be held in exceptional circumstances.

12.3.17 One of the submissions received states that the western side of Blarney is not suitable for high density development. Nowhere in the operative City Development Plan, to my knowledge, is this statement substantiated. I note that the zoning of the site is such that residential development is permissible in principle, subject to compliance with the proper planning and sustainable development of the area. The Plan also states that it is expected that residential development in Blarney will largely be confined to areas adjoining the built-up area along Waterloo Road/Monacnapa for the initial period of growth for Blarney (section 10.235). The site is located within the Monacnapa area. I do not concur with the submission received that the western side of Blarney is not suitable for higher densities; that proposal would lead to the creation of urban sprawl by extending the settlement boundary nor that it would detract from the historic urban boundary of the town. The settlement boundary is being expanded in accordance with the provisions of the adopted Development Plan, which is the current local planning framework for the town. If an alternative form of access arrangement was available, I consider that the site may have capacity to accommodate a higher level of density than that currently proposed, given its locational context. This would be in accordance with national guidelines. This opinion is based on the fact that this is a zoned, greenfield, serviceable site close to the village centre of Blarney, close to established services, amenities and good transport links within a short distance of Cork city. To conclude the point, however, I am generally satisfied with the density of development proposed and consider it to be in compliance with the operative City Development Plan in this regard.

Unit Mix

12.3.18 See section 12.9 below in relation to Material Contravention

12.3.19 Objective 11.2 of the operative City Development Plan states that all planning applications for residential developments or mixed-use developments comprising more than 50 dwellings will be required to comply with the target dwelling size mix specified in Tables 11.3-11.9, apart from in exceptional circumstances. Table 11.9 applies to Urban Towns and Hinterland Villages and I refer An Coimisiún to same. The unit mix proposed in this current application has been set out above and is as follows:

Table 3:

	Development Plan Requirement	Proposed Development
1 Bed	Min 15%; Max 25%; Target 21%	8 units (5.5%)
2 Bed	Min 30%; Max 40%; Target 34%	38 units (26.5%)
3 Bed	Min 25%; Max 35%; Target 30%	71 units (50%)
4 Bed/Larger	Min 10%; Max 20%; Target 15%	26 units (18%)
Total		143 units

12.3.20 The applicants have submitted a Statement on Housing Mix with the application documentation, which seeks to justify and provide rationale for the housing mix proposed. I note that in the previous Development Plan and LAP for the area, there appears to be no specific requirements in relation to unit mix. Objective HOU 3-3 is noted in relation to Housing Mix which sought to secure the development of a mix of house types and sizes throughout the County as a whole to meet the needs of the likely future population in accordance with the guidance set out in the Joint Housing Strategy and the Guidelines on Sustainable Residential Development in Urban Areas. Additionally, this objective required the submission of a Statement of Housing Mix with all applications for multiunit residential development in order to facilitate the proper evaluation of the proposal relative to this objective. As stated elsewhere, this Plan is no longer in place and the Cork City Development Plan 2022 now applies. The proposal is not in compliance with Table 11.9 of the operative City Development Plan 2022 in relation to 1, 2 or 3 bed units and I refer An Coimisiún to same. I highlight that the applicant was aware of the Draft Cork City Development Plan that was under preparation and has considered the proposed development in

the context of this draft Plan in relation to the matter of unit mix (see sections 4.9.5-4.9.10 of the submitted Material Contravention Statement). I note that the requirements in the operative Plan under Table 11.9 have not changed from those outlined in the draft Plan. In my opinion, exceptional circumstances have not been demonstrated to justify the unit mix proposed. An Coimisiún may consider this to be an unidentified material contravention of the Plan, as adopted. The planning authority have not addressed the matter in their Opinion.

12.3.21 Given that the application was remitted back to An Coimisiún Pleanála on 20/06/2024 (having originally been lodged with An Coimisiún Pleanála on 25/02/2022), the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (July 2023) apply. In particular, I note SPPR1 in this regard which states that 'Housing developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s)'. I note that the 'Cork City and County Joint Housing Strategy and Housing Need Demand Assessment was undertaken and I note their Joint Housing Strategy 2022-2028 in this regard. The Urban Towns (section 5.4.5) which includes Blarney sets a population target of 50,709 by 2028 for the area, an increase of 50%, and a housing target of 601 units for Blarney. It further states that Blarney is well-located on the national road network on the N20 and a new railway station is proposed for Blarney to serve an expanded suburban rail network into Cork City. The HS & HNDA highlights that external market factors can influence the future dynamics in relation to unit mix and dwelling type and concludes that unit type mix over the 2022-2028 period is difficult to forecast with any degree of certainty as the type of new units that will be developed in the coming years will depend heavily on market conditions, development costs, economic conditions, and public policy including national measures to stimulate housing development. Policy Objective PO1 of the HS & HNDA includes an aim for an appropriate mix of housing sizes and states that planning applications for multiple housing units will be required to submit a

Statement of Housing Mix detailing the proposed housing mix and why it is considered appropriate in meeting in the needs of an area. A Statement of Housing Mix did accompany the planning application.

12.3.22 The HS & HNDA states that as with other urban towns, the greenfield nature of some sites and existing demographics in Blarney may entail a greater proportion of larger unit sizes and houses, although denser development of apartments may be appropriate closer to public transport networks. I consider that there is a need to provide housing that is suitable to all age groups and persons at different stages of the lifecycle. The proposed unit mix would be consistent with SPPR 1 of the Apartment Guidelines 2023 and Objective 3.6 of the CCDP (in relation to the development of sustainable neighbourhoods). However, the fact that the HNDA & HS does not present dwelling size mix due to a lack of suitable data means, in my opinion, that SPPR 1 cannot be relied on in this instance to justify a grant of planning permission.

12.3.23 I also note that SPPR 3 of the Urban Development and Building Height Guidelines states that if An Coimisiún concurs with an applicant's case and is satisfied that a development complies with the criteria under section 3.2 then a development may be approved, even where specific objectives of the relevant development plan may indicate otherwise. As stated above, An Coimisiún may consider the proposal to represent an unidentified material contravention of the operative City Development Plan in relation to unit mix. The planning authority have not stated that they consider it to be a material contravention of the Plan that was in place at the time of their writing of the CE Report. I consider that the unit mix does represent a material contravention of the Plan as the proposal is not in compliance with Table 11.9 of the operative City Development Plan in relation to 1, 2 or 3 bed units. I have assessed the proposal above against section 3.2 of Urban Development and Building Height Guidelines (see section 12.3.11 above). I consider that the proposed unit mix before me responds well to its context within an established settlement in close proximity to existing and planned public transport infrastructure. I am satisfied that a unit mix such as that proposed is appropriate at this location. I note that this is a greenfield site that is currently underutilised. The proposed unit mix would not detract from the visual or residential amenities of the area and overall the proposal would make a positive addition to the streetscape at this location. Notwithstanding this, the fact

remains that Objective 11.2 Dwelling Size Mix and Table 11.9 of the Development Plan set out clear unit mix requirements (apart from in exceptional circumstances). The proposed unit mix is not in accordance with these requirements. Therefore, the proposed development is a material contravention of Objective 11.2 Dwelling Size Mix and Table 11.9 of the Development Plan. I do not consider this matter can be addressed by way of condition owing to the proposed unit mix breakdown and the minimum, maximum and targets set out in the CCDP. In order to comply with the CCDP, the unit profile would require a complete redesign. This would have implications for the wider scheme including potential material changes to the design, layout and finishes and would likely alter the overall number of units to be provided on site. This matter could not be addressed by condition as it is considered to be a 'New Issue', which would need to be ventilated by way of a limited agenda Oral Hearing.

12.3.24 This issue has not been addressed in the applicant's Material Contravention Statement in the context of the Cork City Development Plan 2022-2028 (addressed only in terms of draft Plan which was in place at the time of lodgement of application). An Coimisiún, therefore, cannot invoke section 37(2)(b) of the Planning and Development Act 2000 (as amended) and is precluded from granting permission. Permission should be refused for this reason.

12.7.1 There is no recourse under SHD legislation to seek further information and compliance with Objective 11.2 and Table 11.9 of the CCDP is considered to be a "New Issue" and not a matter that can be addressed by way condition, in my opinion. Therefore, I highlight to An Coimisiún that if they are considering a grant of permission in relation to this application and consider that clarification on matters relating to compliance with Objective 11.2 and Table 11.9 is required, this may be addressed by way of a limited agenda Oral Hearing, in the interests of natural justice for all parties. If a limited agenda Oral Hearing takes place, it will focus only on the issues contained within the limited agenda. This is considered appropriate given the potential material changes that may be required to layout and design in order to address this matter. I would not be recommending that such an approach be taken however. As stated above, I have serious concerns regarding traffic and transport matters, in particular relating to the access to the proposed development. These concerns are significant, and I recommend that permission is refused. Finally, I

would direct An Coimisiún to Section 18 of the Planning and Development (Housing) Residential Tenancies Act 2016 which allows for a limited agenda Oral Hearing to be held in exceptional circumstances.

Open Space Provision

12.3.25 Concerns were raised in one of the submissions received regarding the lack of a kick-about space/MUGA within the proposal. The main area of public open space is proposed along the northern portion of the site, with a more centralised area also provided. A Land Planning & Design Statement were submitted with the application documents, together with a Landscape and Visual Appraisal. An Ecological Impact Assessment and Arboricultural Impact Assessment Report were also submitted. Public open space of stated 18.5% of site area is provided. It is proposed to provide an unstructured play-scape within the home zone areas of this scheme. Teenagers are catered for in each of the open spaces in respect of kickabout space but particularly on the largest green space, the 'Village Green', which has two large kickabout areas, all-weather play space, circulation paths and seating plaza, for passive and active pursuits. The Planning Policy section of the planning authority states that the open space provision is considered incidental and focused on quantity rather than quality, they further state that it is impeded by car parking and the distributor road at some locations. Furthermore, more comprehensive proposals are needed for the northern portion of the site. I am generally satisfied that the quantum and quality of the proposed open space provision is satisfactory and will provide a high level of amenity. Table 11.11 of the operative City Development Plan sets out standards for public open space provision, namely 15% for greenfield sites. I am satisfied with the quantum and quality of open space provided and am of the opinion that this provision is such that it will be an attractive addition to both future residents and the wider community. I am satisfied with the landscaping proposals put forward and consider that if An Coimisiún is disposed towards a grant of permission, the matter could be adequately dealt with by means of condition.

12.3.26 Private open space is provided to all proposed units within the scheme in the form of terraces/balconies to apartments and rear garden areas to houses. Objective 11.5 of the operative City Development Plan deals with Private Amenity Space for Houses and states that Private open space for houses should aim to be at least 48 sqm. However, it may be acceptable to provide a smaller area where it can be

demonstrated that good quality, useable open space can be provided on site. All units meet this Development Plan requirement. I am satisfied in this regard. In addition, private open space standards for apartments are set out in Appendix 1 of the Sustainable Urban Housing: Design Standards for New Apartments. The proposal complies with the standards of both the operative City Development Plan and those set out in Appendix 1 of the aforementioned Apartment Guidelines.

12.3.27 Concerns were raised in some of the submissions received regarding boundary treatments. I am of the opinion that if An Coimisiún is disposed towards a grant of permission, this matter could be adequately dealt with by means of condition.

Conclusion

12.3.28 To conclude this section, I am generally satisfied with the design approach proposed and consider that the proposal will provide for a quality scheme at this location, without detriment to the residential or visual amenities of the area. My concerns regarding overall layout are not so great as to warrant a refusal of permission. I am satisfied with the height and density proposed given current local policy in this regard. I consider the unit mix to represent an unidentified material contravention of the operative City Development Plan. See section 12.9 below. Having regard to the above, I am generally satisfied with the proposed development in this regard and if permitted, I consider that it would be an attractive place in which to reside and would offer planning gain to the wider public by virtue of the public open space provision and creche provision.

12.4 Visual Amenity/Heritage Impacts

12.4.1 Concerns have been raised in the submissions received that the proposal would be visually overbearing; incongruous on the landscape and would negatively impact on the character of the town. Additionally, concerns were raised that the proposal would negatively impact on Blarney Castle and grounds, Blarney Architectural Conservation Area (ACA) and surrounding countryside. The visual impacts resulting from cut and fill have also been raised and the impacts this would have on views from Blarney Castle. Some submissions stated that An Taisce should be consulted in this regard. I highlight to An Coimisiún that An Taisce were one of the Prescribed

Bodies consulted, with no response received. Submissions received in support of the proposal note that development previously permitted by ACP has not resulted in detrimental impacts on visual amenities in the town. The Conservation Report of the planning authority states that the submitted documentation fails to adequately illustrate the relationship between the proposed development and the adjacent ACA and Protected Structures, as only section drawings through the development site have been provided. They consider that further information is required to assess the impact of the proposed development on the amenity value and character of the ACA and the setting of the Protected Structures contained within it. The planning authority in their first recommended reason for refusal states that having regard to the layout, design and scale of the proposed development and the elevated nature of the site, they consider that the proposed development will compromise the landscape and heritage character of the area, particularly when viewed from the Blarney Architectural Conservation Area and surrounding areas.

12.4.2 I have had regard to Chapter 8 of the operative City Development Plan which deals with Heritage, Arts and Culture. I have also had regard to the Architectural Heritage Protection Guidelines for Planning Authorities (2011) in particular section 3.4 'Setting and Architectural Conservation Areas' which states that the topography of an area, natural features such as woodlands and aesthetically important vistas to and from the area, can all be aspects of the setting. I also note section 13.8 of the aforementioned Guidelines 'Other Development Affecting the Setting of a Protected Structure or an Architectural Conservation Area' which states, inter alia, that a new development could also have an impact even when it is detached from the protected structure and outside the curtilage and attendant grounds but is visible in an important view of or from the protected structure (section 13.8.2). It further states that large buildings, sometimes at a considerable distance, can alter views to or from the protected structure or ACA and thus affect their character. Proposals should not have an adverse effect on the special interest of the protected structure or the character of an ACA (section 13.8.3).

12.4.3 There are currently four no. structures on the Record of Protected Structures (RPS) within the development boundary of Blarney including the following: Blarney Catholic Church, Blarney Bridge, Blarney Woollen Mills, and Blarney Church of Ireland Church. There are four additions to the RPS located to the south of Blarney and outside the development boundary including Blarney Ornamental Tower, Blarney Castle Country House, Icehouse, and Blarney Tower House & Bawn. Blarney Castle is considered to be of national importance and one of the principal tourist attractions in the country. The area of Blarney town centre and Blarney Castle Estate is a designated Architectural Conservation Area (ACA). The subject site is located outside of this ACA. In addition, there are approximately 25 archaeological sites within the town boundary. There are no known archaeological sites within the development boundary.

12.4.4 There are no protected views in the immediate vicinity of the site, however Cork City Scenic Route 'Ref. HVP4 Road between Blarney and Grenagh' and Cork City Scenic Route 'Ref. HVP3 Road between Clogheen, Tower and Blarney and the road to Blarney Lake' both include for the R617 where it meets the Sunberry Drive/Heights junction.

12.4.5 The general area is rich in history and the proximity of the site to nearby historic structures including Blarney Castle and the ACA are acknowledged. The site is elevated in nature and visible from many vantage points within the wider area, including from the grounds of Blarney Castle and from within the ACA. Any development located thereon should not negatively impact on these views or setting. A suite of photomontages/CGIs was also included in the application documentation. I refer An Coimisiún to the photomontages submitted taken from 9 viewpoints, which aid in the assessment of impacts from the wider areas. They are taken from sensitive locations including the town centre (ACA), the Castle and scenic routes.

I also refer An Coimisiún to the submitted Landscape and Visual Impact Appraisal (LVIA). An assessment of potential views of the proposed development was undertaken with likely views identified. 9 viewpoints were taken to represent a variety of visual receptors in the vicinity (see Table 1.5 of submitted LVIA). I consider these viewpoints to be the most appropriate. The LVIA notes that the site is part of a prominent landscape ridge and the upper part of the site commands pleasant panoramic views across the landscape to the south. Mature woodland immediately to the south of the site restricts views southward from the lower half of the site. The contents of these documents appear reasonable and robust; methodology used is detailed. Landscape Characterisation is included. One of the submissions received contends that the LVIA does not assess the landscape character and focuses instead on the built environment. I do not agree with this assertion and in my opinion the submitted LVIA has suitably addressed potential impacts upon the surrounding sensitive landscapes. Heritage assets have been identified. The LVIA states that of the nine viewpoints assessed there will be Moderate Neutral effects associated with five viewpoints and No Change for the remaining four viewpoints. This conclusion is considered reasonable. It concludes that the nature of the development is not uncharacteristic in the locality, being consistent with residential developments to the east of the site and in the locality. The magnitude of change is stated to be Medium with landscape effect being Moderate. The LVIA directly addresses impacts on Scenic Routes. It states that the proposed development will be visible from these routes but visual effects will be significantly limited by distance. In addition, in the context of existing housing on the hillside, the proposed development will not incur visual intrusion along the scenic route.

- 12.4.6 Concerns regarding impacts on views from Blarney Castle are noted. In terms of impacts on the Castle and its associated grounds, which are considered to be of national importance, I refer An Coimisiún in particular to Viewpoints 2 and 3 of the submitted photomontages. As part of my site visit, I viewed the site from the grounds of Blarney Castle and I climbed to the top of the Castle structure. The site

is visible as one climbs the Castle looking north and from points within its grounds. However, it is highlighted that much of the village of Blarney and the surrounding countryside is visible from the top of the Castle- the site reads as one element of the general vista and is not unusual in this regard. I consider that the proposal, when viewed from this vantage point at the top of the Castle, would read as part of the existing development in the vicinity and part of the overall development within the town. I consider that the proposed development would not be overly obtrusive, to such an effect as to warrant a refusal of permission. It would be no more visible than the adjoining residential development and other development in the vicinity.

12.4.7 Concerns have been raised in the submissions received regarding impacts on the visual amenity and heritage value of the area, by virtue of the extent of cut and fill proposed. I note that the submitted Engineering Services Report includes for a Cut and Fill Assessment (section 7.30) and in addition, a 'Site Plan Showing Areas of Cut and Fill' (drwg. No. 21017-PL21) was submitted with the application documentation. The submitted Engineering Services Report states that given the depth of the rockmass, it is not expected to interact with same and on this basis, the cut and fill assessment is likely to consist of topsoil and subsoils only. The report continues by stating that the volume of cut is estimated at 63,840m³ whilst the volume of fill is estimated at 30,341m³. The cut predominantly occurs on the northern portion of the site and it is proposed to utilise some of the cut material in the development of the open spaces and roads infrastructure on the site predominantly on its southern portion. It is also proposed to spread a layer (not exceeding 400mm) of the cut material over the northern portion of the site outside the net developable area. The net volume of excess material, which is estimated to be circa 33,499m³ shall be disposed of off-site to a licensed facility by a licensed haulage contractor. The submitted Cut and Fill drawing (Drg. No. 21017-PL21) shows both existing and proposed future contour levels across the site. These changes are indicated as being a fall of approximately 78m to 56m (north to south). I consider that there is adequate information on file to describe these works and assess likely impacts. I consider that adequate regard has been had to the impacts on visual amenity in

terms of no exposure of rock, re-use of topsoil and landscape maintenance measures and I am generally satisfied in this regard.

12.4.8 The proposal will, in parts be visible from the ACA and from Blarney Castle and its grounds. Notwithstanding this, I am satisfied that any impacts on views would not be so great as to warrant a refusal of permission. I concur with the conclusion of the LVIA that the proposal would have a neutral impact upon the setting of the ACA and Blarney Castle. Without doubt, there will be long term impacts on the visual landscape context of the area. This is inevitable when developing such sites, moving from greenfield to a residential development such as that proposed, and is not necessarily a negative. The proposed development has the potential to become an attractive addition at this location. It is highlighted that the height of the proposal is two/three storeys, which reflects the existing pattern of development within the wider area. Screening from the existing woodland to the south of the site is provided. Some submissions note that the proposal is benefiting from the woodland in this regard, although it is outside of their control. I do not have issue with this. I consider that that any new development should be appropriate to its context and I am generally satisfied in this regard. I am examining the proposal within the wider context, inclusive of all landscape features. Even if this landscape feature were to be removed, I consider that the heights/layout of the proposed development would be acceptable from a visual amenity viewpoint.

12.4.9 I do not concur with the opinion of the planning authority that the proposal would compromise the landscape and heritage character of the area when viewed from the ACA. As stated above, the proposal is a maximum of three storeys in height and if permitted, would read as a continuum of the existing development in the wider area. I also note that the planning authority in their adopted City Development Plan have zoned the site for new residential development and it is assumed that this matter would have formed part of their deliberations in doing so. It is my opinion that the proposal will not impact on the character and setting of the village to such an extent

as to warrant a refusal of permission. I have no information before me to believe that the proposal will impact negatively on the Blarney ACA, Blarney Castle and associated grounds or any other Protected Structures in the vicinity of the site.

12.4.10 I note section 10.245 of the operative City Development Plan which acknowledges that tourism is a significant industry in Blarney as it contains one of the principle tourist attractions in Ireland, Blarney Castle. This industry relies on the quality and attractiveness of the built and natural heritage of the local area. It is important therefore that future development initiatives within the vicinity of the Castle do not compromise the tourism potential of the town and actively seek to enhance this important sector of the local economy. I also have no information before me to believe that the proposal would impact on tourism levels within Blarney. I am of the opinion that the proposal would not compromise the tourism potential of the town; would not compromise the landscape and heritage character of the area (as per section 10.246 of the operative Plan) nor detract from this important sector of the local economy.

12.4.11 To conclude this point, I have inspected the site and viewed it from a variety of locations across the wider area. I have also reviewed all the documentation on the file. I am of the opinion that while undoubtedly visible, the proposal would not have such a detrimental impact on the visual amenity, heritage features, landscape character or tourism potential of the area, as to warrant a refusal of permission. I would anticipate that landscape and visual impacts are likely to be perceived initially as negative by virtue of the landscape change, which includes for the extent of cut and fill required, together with the scale of the development proposed. However, these impacts will become more acceptable over time as the buildings are occupied and the development offers new facilities to the wider area, for example the public open space provision and creche facility. I am satisfied in this regard.

12.5 Impacts on Existing Residential Amenity

Context

- 12.5.1 Some of the third-party submissions received raise concerns regarding impacts on residential amenity including overlooking; loss of privacy; environment will become akin to an urban environment; impacts on quality of life and peaceful enjoyment of their home. Concerns are raised in relation to impact on dark skies and increased light pollution. Inaccuracies in the Daylight Analysis are highlighted as it doesn't show an extension to 20 Castleown. Third-parties also raise concerns regarding construction impacts including increased level of noise, dust and other disturbance as a result of the proposed development. The planning authority has not raised specific concerns in relation to impacts on existing residential amenity.
- 12.5.2 In terms of impacts on existing residential amenity, at the outset I acknowledge that, without doubt, there will be a change in outlook as the site moves from its current level of development to that accommodating a development such as that proposed. This is not necessarily a negative.

Overlooking, separation distances and impacts on privacy

- 12.5.1 I am cognisant of the relationship of the proposed development to neighbouring properties. I note the separation distances proposed, together with the level of screening along many of the site boundaries. The minimum separation distance between the rear elevation of proposed dwellings (Units 28-38) and those existing in Sunberry Drive (Units 5-9) is 22m while the side elevation of proposed dwelling (Unit 38) and rear elevation of No. 17 Castleown is in excess of 40m. The distance between rear elevations of proposed No. 10 and existing No. 2 Sunberry Drive is in excess of 16m- I note that these are not directly aligned properties. Generally, a 22m separation distance is proposed between rear elevations of proposed dwellings. Given the locational context of the site, the orientation of existing and proposed development, together with the design rationale proposed, which includes for extensive setbacks and separation distances, I consider that matters of overlooking would not be so great as to warrant a refusal of permission. The operative City Development Plan does not give specific separation distance figures and I note section 11.102 which states that there are no minimum separation distances for front and street-facing elevations and distances will generally be derived by street typology. Furthermore, section 11.103 states that proposal for apartment

development and those over three storeys high, shall provide for acceptable separation distances between blocks to avoid negative impacts. In addition, I note SPPR 1 of the Compact Settlement Guidelines in relation to separation distances which states that

'It is a specific planning policy requirement of these Guidelines that statutory development plans shall not include an objective in respect of minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level. When considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces. There shall be no specified minimum separation distance at ground level or to the front of houses, duplex units and apartment units in statutory development plans and planning applications shall be determined on a case-by-case basis to prevent undue loss of privacy. In all cases, the obligation will be on the project proposer to demonstrate to the satisfaction of the planning authority or An Bord Pleanála that residents will enjoy a high standard of amenity and that the proposed development will not have a significant negative impact on the amenity of occupiers of existing residential properties'.

- 12.5.2 I note the layout of the proposal is such that a significant separation distance is proposed between that proposed and nearby residential properties and the attention of An Coimisiún is drawn to this fact. The proposal comprises two-storey dwellings where it backs onto Sunberry Drive and Castleowen developments. Both these existing developments comprise primarily two-storey and dormer type dwellings. The proposed development has a separation distance of approximately 40m at its closest point with Castleowen and approximately 22-28m with Sunberry Drive. I am satisfied that these separation distances are acceptable in this instance. Given the urban location of the site, a certain degree of overlooking is to be anticipated. In my opinion, separation distances in excess of what would normally be anticipated within

such an established, urban area are proposed with existing properties. This will ensure that any impacts are in line with what might be expected in an area such as this. The proposed development is considered not to be excessively overbearing given this context. I am satisfied that impacts on privacy would not be so great as to warrant a refusal of permission. This is an urban area and the overall scale of development reflects its location. The site is zoned for new residential development and the principle of a scheme such as that proposed at this location, accords with national and local policy in this regard.

Daylight and Sunlight

- 12.5.3 In designing a new development, I acknowledge that it is important to safeguard the daylight to nearby buildings. I have had regard to the guidance documents referred to in the Ministerial Guidelines and the Cork City Development Plan to assist in identifying where potential issues/impacts may arise. BRE guidance given is intended for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens, and bedrooms. The Building Height Guidelines refer to the Building Research Establishments (BRE) 'Site Layout Planning for Daylight and Sunlight – A guide to good practice' and ask that 'appropriate and reasonable regard' is had to the BRE guidelines. However, it should be noted that the standards described in the BRE guidelines are discretionary and are not mandatory policy/criteria and this is reiterated in Paragraph 1.6 of the BRE Guidelines. Of particular note is that, while numerical guidelines are given with the guidance, these should be interpreted with flexibility since natural lighting is only one of many factors in site layout design, with factors such as views, privacy, security, access, enclosure, microclimate and solar dazzle also playing a role in site layout design (Section 5 of BRE 209 refers). The standards described in the guidelines are intended only to assist my assessment of the proposed development and its potential impacts. Therefore, while demonstration of compliance, or not, of a proposed development with the recommended BRE standards can assist my conclusion as to its appropriateness or quality, this does not dictate an assumption of acceptability or unacceptability.
- 12.5.4 The Building Height Guidelines refer to the Building Research Establishments (BRE) 'Site Layout Planning for Daylight and Sunlight – A guide to good practice' and ask that 'appropriate and reasonable regard' is had to the BRE guidelines. I note that the criteria under section 3.2 of the Building Height Guidelines at the scale of

site/building include the performance of the development in relation to minimising overshadowing and loss of light.

12.5.5 I have had regard to Objective 11.4 of the operative City Development Plan in the assessment of this application. A 'Daylight, Sunlight and Overshadowing Study' was submitted with the application. The information contained therein generally appears reasonable and robust. I note that the submitted Report has been prepared in accordance BRE BR209 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice', 2nd Edition 2011 with reference made to BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting). The Design Standards for New Apartments - Guidelines for Planning Authorities (2020) are also referenced. I have considered the report submitted by the applicant and have had regard to BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting) and BRE 209 – Site Layout Planning for Daylight and Sunlight: A guide to Good Practice (2011). The latter document is referenced in the section 28 Ministerial Guidelines on Urban Development and Building Heights (2018). While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in Buildings'), (which has also been acknowledged by the applicants in their report) which replaced the 2008 BS in May 2019 (in the UK), I am satisfied that this document/UK updated guidance does not have a material bearing on the outcome of the assessment and that the more relevant guidance documents remain those referenced in the Urban Development and Building Heights Guidelines. I have carried out an inspection of the site and its environs.

12.5.6 One of the submissions received raises concern that trees were not included in the submitted analysis. In this regard, I note section 3.3.9 of the BRE Guidelines, which states that the question of whether trees or fences should be included in the calculation depends upon the type of shade they produce. Normally trees and shrubs need not be included, partly because their shape are almost impossible to predict, and partly because the dappled shade of a tree is more pleasant than the deep shadow of a building (this applies especially to deciduous trees)...Furthermore, Appendix H of the BRE Guidelines sets out guidance in relation to trees and hedges and I refer An Coimisiún to section H4.1 which states that trees and shrubs are not normally included in the calculation unless a dense belt or group of evergreens is specifically planned as a windbreak or for privacy purposes. In this instance, a

dense belt/group of evergreens is not proposed, instead the proposed planting scheme along the boundaries with Sunberry and Castleowen is for small/medium woodland trees and therefore as per BRE Guidelines, these would not be expected to be included in the analysis. I am satisfied in this regard.

Daylight

- 12.5.7 In terms of daylight, I note that section 5.3.7 of the Sustainable and Compact Settlements, Guidelines for Planning Authorities acknowledges that the provision of acceptable levels of daylight in new residential developments is an important planning consideration, in the interests of ensuring a high quality living environment for future residents. It is also important to safeguard against a detrimental impact on the amenity of other sensitive occupiers of adjacent properties. The Guidelines further state that 'In drawing conclusions in relation to daylight performance, planning authorities must weigh up the overall quality of the design and layout of the scheme and the measures proposed to maximise daylight provision, against the location of the site and the general presumption in favour of increased scales of urban residential development. Poor performance may arise due to design constraints associated with the site or location and there is a need to balance that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution'. I am of the opinion that an effective urban design solution has been put forward which will lead to the comprehensive redevelopment of this greenfield site.
- 12.5.8 Paragraph 2.2.7 of the BRE Guidance (Site Layout Planning for Daylight and Sunlight - 2011) notes that, for existing windows, if the VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this would be kept to a minimum. BRE Guidelines recommend that neighbouring properties should retain a VSC (this assesses the level of skylight received) of at least 27%, or where it is less, to not be reduced by more than 0.8 times the former value (i.e. 20% of the baseline figure). This is to ensure that there is no perceptible reduction in daylight levels and that electric lighting will be needed more of the time.

12.5.9 A VSC analysis was conducted on the windows of the properties 14-22A Castleowen and 1-9 Sunberry Drive. I am satisfied that all relevant points have been considered. The results confirm that access to daylight for existing surrounding dwellings, when compared with their existing baseline experience, will not be compromised as a result of the proposed development as all points assessed meet BRE recommendations. Of the 105 points tested, 100% comply with BRE guidelines in terms of VSC. I am satisfied in this regard.

12.5.10 I am satisfied with the assessment above and concur with its conclusion.

Sunlight

12.5.11 The impact on sunlight to neighbouring windows is generally assessed by way of assessing the effect of the development on Annual Probable Sunlight Hours (APSH) and Winter Probable Sunlight Hours (WPSH). A target of 25% of total APSH and of 5% of total WPSH has been applied and is applied only to windows that face within 90 degrees of due south. The BRE Guidelines suggest that windows with an orientation within 90 degrees of due south should be assessed. However, there are several exceptional cases in which APSH is not required to be calculated. APSH will only be calculated for adjacent windows which meet the following conditions: 1. The existing building has living room with a main window which faces within 90 degrees of due south. 2. Existing building is located to the North, East, or West of the Proposed Development. 3. The VSC of the existing window is less than 27%. Based on the above, the existing buildings adjacent to the development have not been tested for the APSH since they met the exclusions as outlined within the BRE guidance. I am satisfied with the assessment above and concur with its conclusion.

Overshadowing

12.5.12 In relation to overshadowing, BRE guidelines state that an acceptable condition is where external amenity areas retain a minimum of 2 hours of sunlight over 50% of the area on the 21st March. The submitted assessment examined March 21st, June 21st and December 21st in this regard. The results indicate that the proposed development's overshadowing performance will provide a minor adverse impact given the position of the site to the west of existing buildings and the low-rise nature of the proposed development. For properties 1-9 Sunberry Drive, minor additional shading is visible from the proposed development on one of the buildings, 4

Sunberry Drive during December and No.s 1- 4 in March (at 1600) with no additional overshadowing noted during June. In relation to properties 14-22A Castleowen Hilltop, no additional shading is visible from the proposed development on these buildings. The sunlight to existing amenity gardens achieves at least 0.8 times their former value with the proposed development in place, thus complying with BRE Guidelines. I am satisfied in this regard.

12.5.13 I note that one of the submissions received states that there are inaccuracies in the submitted 'Daylight, Sunlight and Overshadowing Study' as it does not include a rear extension to their property. This is acknowledged. However, I note that all the VSC levels for tested windows at these properties complied with BRE recommendations. I am therefore satisfied that where windows may not have been included within the same property, it would be very unlikely they would be reduced to a VSC of below 27% or reduced by more than 0.8 times their former value. I also note the proposed separation distances to these properties, in excess of 40m and the fact that it is proposed two-storey dwellings backing onto existing two-storey dwellings (namely similar height).

Devaluation of Property

12.5.14 Concerns have been raised in some submissions that the proposal, if permitted, would lead to the devaluation of their property. I have no information before me to believe the proposal would impact on property values in the vicinity of the site.

Construction Impacts

12.5.15 One of the submissions received raises concerns regarding impacts on the quiet character of the area and increased noise, light and dust from increased traffic and population associated with proposed development. I highlight to An Coimisiún that the site is zoned for new residential development, and any such impacts would have been taken into consideration by the planning authority in the zoning of the site. The character of the area will change as the site moves from greenfield to a residential development such as that proposed. However, I do not consider this to be a negative. Given the nature of the development proposed, I do not anticipate noise levels or other construction impacts, including dust to be excessive. Any additional noise, light and emissions would be anticipated to be standard for such a

development. Ecology impacts relating to additional light are dealt with in the Biodiversity section of this report.

12.5.16 I acknowledge that there may be some disruption during the course of construction works. Such disturbance or other construction related impacts is anticipated to be relatively short-lived and temporary in nature. I recommend that a condition be attached to any grant of permission regarding construction management. The nature of the proposal is such that I do not anticipate there to be excessive noise/disturbance/air quality impacts once construction works are completed. I note that a Construction & Environmental Management Plan has been submitted with the application, which deals with the issues of noise and dust control, construction hours; site access and traffic management. As such, this plan is considered to assist in ensuring minimal disruption and appropriate construction practices for the duration of the project.

Phasing

12.5.17 Concerns have also been raised in relation to phasing of development/duration and impacts of construction works on the residential amenity of existing properties. Section 11.115 of the operative City Plan states that all large development proposals should be accompanied by a phasing schedule, which may be subject to planning condition to ensure compliance. Section 11.272 of the operative City Development Plan states that it will be a requirement of any major planning permission for residential, community, employment, or, infrastructure related development that a Construction and Environmental Management Plan (CEMP) be prepared for the construction phase of the development. It further states that the Construction and Environmental Management Plan should include details such as construction/phasing programme.

12.5.18 As stated above, a CEMP has been submitted with the application documentation. It sets out that the proposed development will be constructed in four phases in accordance a phasing strategy as follows:

Table 4:

Phase	Location	Works
Phase 1	SE area	38 no. dwellinghouses Childcare facility Site setup and site mobilisation Provision of services and site infrastructure as required by each phase
Phase 2	NE area	29 no. dwellinghouses 4 no. apartments split into two blocks Provision of services and site infrastructure as required by each phase
Phase 3	NW area	20 no. dwellinghouses 4 no. apartments split into 2 blocks (one up/one down typology) Provision of services and site infrastructure as required by each phase
Phase 4	SW area	18 no. dwellinghouses 2 no. apartment blocks containing 15 no. apartments in each block Provision of services and site infrastructure as required by each phase

12.5.19 It is anticipated that the units will be constructed/completed over a 2-year period and will involve up to 90 no. construction staff. I am generally satisfied with the phasing plan put forward. If An Coimisiún is disposed towards a grant of permission, I recommend that this matter be dealt with by means of condition.

Anti-Social Behaviour

12.5.20 Concerns have been raised that the proposal would lead to anti-social behaviour in the locality. I have no information before me to validate these claims. Any such matters are for An Garda Síochána, outside the remit of this application

Dark Sky

12.5.21 One of the third-party submissions received raised concerns regarding impacts on dark sky and increased light pollution. I again highlight that the site is located within the development boundary of Blarney, on a site zoned for new residential development. Although greenfield in nature, it is not located within a rural area. I note the documentation attached to the file which states that all external lighting will be designed to avoid night sky pollution/upward light spill and that all lighting will be shielded and pointed so that it shines downward onto the ground, minimising the levels of sky glow and glare. I am generally satisfied in this regard and consider that given the nature of the proposal before me, undue glare or impacts on night sky would not be anticipated over and above that expected for such a location.

Conclusion

12.5.22 To conclude, while there may be some impacts on nearby properties, this level is considered to be acceptable. In my opinion, and based upon the analysis presented, the proposed development does not significantly alter daylight, sunlight or overshadowing impacts from those existing and this is considered acceptable. The proposed development is located on a greenfield site identified for development within the settlement boundary of Blarney. Having regard to the scale of development permitted or constructed in the wider area and to planning policy for densification of the urban area, I am of the opinion that the impact is consistent with emerging trends for development in the area and that the impact of the proposed development on existing buildings in proximity to the application site may be considered to be consistent with an emerging pattern of development in the wider

area. Compensatory measures have been put forward which will aid in minimising impacts. This is considered reasonable. While there will be some impacts, on balance, the associated impacts, both individually and cumulatively are considered to be acceptable.

12.6 Quality of Proposed Residential Development

Context

12.6.1 Section 11.91 of the operative City Development Plan states that Government guidance in the form of Sustainable Urban Housing: Design Standards for New Apartments provides the current quantitative guidance for designing mainstream apartments in order to ensure design quality safeguards are in place to avoid the development of poor quality living environments. Section 1.16 states that a development plan must comply with Ministerial Guidelines issued under section 28 of the Planning and Development Act and any Specific Planning Policy Requirements ('SPPRs') included within. In terms of the opinion of the planning authority, I have addressed the concerns regarding the angled arrangement of dwellings above and proximity to western boundary and I refer An Coimisiún to same. The planning authority make no other comment in relation to this matter.

Given that the application was remitted back to An Coimisiún Pleanála on 20/06/2024, the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (July 2023) apply. I have assessed the proposal re: compliance with the aforementioned Apartment Guidelines; see table below for compliance with SPRRs for apartment development.

Table 5: Sustainable Urban Housing: Design Standards for New Apartments (2022)

SPPR	Parameter	Opinion
SPPR 1	Unit Mix	In compliance See Section 12.3 above
SPPR 2		Not applicable

SPPR 3	Apartment Floor Area	In compliance All units meet min floor areas
SPPR 4	Dual Aspect Ratios	In compliance 68% dual aspect
SPPR 5	Floor-to-Ceiling Height	In compliance Minimum 2.7m floor to ceiling height at GF provided
SPPR 6	Lift and Stair Cores	In compliance Proposal does not exceed 12 apartments per single core

12.6.2 I am satisfied that generally a quality development has been put forward that would provide an adequate standard of amenity for future occupiers. A Housing Quality Assessment was submitted as part of the application documentation. I am satisfied with the information contained therein and that it complies with all relevant standards. The planning authority did not raise issue in this regard. Section 3.2 of the Urban Development and Building Height Guidelines (2018) states that the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light to proposed units. The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Coimisiún Pleanála should apply their discretion, having regard to local factors including specific site

constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and/or an effective urban design and streetscape solution. The Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2022 also state that planning authorities should have regard to these BRE or BS standards. As stated previously, I consider that the proposal achieves wider planning objectives including appropriate development of the site, community facilities (creche) and public open space provision.

12.6.3 The Parks Division of the planning authority state that the proposed properties along southern boundary will be overshadowed and shaded by the trees on the adjoining historic woodland, with negative impacts on the occupant's enjoyment of private garden space. Further requests to reduce the height of these trees will not be considered given their significance and importance within the woodland. While I note the concerns of the Parks Division, I note that the windows facing south to the woodland are primarily bedroom windows. I am not unduly concerned in this regard. If An Coimisiún is disposed towards a grant of permission, they may wish to omit these blocks. However, I do not consider it necessary in this instance.

12.6.4 As before, I have considered the Daylight, Sunlight and Overshadowing Study submitted with the application documentation, which examines the performance of the proposed design. I have also had regard to BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting) and BRE 209 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice' (2011). The latter document is referenced in the section 28 Ministerial Guidelines on Urban Development and Building Heights 2018. While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in buildings'), which replaced the 2008 BS in May 2019 (in the UK), I am satisfied that this document/UK updated guidance does not have a material bearing on the outcome of the assessment and that the more relevant guidance documents remain those referenced in the Urban Development and Building Heights Guidelines.

Daylight

- 12.6.5 In general, Average Daylight Factor (ADF) is the ratio of the light level inside a structure to the light level outside of structure expressed as a percentage. The BRE 2009 guidance, with reference to BS8206 – Part 2, sets out minimum values for Average Daylight Factor (ADF) that should be achieved, these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Section 2.1.14 of the BRE Guidance notes that non-daylight internal kitchens should be avoided wherever possible, especially if the kitchen is used as a dining area too. If the layout means that a small internal galley type kitchen is inevitable, it should be directly linked to a well daylight living room. This guidance does not give any advice on the targets to be achieved within a combined kitchen/living/dining layout. It does however, state that where a room serves a dual purpose the higher ADF value should be applied.
- 12.6.6 In relation to daylight, both dwellings and apartments were analysed. The proposed apartment units contain combined kitchen/living/dining layouts. The applicant has applied the 2% ADF value for l/k/d and the 1% ADF value for bedrooms within the submitted assessment. The methodology provided ADF calculations for the units located in the lower floors which would be considered “worst-case” units. 60 spaces were tested in the apartments and all spaces passed the BRE recommendations. 28 spaces were tested in the houses with all spaces again passing the BRE recommendations. All rooms analysed meet the relevant standards. The results have been set out in tabular form in section 9.6 of the submitted assessment.
- 12.6.7 I note that the applicant has endeavoured to maximise light into the residential units while also ensuring that the streetscape, architecture and private external amenity space are also provided for. A good quality proposal has been put forward in this regard and all units tested exceed the minimum standards and will be well-lit. I am satisfied in this regard.

Sunlight

- 12.6.8 The report does not consider internal sunlight levels to the proposed units; however I note that there is no requirement in the Building Height Guidelines to analyse sunlight in proposed units. In addition, the Apartment Guidelines nor the Compact Settlement Guidelines do not refer to sunlight. I note that the majority of apartment units are dual aspect (68%). In my opinion, the remaining 32% cannot be

considered to be dual-aspect given that there is only one secondary window on the second elevation. The orientation of the site is noted with many units facing east, west or south. All apartments have access to quality private and public open space. All north facing units are overlooking landscaped, open spaces, which is considered to be a compensatory measure in this regard. I am satisfied that acceptable levels of sunlight will be provided to all units within the proposed scheme.

Internal Open Spaces

- 12.6.9 Section 3.3 of the BRE guidelines state that good site layout planning for daylight and sunlight should not limit itself to providing good natural lighting inside buildings. Sunlight in the spaces between buildings has an important impact on the overall appearance and ambience of a development. It is recommended that at least half of the amenity areas should receive at least 2 hours of sunlight on 21st March. All proposed public amenity spaces exceed this target. The majority of the proposed garden amenity areas situated within the development site will receive at least 2 hours of sunlight on March 21st complying with the BRE recommendations. Of those that do not comply (23 of 109) it is as a result of their north facing position in relation to the proposed dwellings that they belong to. I am generally satisfied in this regard.

Conclusion

- 12.6.10 I consider however that the applicant has endeavoured to maximise light into the development while also ensuring that the streetscape, architecture and private external amenity space are also provided for. A good quality proposal has been put forward in this regard and all units will be well-lit. I am satisfied in this regard. All proposed public amenity space meets the requirements of the BRE Guidelines. Compensatory measures have been put forward. All dwellings are dual aspect and 68% of apartments are dual aspect. Private open space is proposed to all units. A new streetscape and public amenity space forms part of the proposal. I am satisfied in this regard and consider the proposal would provide an adequate level of residential amenity to any future occupiers.

I have considered all of the information before me in this regard. I am satisfied that there will not be significant impact on nearby properties and am generally satisfied that the design results in sufficient daylight and sunlight for future residents. I

consider that the proposal is generally in compliance with the provisions set out in Table 11.10: Qualitative design aspects to be addressed in housing developments of the operative City Development Plan. Impacts on the residential amenity of the area would not be so great as to warrant a refusal of permission.

12.8 Drainage and Flood Risk

- 12.8.1 A number of third party submissions have raised concerns regarding drainage matters, specifically surface water concerns, flooding concerns and capacity of existing infrastructure to cater for development proposed.
- 12.8.2 A number of documents were submitted with the application documentation which deal with the matter of drainage and flood risk, including, inter alia, an Engineering Services Report and a SUDS Strategy Report. The information contained within these documents appears reasonable and robust. A Flood Risk Assessment was not submitted with the application documentation as the site is stated not to be located within a flood risk area.
- 12.8.3 In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. An Uisce Eireann Pre-Connection Enquiry in relation to water and wastewater connections was submitted with the application, as required. It states that the proposed connections can be facilitated without infrastructure upgrade, subject to conditions. In addition, a Design Submission was included with the application, in which Uisce Eireann state that they have no objections to the proposal, based on the information provided.
- 12.8.4 The Drainage Division of the planning authority, as contained in the Chief Executive Report, states that a substantial amount of detail is required to be submitted for approval prior to commencement of works, however in general the principles and concepts underpinning the applicant's proposals have been addressed satisfactorily. They have no objection to a grant of permission, subject to conditions.
- 12.8.5 Uisce Eireann states that a water connection is feasible without an infrastructure upgrade. There are existing UE assets within the site, however the exact routes of these pipes will have to be investigated on site. The applicant will not be permitted to build over any UE infrastructure. UE confirms that the applicant has not engaged

with the UE Diversion's Team in order to assess if any of the existing mains will be interfered with by the proposed development or impacted by a reduced cover level. In terms of wastewater, Uisce Eireann states that upgrades to the wastewater network (upsizing of approximately 320m of 150mm diameter sewer and upsizing of appropriately 310m of 225mm diameter sewer) will be required to cater for the proposed development. Uisce Eireann currently does not have any plans to upgrade these sewers. Any network upgrades will be carried out by UE and funded by the applicant as part of the connection agreement. This matter could be adequately dealt with by means of condition, if An Coimisiún is disposed towards a grant of permission. They attach recommended conditions in the event of permission being granted.

- 12.8.6 The applicant describes the proposal for both surface water management and drainage within the submitted documents (Engineering Services Report and a SUDS Strategy Report), alongside the technical drawings. Appendices to the Engineering Services Report include Catchment Runoff Assessment, Calculations for Greenfield Runoff Rates and Stormwater Attenuation Volumes and Geotechnical Site Investigation Report. I do not agree with some of the third parties that the submitted reports are based upon flawed assumptions/inaccurate data. I have no reason to believe that the baseline material is inaccurate and I consider that there is sufficient information on file in order to allow me to undertake a comprehensive assessment of the proposal. While the planning authority require Further Information in relation to the matter, they have no objection in principle to this element of the proposal, subject to conditions. Uisce Eireann have not expressed concerns in this regard, subject to conditions. The foul sewerage system will be designed and installed in accordance with Uisce Eireann guidance. The proposal will also be installed in accordance with Greater Dublin Strategic Drainage Study (GDSDS). Details of the site investigations undertaken have been provided which include rotary boreholes, trial pit excavations and soakaway tests. An Coimisiún is referred to the submitted Geotechnical Site Investigation Report (Appendix 7 of Engineering Services Report) in this regard. Details of findings have been provided. No groundwater was encountered within the boreholes or trial excavations during the period of works. Greenfield run-off rates have been used to calculate anticipated run-off rates. Attenuation zones are shown, see specifically Drawing No. 21017-PL04.

- 12.8.7 A number of third parties have raised concerns regarding existing flooding in their rear gardens areas and concerns that the proposal would exacerbate this. I have reviewed all information in this regard. I note that the OPW mapping (www.floodinfo.ie) shows no history of flood events on the site. There are two reported flooding events in Blarney Village in November 2000 but these are unrelated to the proposed development site. The planning authority have not raised concerns in relation to flood risk. I am generally satisfied in this regard.
- 12.8.8 The principal point of discharge for surface water shall be to an existing unnamed stream/watercourse located to the west of the site. There is some discussion in the third-party submissions as to whether this is natural drain or artificial. I am of the opinion that whether it is a natural or man-made drain is somewhat irrelevant- what is relevant is that it exists and is currently draining surface water from the site. I shall deal with this matter in the Biodiversity section below. It is stated that the existing stream/watercourse currently provides drainage from the development site. Discharge to the existing stream/watercourse shall be at a rate equal to the Greenfield Runoff Rate to ensure no significant changes in flow in the existing stream/watercourse. I am generally satisfied in this regard.
- 12.8.9 I note that some submissions state that the proposal has not taken climate change into consideration in the design of the proposed drainage. This is incorrect. It is stated in the SuDS Strategy Report that attenuation storage shall be provided for rainfall events up to and including the 1 in 100-year storm plus a factor of 10% for climate change, which is in line with the recommendation of the GDSDS. In addition, the Engineering Services Report state that they have factored climate change into their calculations for surface water storage requirements on site.

WFD

12.8.10 See Appendix 5

12.8.11 The project site is located within the River Shournagh sub-catchment (Shournagh_030, IE_SW_19S010300) which drains to the lower River Lee near Ballincollig. The status of this river waterbody is 'Moderate' with the assessment technique of monitoring utilised. The site is located within the Ballinhassig East (IE_SW_G_004) Groundwater body with overall groundwater status of 'Good' with both the Chemical GW status and Quantitative GW status both being 'Good'.

According to the National Soils hydrology Map, the site is comprised of 'well drained' soils. The Water Framework Directive status of these watercourses downstream of the project site have been classified as "at risk". The lower River Lee downstream of the Shournagh confluence has also been classified as "at risk". The transitional waters of the River Lee further downstream (the Lee Estuary Lower) where the Cork Harbour SPA River Lee section occurs has been identified as a transitional water that is moderately polluted and of intermediate water quality status. The Water Framework Directive status of this transitional waterbody is also classified as "at risk". The proposal comprises the construction of 143 residential units, a creche and associated site development works. No third party concerns relating to water deterioration were received, although many of the submissions received raised concerns in relation to drainage, flooding and surface water. Neither the planning authority nor Uisce Eireann raised concerns in this regard.

Conclusion

12.8.12 I note that this is a serviceable, appropriately zoned site at an urban location. The planning authority has not raised concerns in relation to this matter, subject to conditions. Uisce Eireann have not raised concerns in relation to this matter, subject to conditions. I have no information before me to believe that the existing infrastructure does not have capacity to facilitate a development of the nature and scale proposed. Based on all of the information before me, including the guidance contained within the relevant Section 28 guidelines, I am satisfied that the site can be serviced adequately and that the proposed development will have no adverse effects on the surrounding area, subject to standard drainage conditions.

12.9 Biodiversity

12.9.1 Concerns have been raised in many of many of the third-party submissions received regarding impacts/disturbance to species; impacts of the development on the woodland to the south of site and hedgerows and impacts on the nearby pNHA. Concerns have also been raised regarding the adequacy/accuracy of the information contained within the EcIA and Tree Survey Report. Matters relating to EIA and AA are dealt with in their relevant sections.

- 12.9.2 At the outset I note that some of the third-party submissions received states that the EclA has not fully considered the likely significant negative impacts of the proposal on the boundary woodland habitat. I would not concur with this assertion. I highlight to An Coimisiún that there is continuous reference to the woodland habitat within the EclA and the term 'woodland habitat' has been referenced 48 times within the submitted document (a 69 page document excluding appendices). In addition, the adequacy/accuracy of the information contained within the EclA and Tree Survey Report has been raised as a concern by third-parties. I have no reason to believe that the information contained within these documents is not true and accurate. They have been prepared by professionals in the field. The planning authority have not raised concerns in this regard. I am generally satisfied in this regard.
- 12.9.3 A number of documents relating to biodiversity matters have been submitted with the application including an Ecological Impact Assessment, Arboricultural Impact Assessment Report. An Appropriate Assessment Screening Report, NIS and EIA Screening Report were also submitted with the application. Surveys of the proposed development site were conducted from 2018 to 2021. While I note the time lapse since the survey works were undertaken, I would note the site has remained largely untouched in the intervening period and no significant development has taken place in or around the site. Therefore, I am satisfied that the survey work carried out as part of the EclA is acceptable.
- 12.9.4 I have considered all of the written submissions made in relation to biodiversity including the submission from the Chief Executive Report of the planning authority. The Parks Division of the planning authority state that the proposed properties along southern boundary will be overshadowed and shaded by the trees on the adjoining historic woodland, with negative impacts on the occupant's enjoyment of private garden space. Further requests to reduce the height of these trees will not be considered given their significance and importance within the woodland. This matter is dealt with in section 12.6.4 above. I note one of the third-party submissions states that the northern portion of the site should be planted with woodland. I note that a comprehensive landscaping plan has been submitted for the site which includes for extensive tree planting, including a new treeline separating the proposed residential

element of the site from the area to be left undeveloped to its north. This is to be set out as a wildflower meadow, which will encourage a range of biodiversity. The Parks Division also state that the retention of the northern third of site as wildflower meadow is welcomed and no objections have been raised. No report was received from the Department of Culture, Heritage and the Gaeltacht. Concern is also raised by third-parties relating to the potential for increased forest fires as a result of the proposed development. I have no information before me to believe that the proposal would increase the likelihood of any such fires. The proposal will be constructed using standard construction methods and safeguards and the provision of dwellings in close proximity to trees and woodlands is not uncommon. I am generally satisfied in this regard.

12.9.5 The project site comprises an area of approximately 7.7 hectares and is bounded to the south by woodland, to the west by a hedgerow and treeline field boundary; to the north by a hedgerow and treeline field boundary and to the east by the rear boundaries of existing residential housing within the Sunberry estate. It supports little native vegetation and is intensively managed throughout the year. A minor unnamed stream/watercourse occurs to the southwest of the project site. The dominant bedrock formation underlying the project site is the Gyleen Formation. The woodland habitat to the south of the project site (outside of the redline boundary) provides an extensive area of semi-natural mature mixed broadleaved woodland in an area otherwise dominated by artificial and intensively managed land cover. It supports a range of flora and fauna species and offers shelter and a foraging resource for fauna.

12.9.6 The project site is located within the River Lee catchment and the River Shournagh sub-catchment. The unnamed stream/watercourse, located within the western boundary of the site begins as an open land drain running in a north to south direction. At the southwest point of the development site, this open land drain joins with a similar land drain from the adjacent property to discharge into an existing unnamed stream/watercourse which descends through the wooded area towards the Kilowen Road and subsequently towards the R617 Regional Road. The watercourse crosses both roads via precast concrete culvert crossings. It does not have the potential to support fish species and supports a restricted range of invertebrates. It is

of local value (Rating D). A catchment runoff assessment was undertaken which demonstrates that there will be no negative impact on the existing watercourse and associated road crossings from the proposed development, which are deemed to have sufficient capacity.

- 12.9.7 The project site is not located within or immediately adjacent to any designated conservation areas- see AA section below. No Natural Heritage Areas (NHAs) occur within a 15km radius of the project site, although 11 no. pNHA are located within 15km radius of the site. The Shournagh Valley pNHA and the Lee Valley pNHA are the only pNHAs occurring downstream of the project site. The nearest point of the Shournagh Valley pNHA to the project site is approximately 4.5km downstream. I have no information before me to believe that the proposed development would have negative impacts on the pNHAs.

Tree Removal

- 12.9.8 I refer An Coimisiún to the submitted Arboricultural Assessment, together with the contents of the EclA and landscaping plans/drawings. Of the 43 individual tree species surveyed, ash, beech, sycamore, elm and oak are the main species. Of the 43 no. surveyed, over 50% are in 'B' category, namely trees of good quality. It is stated that the arboricultural impact of the proposed development on the site will initially be low. It is stated in one of the third-party submissions received that the proposal will result in the loss of 20 no. mature trees along the southern boundary. This is incorrect. It is not proposed to remove any trees to facilitate the proposed development, however six trees are recommended for removal based on their poor condition. A Tree Protection Plan has been submitted. The loss of the above tree vegetation is to be mitigated against with a comprehensive landscaping plan which will involve planting additional site appropriate trees in order to enhance the arboreal footprint of the site. I concur with the findings of the Arboricultural Assessment that there is unlikely to be significant long-term detrimental impacts as a result of the proposed development. The proposed development will however result in the permanent removal of these aforementioned trees/hedgerow on site. I am of the opinion that this is somewhat inevitable when dealing with the redevelopment of greenfield sites. There are no Tree Preservation Orders pertaining to the site. I am

of the opinion that a balance needs to be achieved between protecting existing species/habitats on site and developing the site to an appropriate scale, as per statutory plans and guidance. I note the provision of the wildflower meadow along the northern portion of the site, which will aid in retaining existing planting. I note additional planting proposed. I am generally satisfied in this regard. I am of the opinion that if An Coimisiún is disposed towards a grant of permission, that this matter could be adequately dealt with by means of condition.

Fauna

12.9.9 Concerns have been raised in many of the third-party submissions received relating to impacts on a number of species including bats, badgers, red squirrel habitat and volant mammals.

12.9.10 A survey for field signs indicating the presence of badgers or other protected non-volant mammal species such as Irish stoat and red squirrel was undertaken during the field surveys in 2018, 2020 and 2021. In relation to the time lapse since the surveys were undertaken, as stated above, while I note this time lapse, I would note the site has remained largely untouched in the intervening period and no significant development has taken place in or around the site. Therefore, I am satisfied that the survey work carried out as part of the EclA is acceptable. No definitive evidence of protected mammals such as otter or badger was noted within or immediately bounding the project site. A number of disused badger setts were recorded within the woodland to the south of the project site, which were considered to be dormant. There is no evidence to suggest the recent use of these setts by badgers. Rabbit warrens occur throughout the site and particularly along the northern site boundary. There is no suitable habitat for red squirrel within the project site, although there is suitable habitat within the woodland to the south of the site. There will be no loss of woodland habitat. The project will not result in any loss or disturbance to the woodland habitat upon which this species relies.

Invertebrates

12.9.11 No invertebrates of conservation concern were recorded at or surrounding the project site during field surveys in 2018 and 2020. Concerns were raised regarding impacts on the threatened slug species *Tandonia rustica* and mollusc species. I

note that there is no suitable habitat within the project site as it relies on broad-leaved woodland habitat where it is confined to the woodland floor under leave litter, dead wood and embedded stones. There is suitable habitat within the woodland to the south of the site (species recorded in woodland in 2008). There will be no loss of habitat for the slug *Tandonia rustica*, which is of vulnerable conservation status, which is restricted to the woodland habitat. The project will not result in any loss or disturbance to the woodland habitat upon which this species relies.

Birds

12.9.12 A range of passerines were seen and heard on site during the Phase 1 Habitat Survey with species recorded including robin, blackbird, great tit, blue tit, chaffinch, song thrush, dunnoek, magpie, jackdaw and wood pigeon. Yellowhammer, which is a species of high conservation concern (Red-listed species), is the only bird species of conservation concern that could be supported by the hedgerow and woodland habitats bounding the project site. The project site does not have the potential to support any other bird species of conservation concern. While the hedgerow and woodland edge bounding the project site offer suitable habitat for yellowhammer, this species was not seen or heard on site during the 2018 field surveys. Any clearance of scrub and other vegetation that may be suitable for use by nesting birds should be undertaken outside the bird nesting season. This matter could be dealt with by means of condition, in the event of permission being granted for the proposed development.

Bats

12.9.13 Bat surveys were undertaken in June 19th-24th 2018, with further surveys undertaken in 2021 during the bat activity season (exact dates unspecified). The matter of bats has been dealt with in section 4.3.2.2 of the submitted EclA and I refer An Coimisiún to same. Mature trees in the woodland to the south of the project site and the mature trees occurring along the northern and western field boundaries support features that offer potential roosting opportunities for bats. In relation to the time lapse since the bat surveys were undertaken, as stated above, while I note this time lapse, I would note the site has remained largely untouched in the intervening period

and no significant development has taken place in or around the site. Therefore, I am satisfied that the survey work carried out as part of the EclA is acceptable.

12.9.14 The survey results indicate a wide variation in bat activity levels for species between nights and between monitoring sessions. The 2018 surveys indicated a dominance of Pipistrelle species followed by Leisler's bat. The 2021 surveys along the western boundary of the project site revealed similar results with Pipistrelle species, followed by Leisler's bat dominating activity and generally low levels recorded for Myotis species and Brown Long-Eared bat. While the results of the 2021 surveys along the woodland edge boundary to the south of the project site revealed Pipistrelle species to also be the dominant species along this boundary, all other species present along the boundary were also recorded at high activity levels, indicating a reliance on the woodland habitat for foraging during the monitoring session. No Lesser-Horseshoe bats were observed.

12.9.15 There will be no physical loss of high value bat foraging habitat during the construction phase of the project. There will be a loss of areas of immature scrub occurring along the southern boundary of the project site. The loss of this habitat will represent a minor negative impact to the bat foraging habitat occurring within and adjacent to the project site. The operation phase of the development will not result in any loss of woodland habitats bounding the project site. It will result in increased lighting at the project site and it is highlighted that inappropriately designed lighting will have the potential to reduce the likelihood of potential bat commuting and foraging habitat to function as such habitat for bats. Measures have been incorporated into the design of the proposed scheme including setting back development from these boundaries. This approach will minimise the potential for lighting to alter foraging habitat along the boundary corridors used by bats. In addition, enhancement tree planting will augment the extent of woodland habitat and will provide additional foraging habitat for birds and bats. This is considered reasonable. If An Coimisiún is disposed towards a grant of permission, I recommend that this matter be dealt with by means of condition.

12.9.16 I note a letter attached to the file from Molloy Consulting Engineers states that the Outdoor Lighting Scheme, has taken into account best practice, as published by the UK Bat Conservation Trust, in respect of mitigation strategies, to minimise the impact of outdoor lighting upon bat populations. LED type lanterns are proposed as they are

considered least disruptive to the emergence of bats from roosts at dusk, and subsequent movement from habitats to foraging locations. In addition, they do not emit any ultraviolet or infra-red radiation. The lights have been removed from the turning circles on the north side of the site in order to keep the light out of foraging area of the bats along the curtilage. Light levels have been kept as low as possible.

12.9.17 Having regard to all of the information before me, I am generally satisfied that the matter of bats can be adequately dealt with by means of condition and that no significant effect on the conservation status of the local bat population is anticipated.

Bat/Bird Collisions

12.9.18 Concerns have been raised in third-party submissions relating to impacts on bird/bat flight paths/collision risks. Given the height of the proposed development, at maximum three storeys, within the settlement boundary of an Urban Town, I am of the opinion that the proposed height would not require any specific technical assessment in this regard. I consider that a bat/bird collision assessment is not required in this instance.

Conclusion

12.9.19 Having regard to all of the above, I am of the opinion that impacts on biodiversity would not be so great as to warrant a refusal of permission. I note that any concerns raised above relate to ecology/biodiversity at a local level and not any concerns in relation to designated Natura 2000 sites- I have dealt with these concerns in AA section below. In addition, any mitigation measures proposed/recommended relate to the protection of ecology at a local level and would be recommended irrespective of the presence of Natura 2000 sites or otherwise. On balance, it is considered that the proposed development is acceptable in biodiversity terms having regard to the locational context and the zoning of this site which allows for potential residential development; the submitted ecological impact assessment which anticipates no significant effect on bats and birds and recommended conditions in this regard. The landscaping proposed is of a high quality; compensatory planting is proposed. The proposed mitigation and monitoring measures are noted. The clearance of scrub and other vegetation that may be suitable for use by nesting birds will be undertaken outside the bird nesting season. Trees are being retained, where possible. Tree protection measures have been put forward in the documentation submitted with the

application and I am generally satisfied with the measures proposed, subject to condition. No significant effect on the conservation status of the local bat population is anticipated. I am generally satisfied in this regard.

12.10 Material Contraventions (MC)

12.10.1 As set out above, the Cork City Development Plan 2022-2028 was adopted on the 27th of June 2022 and came into effect on 8th August 2022. The Cork City Development Plan 2022-2028 is therefore the relevant Development Plan.

12.10.2 As noted, the applicant has submitted a Material Contravention Statement addressing the Cork County Development Plan 2014 and the Blarney-Macroon Municipal District Local Area Plan, 2017 (which were the applicable Plans at the time of making the application). Some reference is made to the Draft Cork City Development Plan 2022-2028, particularly in relation to unit mix. It is stated in the Material Contravention Statement that the proposal materially contravenes the zoning objective BL-R-03 in respect of the proposed density of 35 units/hectare.

12.10.3 The attention of An Coimisiún is drawn to the fact that Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009) have been revoked and replaced with Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), subsequent to the lodgement of the subject application.

12.10.4 Section 9(6)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 states that subject to paragraph (b), the Board may decide to grant a permission for strategic housing development in respect of an application under section 4, even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned.

12.10.5 Paragraph (c) states 'Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development'.

- 12.10.6 See Table 6 below for examination of proposed development in the context of the operative City Development Plan 2022 for possible material contraventions. As per Table 6 below, I consider unit mix and EV equipped car parking spaces to be material contraventions of the operative City Development Plan.
- 12.10.7 The matter of unit mix was addressed in sections 4.9.5 – 4.9.10 of the submitted Material Contravention Statement in relation to the draft Plan (as it was at the time) and seeks to give a justification for the unit mix proposed. The matter of EV equipped car parking spaces was not advertised as such nor were they addressed in the submitted Material Contravention Statement, as per the provisions of the Planning and Development (Housing) and Residential Tenancies Act 2016. They are both considered to be new issues.
- 12.10.8 As stated above, there is no recourse under SHD legislation to seek further information and these matters are considered to be a 'New Issue' and not a matter that can be addressed by way condition. Therefore, I highlight to An Coimisiún that if they are considering a grant of permission in relation to this application both issues would need to be ventilated further. This may be addressed by way of a limited agenda Oral Hearing, in the interests of natural justice for all parties. If a limited agenda Oral Hearing takes place, it will focus only on the issues contained within the limited agenda. I would direct An Coimisiún to Section 18 of the Planning and Development (Housing) Residential Tenancies Act 2016 which allows for an Oral Hearing to be held in exceptional circumstances. I would not be recommending that such an approach be taken. As stated above, I have serious concerns regarding traffic and transport matters, in particular relating to the access to the proposed development. These concerns are significant, and I recommend that permission is refused.

Table 6:

<u>MC Issue</u>	<u>MC Advertised & addressed in MC Statement</u>	<u>MC (Y/N)</u>	<u>Development Plan Requirement</u>	<u>Reasoning</u>
Zoning	Yes, in the context of density	N	Objective ZO 02 New Residential Neighbourhoods' which seeks 'To provide for new residential development in tandem with the provision of the necessary social and physical infrastructure.'	Residential development is permitted in principle See section 12.1 above

Density	Yes Material Contravention Statement addressed matter of density in context of Plans that were in force at the time	No	Table 11.2 sets lower target of 35 units/ha and an upper target of 50 units/ha.	See sections 12.3.13-12.3.17 above Density of 35 units/ha proposed. This is in compliance with CCDP. Given the change in zoning in the operative Plan and the adoption of the 2024 Compact Settlement Guidelines, should An Coimisiún be minded to grant permission, I recommend that consideration should be given to further ventilating the issue of density through a limited agenda Oral Hearing. It is considered to be a significant 'New Issue' in the context of third parties.
Height	No	No	Table 11.1 sets target heights between 2-3 storeys	See sections 12.3.10-12.3.12 above Proposed heights 2-23 storeys. In compliance with CCDP

Unit Mix	Section 4.9.5-4.9.10 of MC Statement address unit mix in context of draft Plan (as it was at the time)	Yes	Table 11.9 of operative CCDP sets target of 21% 1-bed; 34% 2-bed; 30% 3-bed and 15% 4-bed or larger units. Objective 11.2 states that all planning applications for residential developments or mixed-use developments comprising more than 50 dwellings will be required to comply with the target dwelling size mix specified	See sections 12.3.18-12.3.25 above Proposal not in compliance with Table 11.9 in relation to 2, 3 and 4 bed units. SPPR3 of Building Height Guidelines noted. A 'New Issue'. Should An Coimisiún be minded to grant permission, a limited agenda Oral Hearing will be required to address this matter.
Parking including accessible spaces	No	No	Maximum standards set out in Variation 1 of CCDP	Maximum standards apply in operative City Development Plan. No figure specified for accessible spaces See section 12.2.23 and 11.2.27 above

EV equipped car parking spaces	No MC not advertised or addressed in submitted MC Statement	Yes	Section 11.245 of CCDP- for multi-unit residential developments a minimum of one EV equipped parking space per five car parking. All other parking spaces shall be developed with appropriate infrastructure (ducting) that enables future installation of a charging point for EVs.	See section 12.2.29-12.2.30 above Requirement- 42.4 EV parking spaces; Proposed - 22 EV charging spaces All spaces to be provided with ducting A 'New Issue'. Should An Coimisiún be minded to grant permission, a limited agenda Oral Hearing will be required to address this matter.
Separation Distances	No	No	No objective in respect of minimum separation distances in Dev. Plan, as per SPPR1 of Compact Settlement Guidelines.	See section 12.5.1 -12.5.2 above

Childcare Provision	No	No	Objective 3.21 of CCDP seeks to support the provision and expansion of high quality childcare facilities throughout the city. The Council will: a. Require purpose built childcare facilities as part of proposals for new residential developments of more than 75 dwelling units	See section 12.9.3 below Requirement for 38 places; 42 places being provided. Considered to be in compliance with CCDP.
Dual Aspect		No	See Objective 11.3c. of Plan No specified number of dual aspect units referenced in operative City Development Plan	100% houses; 68% of apts No specified number of dual aspect units referenced in operative City Development Plan

Public Open Space		No	Table 11.11 of CCDP sets out standards for public open space provision, namely 15% for greenfield sites.	See section 12.3.26 above 18.8% public open space proposed. Considered to be in compliance with CCDP
Prohibition on north-facing units		No	No objective in operative City Development Plan prohibiting north-facing units	N/A

12.9 Other Matters

Legal Matters/Consent

12.9.1 Matters relating to right of way, consents for surface water to pass through 3rd party lands; ownership of Sunberry Drive/Heights roadway and concerns regarding wayleave agreements for Uisce Eireann have been raised in many of the submissions received. I note that Uisce Eireann have not raised this as a concern. I am of the opinion that these are more of a legal matter than a planning matter and I would question if this is the correct forum to solve any such disputes. It is clearly a contentious issue between parties. I refer An Coimisiún to section 5.13 of the Development Management Guidelines 2007, which acknowledge that the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts. In addition, I also note section 34(13) of the Planning Act, which states that a person shall not be entitled solely by reason of a permission to carry out any development.

12.9.2 The question which arises, and which is of most relevance to this planning application, in my mind, is whether the applicants have demonstrated sufficient legal interest to make the application. I have examined all of the information before me in relation to this matter and notwithstanding the concerns raised in the submissions, and using the language of the Guidelines, it is not clear from the information that the applicant does not have sufficient legal interest. I am therefore of the opinion that the applicant, based on the information before me, has demonstrated sufficient legal interest to make this application. It is a matter for the courts to deal with further legal matters, if necessary, and I am noting both section 5.13 of the Development Management Guidelines and section 34(13) of the Act in coming to this conclusion. If An Coimisiún is disposed towards a grant of permission, I recommend that a note be attached to any such grant noting that a person is not entitled solely by reason of a permission to carry out any development.

Childcare Provision

12.9.3 A submission received states that the proposal represents a material contravention

of the Plan in relation to childcare. I highlight to An Coimisiún that a childcare facility, with space with 42 children, is proposed. A Childcare Needs Assessment was submitted with the application documentation. The Childcare Guidelines have a requirement of 1 creche with capacity for 20 children for every 75 dwellings. This would give a requirement of a facility catering for 38 children. The proposed facility caters for in excess of this figure and I consider it to be in compliance with the Guidelines in this regard. The proposal would aid in achieving the Council's aim, as set out in the operative City Development Plan to have a creche within 15 minutes of people's homes (section 3.8) and providing for the needs of children at all stages of their development (section 3.63). Objective 3.21 of the operative Plan seeks to support the provision and expansion of high quality childcare facilities throughout the city. The Council will: a. Require purpose built childcare facilities as part of proposals for new residential developments of more than 75 dwelling units. However, where it can be clearly established that existing facilities are sufficient, alternative arrangements will be considered; b. Consult with the Cork City Childcare Company and the HSE on planning applications where childcare facilities are proposed. The application is considered to be in compliance with same and I highlight that the applicant referred the application to both the Cork City Childcare Company and HSE. I do not consider the proposal to be a material contravention of the Plan in this regard.

Consultation

- 12.9.4 It is stated that there is a lack of consultation/assessment with the owners of the woodland to the south of the site. While consultation may be beneficial, there is no requirement under the legislation for such consultation to take place. If An Coimisiún is disposed towards a grant of permission, I recommend that a note be attached to any such grant noting that a person is not entitled solely by reason of a permission to carry out any development.

Infrastructural Capacity

- 12.9.5 Concerns regarding infrastructural capacity of schools was raised in one of the submissions received. I note Objective 3.21 of the operative City Development Plan

in this regard. I also note that the submitted School Demand Report provides details on the current and future capacity of existing and proposed schools in the area along with the demand for places likely to be generated from the proposed development. It is estimated that 43no. primary school places and 34no. secondary school places could be generated by the proposed development. At the time of writing the report, there were 3 no. primary schools and 1 no. secondary school in Blarney. There were 268 no. students of primary school age (5-12) in Blarney, and a total of 1,012 primary school places. In addition, there were 214 students of secondary school age in Blarney, and an existing total supply of 802 no. spaces. I note Table 3.8: DoE Preliminary Assessment of Additional Education Capacity of the operative City Development Plan in relation to Blarney and I refer An Coimisiún to same. I am of the opinion that the figures above are unlikely to have changed substantially in the interim since the submission of the School Demand Report. I would therefore agree with its conclusions that the demand for school places generated by the proposed development can be accommodated within the existing schools in Blarney. Having regard to the number and mix of units proposed and the locational context of the site within an established area, I have no information before me to believe that existing school provision in the locality could not cater for the proposed development.

Future Development of adjoining lands

- 12.9.6 Concerns were raised in third party submissions regarding future development of other adjoining lands. I can only assess the proposal before me and this matter is outside the remit of this application. I note that all applications are assessed on their own merits. Previous refusals on this current site have been raised in the submissions received. Again, I can only assess the current proposal before me based in the current policy context (national, regional and local).

Subsidence

- 12.9.7 Some of the submissions received raised concerns in relation to subsidence due to drainage works and damage to the foundations of their property from the proposed development including their existing retaining wall. These concerns are acknowledged, however there is no evidence in the submitted documentation that

the lands are susceptible to landslides or erosion. A number of drawings have been submitted with the application documentation including (i) Site Plan Showing Areas of Cut and Fill (Drwg No. 21017 PI-21) which shows the FFL to proposed houses closest to the boundaries with existing properties will be broadly similar as a result of the cut and fill works and (ii) Site Plan Showing Retaining Walls and Section Cuts (Drwg No. 21017-PL 01) which indicates that there are no proposed retaining walls on boundaries with existing properties. A Tobermore stone wall is proposed along part of the southern boundary of the site. The submitted Engineering Services Report also addresses cut and fill works. The submitted CEMP deals with minimising construction impacts. I note that the internal report of the of Drainage Division question how the proposed Tobermore earth retaining wall's foundation will be supported, noting its proximity to the southern and western boundaries. They have recommended a condition in this regard, in the event of permission being granted for the proposed development. Based on all of the information before me, I have no reason to believe that the proposal will lead to impacts/cause damage to adjoining residential properties. If An Coimisiún is disposed towards a grant of permission, I consider that this matter could be adequately dealt with by means of condition.

Errors/Discrepancies/Compliance with Regulations

- 12.9.8 There may be some errors/discrepancies in the submitted documentation. However, I consider that there is sufficient information on file in order to allow me undertake a comprehensive assessment of the proposed development. Additionally, I have no information before me to believe that the application is not in compliance with Planning and Development Regulations 2001, as amended, in respect of plans and particulars lodged. The application was validated, using normal procedures, by An Coimisiún Pleanála and I have no information before me to believe that the application, as submitted is not valid. In addition, I note one of the submissions received raised concerns regarding a timelag between the application submission to ACP and the publication on its website. I am of the opinion that the date on which the application is listed on An Coimisiún Pleanála's website does not impact the consultation period. I have no information before me to believe the site notices were not in place during the appropriate period, together with the publication of public notices. Both these mechanisms allow for public participation and include details of

the application website. I am satisfied that any obligations on the part of the applicant have been met.

13.0 Appropriate Assessment

Stage 1- Appropriate Assessment Screening

13.1 See Appendix 1

13.2 In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone will give rise to significant effects on one European Site(s) in view of the sites conservation objectives. Appropriate Assessment is required.

13.3 This determination is based on:

- surface water link with Cork Harbour SPA

13.4 In relation to the remaining designated sites identified in Appendix 1, taking into consideration:

- The distances to these designated sites
- Lack of hydrological pathway or any other pathway to these designated sites
- Lack of freshwater influence, dilution effect and tidal dominance characterising water quality

I consider that it reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the construction and operational of the proposed development, individually or in combination with other plans or projects, would not be likely to have an adverse effect on the conservation objectives or features of interests of Great Island Channel SAC or Blackwater River SAC.

Stage 2- Appropriate Assessment

- 13.5 See Appendix 2
- 13.6 In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Cork Harbour SPA in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.
- 13.7 Following an examination, analysis and evaluation of the NIS and all associated material submitted, I consider that adverse effects on site integrity of the Cork Harbour SPA can be excluded in view of the conservation objectives of this site and that no reasonable scientific doubt remains as to the absence of such effects.
- 13.8 My conclusion is based on the following:
- Detailed assessment of construction and operational impacts.
 - Effectiveness of mitigation measures proposed including supervision and monitoring and integration into CEMP ensuring smooth transition of obligations to eventual contractor.
 - Application of planning conditions to ensure application of these measures.
 - The proposed development will not affect the attainment of conservation objectives for the Cork Harbour SPA

14.0 Environmental Impact Assessment (EIA) Screening

- 14.1 See Appendix 4 and 5
- 14.2 One of the third-party submissions received raised concerns in relation to the submitted EIA Screening Report stating that it is inadequate, deficient and does not permit an assessment of the potential environmental impacts of the proposal. They further consider that the proposal should have been subject to full EIA.
- 14.3 Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
- Construction of more than 500 dwelling units,

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

- 14.4 The proposed development is for 143 residential units, creche and associated site works on a site c. 7.79 hectares (gross) and 4.1 ha (nett). The site is currently under grass, is zoned and can be serviced.
- 14.5 The site is located within the administrative area of Cork City Council and is within the built-up area. The proposed development is considered to be sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001 (as amended), in that it is less than 500 units and below 10ha.
- 14.6 Class 14 relates to works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7. It is proposed to demolish a garage of 27.64m² and boundary wall in order to facilitate the proposed development. It has been demonstrated that the proposed demolition would not be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.
- 14.7 The criteria at schedule 7 to the Regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. The application is accompanied by an EIA Screening Report which includes the information required under Schedule 7A to the planning regulations. The Screening Report concludes that the characteristics of the proposed development are considered potentially not significant due to the size, scale and location of the development, the characteristics and sensitivities of the receiving environment and design and mitigation measures that will be implemented as part of the construction phase and operation phase of the proposed development. The overall conclusion for the screening exercise is that a full Environmental Impact Assessment Report is not required for the proposed residential development. I am satisfied that the submitted EIA Screening Report identifies and describes

adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

- 14.8 I have assessed the proposed development having regard to the information above; to the Schedule 7A information and other information which accompanied the application, *inter alia*, Appropriate Assessment Screening, NIS and Article 299B Statement, and I have completed an EIA screening assessment as set out in Appendix 3.
- 14.9 The current proposal is an urban development project that would be in a built-up area. The proposal is for 143 residential units on a stated site area of 7.79 hectares. The nature and size of the proposed development is well below the applicable thresholds for EIA. The residential uses would be similar to the predominant land uses in the area. The proposed development would be located on greenfield lands beside existing development. The site is not designated for the protection of a landscape. The proposed development is not likely to have a significant effect on any Natura 2000 site. This has been demonstrated by the submission of an Appropriate Assessment Screening Report and NIS that concludes that there will be no impacts upon the conservation objectives of the Natura sites identified.
- 14.10 The development would result in works on zoned lands. The proposed development is a plan-led development, which has been subjected to Strategic Environmental Assessment. The proposed development would be primarily a residential use, which is a predominant land use in the vicinity. The proposed development would use the municipal water and drainage services, upon which its effects would be marginal. I have concerns regarding the creation of a traffic hazard- these are planning concerns not of an environmental nature. The site is not located within a flood risk zone and the proposal will not increase the risk of flooding within the site. The development would not give rise to significant use of natural resources, production of waste, pollution, nuisance or a risk of accidents. The potential for contaminated material to be encountered during excavation, with the potential for impacts on the environment with regard to land and soils, was considered and assessed in the submitted EIA Screening Report, and the proposal will not give rise to significant environmental impacts. The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the

environment, including measures identified in the proposed Construction and Environmental Management Plan (CEMP) are noted.

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

- NIS and Screening Report for Appropriate Assessment, prepared by Doherty Environmental Consultants Ltd
- EIA Screening Report, prepared by Doherty Environmental Consultants Ltd
- Construction and Environmental Management Plan prepared by OLS Consulting Engineers & Project Management Ltd
- Engineering Services Report, prepared by OLS Consulting Engineers & Project Management Ltd
- SuDS Strategy Report, prepared by OLS Consulting Engineers & Project Management Ltd
- Outdoor Lighting Report, prepared by Lighting Reality
- Ecological Impact Assessment, prepared by Doherty Environmental Consultants Ltd
- Design Statement, prepared by BRH Design Partners
- Building Lifecycle Report, prepared by BRH Design Partners
- Archaeological Assessment, prepared by John Cronin and Associates
- Transportation Assessment Report prepared by NRB Consulting Engineers

- 14.12 In addition, noting the requirements of Section 299B (1)(b)(ii)(II)(C), whereby the applicant is required to provide to An Coimisiún a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account, the applicant has submitted an Article 299B Statement. An NIS and AA Screening Report in support of the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC) has been submitted with the application. A Construction and Environmental Management Plan has been submitted, which has had regard to Directive 2002/49/EC, Environmental Noise Directive. The EIA screening report prepared by Doherty Environmental Consultants Ltd has, under the relevant themed headings, considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all other relevant assessments have been identified for the purposes of screening out EIAR. I have had regard to all of the reports detailed above and I have taken them into account in this assessment, together with the SEA for the operative City Development Plan.
- 14.13 I have completed an EIA screening assessment as set out in Appendix 3 of this report.
- 14.14 I consider that the location of the proposed development is such that the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application.

- 14.15 I am overall satisfied that the information required under Section 299B(1)(b)(ii)(II) of the Planning and Development Regulations 2001 (as amended) have been submitted.
- 14.16 A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

15.0 Recommendation

- 15.1 Having regard to the above assessment, I recommend that permission be REFUSED, for the development, as proposed, based on the reasons and considerations set out below.

Recommended Draft An Coimisiún Order

Planning and Development Acts 2000 to 2019

Planning Authority: Cork City Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Coimisiún Pleanála on the 25th day of February 2021 by Eoin Sheehan care of Coakley O'Neill Town Planning Ltd. NSC Campus, Mahon, Cork.

Proposed Development:

Permission for a strategic housing development of 143no. residential units (8no. 1-bed; 38no. 2-bed; 71no. 3-bed; and 26no. 4-bed units), comprising 105no. houses (3no. detached; 42no. semi-detached; and 60no. terraced units) and 38no. apartments, ranging in height from 2-3 storeys above ground, including split-level houses.

The proposed development will also consist of the demolition of an existing garage and southern boundary wall, to be replaced with a new southern boundary wall, as well as the lowering of the existing eastern boundary wall and pier, at no. 1 Sunberry Drive; a crèche; all associated ancillary site development and landscaping works, to include bin stores, bicycle and car parking (including a basement car park under the proposed apartments), ground works and retaining structures, foul drainage, stormwater drainage, water supply, service ducting and cabling, public lighting, relocation of existing ESB substation, and all boundary treatments. The proposed development is to be accessed via the existing Sunberry Heights/Sunberry Drive off the Blarney Relief Road (R617). An upgrade is proposed to the existing Sunberry Heights/Sunberry Drive and the existing access to the proposed strategic housing development, including the widening of the footpath at the junction with the Blarney Relief Road (R617), raised platforms, security barriers and fencing as necessary, road markings, and road resurfacing to facilitate improved pedestrian/cycle

connectivity.

Decision

REFUSE permission for the proposed development based on the reasons and considerations set out below.

Matters Considered

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

Reasons and Considerations

1. Access to the proposed development is from Sunberry Heights access road which has a substandard gradient which cannot be mitigated and inadequate sightlines onto the R617. Notwithstanding the proposed measures put forward by the applicants to mitigate safety concerns, An Coimisiún Pleanála is not satisfied on the basis of the information contained within the application that the proposed development would not give rise to the creation of a serious traffic hazard or obstruction of road users both on Sunberry Heights access road and at the R617 junction due to the significant increase in the volume of traffic using this substandard access road.

Furthermore, section 11.226 of the Cork City Development Plan 2022-2028 states that the layout of proposed new residential, commercial or mixed-use developments must be designed in accordance with the Design Manual for Urban Roads and Streets (DMURS). Notwithstanding the proposed measures put forward, the proposal fails to provide adequate accessible, inclusive and comfortable access to/from the site for pedestrians and cyclists and therefore does not achieve DMURS core design principles of connectivity, permeability and legibility for pedestrians. The proposal is

therefore considered not to be consistent with section 11.226 of the Plan.

Having regard to all of the above, the proposed development is therefore considered to be unacceptable and inconsistent with the proper planning and sustainable development of the area.

2. Objective 11.2 Dwelling Size Mix and Table 11.9 of the Cork City Development Plan 2022-2028 sets out clear unit mix requirements to be adhered to except in exceptional circumstances where justification is provided. A Statement on Housing Mix in accordance with Objective HOU 3-3 of the now expired Cork County Development Plan 2014 was submitted with the application documentation. However, no Statement of Housing Mix in accordance with Objective PO1 of the Housing Strategy and Housing Need Demand Assessment of the Supporting Studies accompanying the adopted Cork City Development Plan 2022-2028 has been submitted and therefore inadequate justification has been provided in relation to the unit mix proposed. The Commission is therefore not satisfied that the proposed development meets the requirements of these objectives. The proposed development would therefore materially contravene the Cork City Development Plan 2022-2028 in relation to the provision of unit mix requirements and is therefore considered to be inconsistent with the proper planning and sustainable development of the area.
3. Section 11.245 of the Cork City Development Plan 2022-2028 states that to encourage the use of Electric Vehicles (EV), multi-unit residential developments shall provide a minimum of one EV equipped parking space per five car parking spaces. The proposed development does not comply with section 11.245 of the Plan. This issue has not been addressed in the applicant's Material Contravention Statement and therefore inadequate justification has been provided in relation to the EV equipped parking spaces proposed. The Commission is therefore not satisfied that the proposed development meets the requirements of this section of the Cork City Development Plan 2022-2028. The proposed development would therefore materially contravene the Cork City Development Plan 2022-2028 in relation to the provision of EV equipped parking space requirements and is considered to be inconsistent with 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.

Lorraine Dockery

Senior Planning Inspector

14th October, 2025

Appendix 1: AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	See section 2.0 above The subject site, which has a stated gross area of 7.79ha, is located on the north-western periphery of Blarney, approximately 9 km northwest of Cork City Centre. Access is proposed via the existing Sunberry Heights/Sunberry Drive off the Blarney Relief Road (R617). The site is currently in agricultural use and accessed via a short laneway from the Sunberry Drive estate. Site preparation work and construction works will require extensive ground clearance and excavations. A Construction and Environment Management Plan (CEMP) accompanies the application. Good practice construction site management measures are integrated into the project description. The proposed development will be connected to a public water, surface water and foul sewer network. SuDS measures are proposed. The application site was surveyed by ecologists with habitat, mammal and bat surveys undertaken at the appropriate time of year and in accordance with standard methodologies.

	The application site is characterised by agricultural land, currently under arable and grassland management and a network of hedgerows. A stand of invasive species was recorded. A drainage ditch/stream is noted along the western site boundary which provides hydrological pathway links the project site to Cork Harbour.
Brief description of development site characteristics and potential impact mechanisms	Demolition of buildings, construction of 143 no residential units (105 no. houses, 38 no. apartments) and associated site works
Screening report	Y
Natura Impact Statement	Y
Relevant submissions	PA have not raised concerns in relation to this matter and screened out the need for AA. The NPWS have not raised concerns in this regard- no report received. A Confirmation of Feasibility previously issued from Uisce Eireann and they did not raise concerns in this regard. Third- party submissions- information submitted as part of AA Screening is insufficient, contains lacunae and is not based on appropriate scientific expertise.
Step 2. Identification of relevant European sites using the Source-pathway-receptor model	

The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA). The proposed development site is a greenfield site within the settlement boundary of Blarney. Three European sites are potentially with a zone of influence of the proposed development.

European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening Y/N
Cork Harbour SPA (Site Code: 4030)	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] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054]	11km (23km downstream)	Y A hydrological pathway links the project site to Cork Harbour via the drainage channel-established by the proposed discharge of surface water from the project site to the River Lee catchment.	Y

	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]			
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	Common Gull (<i>Larus canus</i>) [A182] Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183] Common Tern (<i>Sterna hirundo</i>) [A193] Wigeon (<i>Mareca penelope</i>) [A855] Shoveler (<i>Spatula clypeata</i>) [A857] Wetland and Waterbirds [A999] Cork Harbour SPA National Parks & Wildlife Service (npws.ie) NPWS, 2014			
Great Island Channel SAC (Site Code:1058) <u>Conservation Objective</u>	Mudflats and sandflats not covered by seawater at low tide [1140] Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330] Great Island Channel SAC National Parks & Wildlife Service	15km	N Influenced by tidal flows with little influence from River Lee (freshwater) No direct hydrological link or other indirect pathway from subject site	N The contained nature of the site (serviced, defined site boundaries, no direct ecological connections)

Maintain or restore the favourable conservation condition of the species and habitats listed as QI/SCI for this SAC	NPWS, 2014			or pathways) and distance from receiving features connected to the SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SAC for the QIs listed.
Blackwater River (Cork/Waterford) SAC (Site Code: 2170)	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Perennial vegetation of stony banks [1220] Salicornia and other annuals colonising	14km	N No direct hydrological link or other indirect pathway from subject site Located in separate water catchment to subject site	N The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving

	mud and sand [1310] Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]			features connected to the SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SAC for the QIs listed.
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	Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Austropotamobius pallipes (White-clawed Crayfish) [1092] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Alosa fallax fallax (Twaiite Shad) [1103] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355] Trichomanes speciosum (Killarney Fern) [1421] Blackwater River (Cork/Waterford) SAC National Parks & Wildlife Service NPWS, 2012			
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Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

The project is not directly connected with or necessary to the management of a European Site.

Cork Harbour SPA (Site Code: 4030)

Construction Phase-

- Potential for contamination of surface water generated on site with construction materials such as hydrocarbons, cement-based products and other construction solutions
- Should replacement of culvert under R617 be required, there is potential for pollution to enter stream and cause further pollution downstream to the River Martin and Shournagh
- Discharge of contaminated surface waters to Shournagh River sub-catchment could combine with other existing pressures to water quality along the river and contribute to reductions in water quality downstream along the River Shournagh and Lower River Lee.

Operational Phase-

- Potential for surface water to be contaminated with hydrocarbons from vehicles
- Discharge of contaminated surface waters to Shournagh River sub-catchment could combine with other existing pressures to water quality along the river and contribute to reductions in water quality downstream along the River Shournagh and Lower River Lee.

This assessment was reached without considering or taking into account mitigation measures.

The link to Cork Harbour SPA is confined to the River Lee Estuary, which forms part of a series of sections of estuaries that make up the SPA. Other areas of the SPA are located in areas outside of the influence of this estuary and are subject to tidal influences. Therefore, the proposed works are not expected to have a wider impact on the SPA beyond the River Lee Estuary and its banks. The development site provides no suitable habitat for birds which may be associated with this designated site. No ex-situ impacts to Natura 2000 sites can arise. Due to intervening distances, there is no pathway for direct loss or disturbance of habitats that may act as ecological corridors for important species associated with the qualifying interests of the Natura 2000 site. The risk of contamination of any watercourses or groundwater is extremely low. Water and wastewater shall connect to the public systems. Uisce Eireann have confirmed that sufficient capacity is available at the Blarney/Tower WWTP to adequately treat all wastewater. Standard practice measures that would reduce the risk of impacts are proposed that would be implemented regardless of proximity to a European Site including SuDS measures, installation of hydrocarbon interceptors and silt traps. However, these are not mitigation measures in an AA context as they will not be undertaken to reduce or avoid any effect to a Natura 2000 site. It would be expected that any competent developer would deploy them for works on such similar sites whether or not they were explicitly required by the terms or conditions of a planning permission. Even if these measures were not in place, I am satisfied that any effects on designated sites would not be significant given the nature and scale of development, separation distances involved and dilution effects. There are no projects which can act in combination with this development which can give rise to significant effect to Natura 2000 sites within the zone of influence.

AA Screening matrix

Site name	Possibility of significant effects (alone) in view of the conservation objectives of the site*
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Qualifying interests		
	Impacts	Effects
Cork Harbour SPA (Site Code: 4030)	Direct: None. No risk of habitat loss, fragmentation or any other direct impact Loss of grassland/agricultural land Indirect: Potential for the project to interact with the wetland habitats of this SPA	Negative effect on habitat quality/function and prey availability/undermine conservation objectives related to water quality during construction and operational phases Possibility of significant effects cannot be ruled out without further analysis and assessment
Great Island Channel SAC (Site Code:1058)	Direct: None Indirect: None	

Blackwater River (Cork/Waterford) SAC (Site Code: 2170)	Direct: None Indirect: None	
	Likelihood of significant effects from proposed development (alone):Y	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
Further Commentary / discussion I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified, and sound scientific information and knowledge was used. The information contained within the submitted report is considered sufficient to allow me to undertake an Appropriate Assessment screening of the proposed development. The screening is supported by associated reports, including ecological field surveys involving habitat survey and mapping, bird survey, bat survey, Construction Management Plan, Design Rationale Statement and Outdoor Lighting Report. I do not concur with the third-party assertion that Information submitted as part of AA Screening is insufficient, contains lacunae and is not based on appropriate scientific expertise.		

I do not consider that any other European Sites fall within the zone of influence of the project, based on a combination of factors including the intervening distances, the lack of suitable habitat for qualifying interests, and the lack of hydrological or other connections. No reliance on avoidance measures or any form of mitigation is required in reaching this conclusion.

Invasive Species

I note that stands of *Buddleja davidii* are occurring within the site. It is stated in the EclA that these will be cut and removed from the project site outside the seed-bearing season, between the months of December and May. This will prevent the spread of this species during vegetation removal. Measures to eradicate the plant are not being undertaken to reduce or avoid any effect to a European site and so are not considered to be mitigation in an AA context. In the absence of any treatment, effects on European sites are not likely to arise from the identified invasive species due to the distances involved. I am of the opinion that there is no significant risk of alteration of habitat due to spread of invasive plant species due to the remote distances involved. I am screening this out for all designated sites, due to the nature and scale of the development proposed, distances from designated sites and the intervening urban environment; together with the conservation objectives of the designated sites. There are unlikely to be significant effects in this regard. I am satisfied in this regard. I recommend that if An Coimisiún is disposed towards a grant of permission, an invasive species management plan should be prepared which will ensure that the plants are not spread during construction. This will include appropriate treatment and training for site personnel. This matter could be adequately dealt with by means of condition.

Step 4 Conclude if the proposed development could result in likely significant effects on a European site

Based on the information provided in the screening report, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result significant effects on the Cork Harbour SPA. I concur with the applicants' findings that such impacts could be significant in terms of the stated conservation objectives of the SPA when considered on their own in relation to pollution related pressures and disturbance on qualifying interest habitats and species.

Using a highly precautionary approach, given the location of the stream/ditch along the boundary and given the works proposed to the culvert, I consider that it is not possible to exclude the possibility that proposed development alone would result significant effects on Cork Harbour SPA (Site Code: 4030) from effects associated with surface water discharge from project site to River Lee catchment.

An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment of in-combination with other plans and projects is not required at screening stage.

Screening Determination

Finding of likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the Cork Harbour SPA in view of the conservation objectives of a number of qualifying interest features of this site.

It is therefore determined that Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 of the proposed development is required.

Inspector: Lorraine Dockery

Date: 14th October 2025

Appendix 2: AA Determination

Appropriate Assessment

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

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development in view of the relevant conservation objectives of **Cork Harbour SPA** based on scientific information provided by the applicant.

The information relied upon includes the following:

- Natura Impact Statement prepared by O'Doherty Environmental Consultants Ltd.

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

Submissions/observations

Third- party submissions- information submitted as part of AA Screening is insufficient, contains lacunae and is not based on appropriate scientific expertise.

NAME OF SAC/ SPA (SITE CODE): Cork Harbour SPA

Summary of Key issues that could give rise to adverse effects (from screening stage):

- (i) **Water quality degradation (construction and operation)- negatively impacting wetland habitats and their associated species of conservation interest as a result of a hydrological link from surface waters discharged from the subject site via the River Lee and into Cork Harbour SPA 11km distant (23km downstream).**

See Table 0.1 of NIS

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures (summary)
			NIS section 1.15
Little Grebe (Tachybaptus ruficollis) [A004]	Maintain the favourable conservation condition Attributes- Population trend and distribution Long term population trend stable or increasing. No significant decrease in the range, timing or intensity of use of areas by little grebe, other than that occurring from natural patterns of variation.	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives	Pollution control measures Application of industry standard controls, CEMP

Great Crested Grebe (Podiceps cristatus) [A005]	Maintain the favourable conservation condition Attributes- Population trend and distribution Long term population trend stable or increasing. No significant decrease in the range, timing or intensity of use of areas by great crested grebe, other than that occurring from natural patterns of variation.
Cormorant (Phalacrocorax carbo) [A017]	Maintain the favourable conservation condition Attributes- Population trend and distribution Long term population trend stable or increasing. No significant decrease in the range, timing or intensity of use

	of areas by cormorant, other than that occurring from natural patterns of variation.
Grey Heron (<i>Ardea cinerea</i>) [A028]	Maintain the favourable conservation condition Attributes- Population trend and distribution Long term population trend stable or increasing. No significant decrease in the range, timing or intensity of use of areas by grey heron, other than that occurring from natural patterns of variation.
Shelduck (<i>Tadorna tadorna</i>) [A048]	Maintain the favourable conservation condition Attributes- Population trend and distribution

	Long term population trend stable or increasing. No significant decrease in the range, timing or intensity of use of areas by shelduck, other than that occurring from natural patterns of variation.
Teal (<i>Anas crecca</i>) [A052]	Maintain the favourable conservation condition Attributes- Population trend and distribution Long term population trend stable or increasing. No significant decrease in the range, timing or intensity of use of areas by teal, other than that occurring from natural patterns of variation.

Pintail (<i>Anas acuta</i>) [A054]	Maintain the favourable conservation condition Attributes- Population trend and distribution Long term population trend stable or increasing. No significant decrease in the range, timing or intensity of use of areas by pintail, other than that occurring from natural patterns of variation.
Red-breasted Merganser (<i>Mergus serrator</i>) [A069]	Maintain the favourable conservation condition Attributes- Population trend and distribution Long term population trend stable or increasing. No significant decrease in the range, timing or intensity of use

	of areas by Red-breasted Merganser, other than that occurring from natural patterns of variation.
Oystercatcher (Haematopus ostralegus) [A130]	Maintain the favourable conservation condition Attributes- Population trend and distribution Long term population trend stable or increasing. No significant decrease in the range, timing or intensity of use of areas by oystercatcher, other than that occurring from natural patterns of variation.
Golden Plover (Pluvialis apricaria) [A140]	Maintain the favourable conservation condition Attributes- Population trend and distribution

	Long term population trend stable or increasing. No significant decrease in the range, timing or intensity of use of areas by golden plover, other than that occurring from natural patterns of variation.
Grey Plover (Pluvialis squatarola) [A141]	Maintain the favourable conservation condition Attributes- Population trend and distribution Long term population trend stable or increasing. No significant decrease in the range, timing or intensity of use of areas by grey plover, other than that occurring from natural patterns of variation.

Lapwing (<i>Vanellus vanellus</i>) [A142]	Maintain the favourable conservation condition Attributes- Population trend and distribution Long term population trend stable or increasing. No significant decrease in the range, timing or intensity of use of areas by lapwing, other than that occurring from natural patterns of variation.
Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]	Maintain the favourable conservation condition Attributes- Population trend and distribution Long term population trend stable or increasing. No significant decrease in the range, timing or intensity of use

	of areas by black-tailed godwit, other than that occurring from natural patterns of variation.
Dunlin (<i>Calidris alpina</i>) [A149]	Maintain the favourable conservation condition Attributes- Population trend and distribution Long term population trend stable or increasing. No significant decrease in the range, timing or intensity of use of areas by dunlin, other than that occurring from natural patterns of variation.
Black-tailed Godwit (<i>Limosa limosa</i>) [A156]	Maintain the favourable conservation condition Attributes- Population trend and distribution

	Long term population trend stable or increasing. No significant decrease in the range, timing or intensity of use of areas by black-tailed godwit, other than that occurring from natural patterns of variation.
Curlew (<i>Numenius arquata</i>) [A160]	Maintain the favourable conservation condition Attributes- Population trend and distribution Long term population trend stable or increasing. No significant decrease in the range, timing or intensity of use of areas by curlew, other than that occurring from natural patterns of variation.

Redshank (Tringa totanus) [A162]	Maintain the favourable conservation condition Attributes- Population trend and distribution Long term population trend stable or increasing. No significant decrease in the range, timing or intensity of use of areas by redshank, other than that occurring from natural patterns of variation.
Black-headed Gull (Chroicocephalus ridibundus) [A179]	Maintain the favourable conservation condition Attributes- Population trend and distribution Long term population trend stable or increasing. No significant decrease in the range, timing or intensity of use

	of areas by black-headed gull, other than that occurring from natural patterns of variation.
Common Gull (Larus canus) [A182]	Maintain the favourable conservation condition Attributes- Population trend and distribution Long term population trend stable or increasing. No significant decrease in the range, timing or intensity of use of areas by common gull, other than that occurring from natural patterns of variation.
Lesser Black-backed Gull (Larus fuscus) [A183]	Maintain the favourable conservation condition Attributes- Population trend and distribution

	Long term population trend stable or increasing. No significant decrease in the range, timing or intensity of use of areas by lesser black-backed gull, other than that occurring from natural patterns of variation.
Common Tern (<i>Sterna hirundo</i>) [A193]	Maintain the favourable conservation condition Attributes- breeding population abundance, Productivity rate, distribution, Prey biomass available, Barriers to connectivity, Disturbance at the breeding site No significant decline in breeding population abundance, productivity rate, distribution,

	prey biomass availability. No significant increase in barriers to connectivity. Human activities should occur at levels that do not adversely affect the breeding common tern population.
Wigeon (<i>Mareca penelope</i>) [A855]	Maintain the favourable conservation condition Attributes- Population trend and distribution Long term population trend stable or increasing. No significant decrease in the range, timing or intensity of use of areas by wigeon, other than that occurring from natural patterns of variation.

Shoveler (<i>Spatula clypeata</i>) [A857]	Maintain the favourable conservation condition Attributes- Population trend and distribution Long term population trend stable or increasing. No significant decrease in the range, timing or intensity of use of areas by shoveler, other than that occurring from natural patterns of variation.		
Wetland and Waterbirds [A999]	Maintain the favourable conservation condition Attribute- Habitat area The permanent area occupied by the wetland habitat should be stable and not significantly less than the area of 2,587 hectares,		

	other than that occurring from natural patterns of variation		
The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.			
Assessment of issues that could give rise to adverse effects view of conservation objectives (i) Water quality degradation The section of the Cork Harbour SPA relevant to the subject site occurs along the banks of the River Lee Estuary. Other areas of the SPA are situated in the outer River Lee Estuary and Cork harbour and these areas are not considered to occur within the sphere of influence of the proposed works, due to harbour hydrodynamics and tidal influences. The subject site is located in the River Shournagh sub-catchment, which drains to the Lower River Lee near Ballincollig. The WFD status of these watercourses classifies them as 'at risk'. Potential impacts of the proposed development relate to potential discharges of contaminated surface water from the subject site during the construction and operational phases, or during works to replace the existing culvert crossing the R617. These discharges would then be discharged to the Shournagh sub-catchment and downstream to the lower River Lee Estuary as it transitions into Cork Harbour SPA, contributing to existing water quality pressures on these waterbodies. The uncontrolled release of contaminated surface waters to the Shournagh sub-catchment and River Lee is likely to be rapidly diluted and distributed within this tidal waterbody. The significance of impacts would depend upon the frequency and extent of discharges but could result in acute pollution. Decrease in water quality would compromise conservation objectives for Annex II species listed and increase sedimentation could alter habitat quality for spawning or nursery grounds. Mitigation measures and conditions			

The focus of mitigation measures proposed are at preventing ingress of pollutants and silt into surface water and receiving watercourses. This is to be achieved via design (avoidance), application of specific mitigation measures and monitoring effectiveness of measures. Detail is provided on sediment control, concrete and hydrocarbon control, an emergency response plan and general biosecurity measures.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. If An Coimisiún is disposed towards a grant of permission, mitigation measures related to water quality could be adequately dealt with by means of condition.

In-combination effects

I am satisfied that in-combination effects has been assessed adequately in the NIS. Plans and projects that could act in combination with the proposed development are detailed and assessed. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, **or in combination with other plans and projects**, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the Cork Harbour SPA. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. Monitoring measures are proposed. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the Cork Harbour SPA. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Cork Harbour SPA in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted, I consider that adverse effects on site integrity of the Cork Harbour SPA can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed including supervision and monitoring and integration into CEMP ensuring smooth transition of obligations to eventual contractor.
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the attainment of conservation objectives for the Cork Harbour SPA

Inspector: Lorraine Dockery

Date: 14th October 2025

Appendix 3: Form 1 - EIA Pre-Screening

Case Reference	ABP-319963-24
Proposed Development Summary	Construction of 143 residential units, creche and associated site works
Development Address	Monacnapa, Blarney, Co. Cork.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	

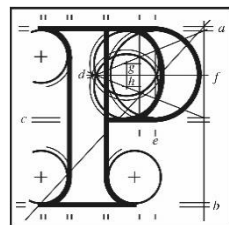
type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10(b)(i) 'Construction of more than 500 dwellings units Class 10(b)(iv) 'urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere'

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☒	Screening Determination required (Complete Form 3)
No ☐	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: Lorraine Dockery

Date: 14th October 2025

Appendix 4: EIA Screening Form



An
Bord
Pleanála

EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS		
An Coimisiún Pleanála Case Reference		ABP-319963-24
Development Summary		Construction of 143 residential units, creche and associated site works.
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	An EIA Screening Assessment, an AA Screening Report and NIS were submitted with the application

2. Is an IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	SEA undertaken in respect of the Cork City Development Plan 2022-2028 An NIS and Screening Report for Appropriate Assessment, and EclA under the Habitats Directive(92/43/EEC) and the Birds Directive (2009/147/EC). A Construction and Environmental Management Plan has been submitted which deals with waste. The EIA Screening Report, under the relevant themed headings, considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. The EclA and Engineering Report under Directive 2007/60/EC.

B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant)	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The development comprises the construction of 143 residential units and creche on lands for which residential use is permissible in principle in keeping with development in the vicinity.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	The proposal includes the construction of a residential development which is not considered to be out of character with the pattern of development in the surrounding area.	No

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

1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Yes	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction and Environmental Management Plan will satisfactorily mitigate potential impacts. Operational waste will be managed via a Waste Management Plan to obviate potential environmental impacts (dealt with by condition). Other significant operational impacts are not anticipated.	No
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1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	Yes	Risk of contamination of the water network during the construction and operational phases has been identified and adequately addressed in the submitted NIS. Mitigation measures have been put forward. Operation of a Construction Environmental Management Plan will satisfactorily mitigate against pollutants entering the hydrological network, and vis surface water management systems during operation of the development. The operational development will connect to mains services.	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Environmental Management Plan. Operational impacts are considered standard for such a development on zoned lands.	No

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

1.10 Will the project affect the social environment (population, employment)	Yes	Redevelopment of this site as proposed will result in an increase in residential units of 143 no. units which is considered commensurate with the development of a suburban zoned site within Blarney. Provision of creche will be a positive addition to the area.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	Stand alone development, with minor developments in the immediately surrounding area.	No
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve	Yes	The subject site has hydrological links to Cork Harbour SPA. Appropriate assessment has been undertaken which concluded no significant adverse impact on any European Sites. mitigation measures are proposed to prevent pollutants entering the hydrological network and	No

4. Designated refuge for flora or fauna 5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan		incorporation of surface water management systems during the operational phase.	
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	No	No such uses on the site and no impacts on such species are anticipated.	No
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	Yes	This elevated site is visible from Blarney Castle and its associated Estate and from the ACA. An LVIA was submitted with the application and an assessment of potential impacts has been undertaken. The design and layout of the	No

		scheme considers all these built environment issues and mitigation measures are in place to address concerns. The proposal would not impact on any Protected Structure, Monuments or ACAs. There is potential for discovery of previously unrecorded archaeology and this matter relating to recording of same, if discovered, could be adequately dealt with by means of condition.	
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No	There are no areas in the immediate vicinity which contain important resources.	No

2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	Yes	There is a drainage ditch/steam along the western boundary of the site. The proposed development does not alter this watercourse. The development will implement SuDS measures to control surface water run-off. The site is not at risk of flooding.	
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	There is no evidence in the submitted documentation that the lands are susceptible to lands slides or erosion.	No
2.7 Are there any key transport routes (eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	Yes	The site is served by a local urban road network which connects to the R617. See section 12.2 above in relation to traffic and transport concerns. These are planning concerns in terms of traffic safety and not environmental concerns.	No

2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	Yes	There is a school located on the R617. It is not anticipated to be affected by the project. There are no existing sensitive land uses or substantial community uses which could be affected by the project.	No
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3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No trans boundary considerations arise	No
3.3 Are there any other relevant considerations?	No		No

C. CONCLUSION			
No real likelihood of significant effects on the environment.	Yes	ElAR Not Required	

Real likelihood of significant effects on the environment.	No		
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D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- (a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(i) and (iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) the location of the site on lands zoned 'To provide for new residential development in tandem with the provision of the necessary social and physical infrastructure' in the Cork City Development Plan 2022-2022, and the results of the Strategic Environmental Assessment of the plan;
- (c) The existing use on the site and pattern of development in surrounding area;
- (d) The planning history relating to the site
- (e) The availability of mains water and wastewater services to serve the proposed development,
- (f) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- (g) The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003),
- (h) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- (i) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Construction and Environmental Management Plan (CEMP) .

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

Appendix 5: WFD Impact Assessment

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	ABP-319663-24	Townland, address	Monacnapa, Blarney, Co. Cork
Description of project		Demolition of buildings, construction of 143 no residential units (105 no. houses, 38 no. apartments), creche and associated site works	
Brief site description, relevant to WFD Screening,		Site is located on an elevated site located within the settlement boundary of Blarney. It is currently in agricultural use with mature forestry to the south.	
Proposed surface water details		SUDs system proposed with hydrocarbon interceptor	
Proposed water supply source & available capacity		Uisce Eireann mains water connection	
Proposed wastewater treatment system & available capacity, other issues		Uisce Eireann Wastewater connection to Blarney/Tower wastewater treatment plant (WWTP).	

Others?						
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody		Shournagh_030, IE_SW_19S010300)	Moderate	At Risk	Nutrients	Drainage ditch along the western boundary of the site, which has linkage to Shournagh sub-catchment. proposal to culvert this drainage channel

Groundwater Waterbody		Underlying Site	Ballinhassig East (IE_SW_G_004)	Good	Good	No pressures	No
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if ‘screened’ in or ‘uncertain’

							proceed to Stage 2.
1.	Surface	Shournagh_030, IE_SW_19S010300)	Drainage ditch	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice CEMP	Yes – proximity to monitoring location warrants additional	Screened In
2.	Ground	Ballinhassig East (IE_SW_G_004)	Pathway exists	Spillages	As above	No	Screened out
OPERATIONAL PHASE							
3.	Surface	Shournagh_030, IE_SW_19S010300)	Drainage ditch	Hydrocarbon spillages	SuDS	No	Screened out
4.	Ground	Ballinhassig East (IE_SW_G_004)	Pathway exists	Spillages	As above	No	Screened out
DECOMMISSIONING PHASE							
5.	NA						
STAGE 2: ASSESSMENT							
Details of Mitigation Required to Comply with WFD Objectives – Template							

Surface Water					
Development/Activity e.g. culvert, bridge, other crossing, diversion, outfall, etc	<u>Objective 1:Surface Water</u> Prevent deterioration of the status of all bodies of surface water	<u>Objective 2:Surface Water</u> Protect, enhance and restore all bodies of surface water with aim of achieving good status	<u>Objective 3:Surface Water</u> Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological potential and good surface water chemical status	<u>Objective 4: Surface Water</u> Progressively reduce pollution from priority substances and cease or phase out emission, discharges and losses of priority substances	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	Describe mitigation required to meet objective 4:	

Construction works	Site specific construction mitigation methods described in the CEMP	Site specific construction mitigation methods described in the CEMP	NA	NA	YES
Stormwater drainage	Adequately designed SUDs features, permeable paving etc	Adequately designed SUDs features, permeable paving etc	NA	NA	YES
Development/Activity 3 e.g. Creation of a transport crossing of watercourse.					
Details of Mitigation Required to Comply with WFD Objectives					
Groundwater					
Development/Activity e.g. abstraction, outfall, etc.	<u>Objective 1: Groundwater</u> Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater	<u>Objective 2 :</u> <u>Groundwater</u> Protect, enhance and restore all bodies of groundwater,	<u>Objective 3:Groundwater</u> Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity		Does this component comply with WFD Objectives 1, 2, 3 & 4?

		ensure a balance between abstraction and recharge, with the aim of achieving good status*		(if answer is no, a development cannot proceed without a derogation under art. 4.7)
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	
Development Activity 1	N/A	N/A	N/A	N/A
Development Activity 2	N/A	N/A	N/A	N/A

Inspector: Lorraine Dockery

Date: 14th October 2025

Appendix 6: List of submissions received

John and Mary Cronin

John O'Neill

Adam Ahern

Jim and Mairead O'Riordan

June Healy

John Murphy

Denis and John O'Donovan

Caroline Walsh

Kieran and Joan Sheffron

Jennifer Cronin

Paul and Rosarie Creech

Michael Howley

Marty O'Sullivan

Dylan O'Sullivan

Claire Forrest

Cathal Garvey

Claire McCarthy

Michael Burke

Liam Carter

MH Planning on Behalf of BCE

John Conway and Others

Mick Barry and Fiona Ryan

Kevin Tolan (KT Designs)

Declan and Elizabeth Forrest

Christine O'Mahony

Geraldine Kinnery

Geraldine O'Sullivan and George McDonnell

Dermott Barrett

TPlan Planning Consultants

David Hickey

Geraldine McCarthy Haslam