



An
Coimisiún
Pleanála

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

Inspector's Report ABP-320056-24

Strategic Housing Development

198 no. residential units (117 no. houses, 81 no. apartments) and associated site works.

Location

Coolflugh, Cloghroe, Tower, Co. Cork.
(www.CloghroeSHD.ie)

Planning Authority

Cork City Council

Applicant

Cloghroe Development Limited

Prescribed Bodies

Irish Water (now Uisce Éireann)
Transport Infrastructure Ireland

Observers

37 no. submissions received.
See Appendix 2.

Date of Site Inspection

19th June 2025

Inspector

Ronan O'Connor

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1.0 Introduction

- 1.1.1. This is an assessment of a proposed Strategic Housing Development (SHD) submitted to An Bord Pleanála (now An Coimisiún Pleanála) under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 1.1.2. By way of background, I note that An Bord Pleanála issued a 'Split Decision' for SHD Application ABP-312613-22 on 11th October 2022 for 198 no. residential units (117 no. houses, 81 no. apartments) and associated site works, at Coolflugh, Cloghroe, Tower, Co. Cork (this subject site). An Bord Pleanála's decision was brought under Judicial Review and the decision was QUASHED on 15th day of May 2024 by High Court Order. The High Court ordered that the matter be REMITTED to An Bord Pleanála to be determined in accordance with law. I am the new Inspector assigned to the case and I am assessing the file *de novo*.

2.0 Site Location and Description

- 2.1. The subject site is located within the development boundary of Tower and is located approximately 700m south west of the town centre. The site lies approximately 3km southwest of Blarney, 4km north of Ballincollig and approximately 10km northwest of Cork city centre. The surrounding area is characterised by low density suburban housing and agricultural fields and associated structures. To the north the site is bounded by agricultural fields and 5 no. large, detached dwellings. To the south it is bound by Seanandale Residential estate, to the east the site is bound by the R617 (Blarney Road), on the opposite side of the R617 are the Woodlands and Fairways residential estates. A cluster of commercial units are located c. 150m southeast of the site and Cloghroe National School is c. 350m south east of the site. To the west the site is bound by open fields and a stream.
- 2.2. The subject site has a gross area of c. 7.5 ha and is currently in agricultural use. There are 2 no. existing agricultural structures (382sqm) at the northern boundary of the site. The site is irregular in shape generally comprising 2 no. separate fields, which are divided by a man-made ditch which runs in an east west direction through the site. This ditch runs to the Dromin Stream along the site's western boundary. This stream flows southwards towards the Owennagearagh River to the south of the site. The

topography of the site is undulating and generally falls from north to south. The sites boundaries generally comprise mature trees and hedgerows.

- 2.3. Vehicular access to the site is via an existing agricultural gate at the site's eastern boundary with the R617.

3.0 Proposed Development

- 3.1. The proposed development comprises of the following;
- 3.2. The demolition of 2 no. existing agricultural structures (382sqm) and the construction of a mixed-use development comprising 198 no. residential units (117 no. houses and 81 no. apartment / duplex units), a creche, café and single storey retail food store. 79 no. apartment / duplex units are provided in 6 no. 3 storey apartment buildings and 2 no. units are provided at first floor level of a proposed café building.
- 3.3. The proposed retail development consists of a single storey retail food store with a net sales area of 1,315sqm which includes the sale of alcohol for consumption off premises, totem sign and ancillary building signage, servicing areas, surface car park and bicycle parking facilities.
- 3.4. Access to the proposed development is via 2 no. entrances from the R617 to the east of the site, 1 no. access would serve the proposed residential development and the other would serve the proposed retail and café use. An additional pedestrian entrance is proposed from the existing cul-de-sac at the sites northern boundary. The works include upgrades to the R617, including the installation of footpath / cycle infrastructure, signalised pedestrian crossing and the relocation of the existing public bus stop.
- 3.5. Ancillary site development works include flood defence works, public realm upgrades, amenity walks, public open spaces, an urban plaza to the east of the proposed retail unit and the undergrounding of existing overhead lines.
- 3.6. Key Development Statistics are outlined below:

	Proposed
Site Area	7.5 ha Gross / 5.4ha Net

No. of Units	198 no.
Unit type	117 no. houses and 81 no. apartment / duplex units
Unit mix	44 no. 1 bed units, 57 no. 2-beds, 40 no. 3-beds and 57 no. 4-beds
Density	35 units per ha
Plot Ratio	0.352
Height	2 -3 storeys
Other Uses	Retail food store (1,895sqm gross / 1,315sqm net) Café (186.3sqm) Creche (405sqm / 42 no. child care spaces)
Open Space	14% of usable site area
Car Parking	287 no. spaces
Bicycle Parking	126 no. spaces.

3.7. The application included the following:

- Planning Statement, Statement of Consistency and Response to An Bord Pleanála Opinion
- Architectural Design Statement
- Material Contravention Statement
- Housing Quality Assessment
- Natura Impact Statement
- Environmental Impact Assessment Report: Volume I: Non-Technical Summary, Volume II: EIAR and Volume III: Appendices
- Engineering Design Report
- Flood Risk Assessment Report
- Universal Design Statement
- Traffic and Transport Assessment
- Traffic and Transportation and Associated Infrastructure and DMURS compliance Statement.
- Construction Traffic Management Plan
- Mobility Management Plan

- Construction Environmental Management Plan
- Retail Impact Assessment
- Building Lifecycle Report
- Childcare Needs Assessment
- Part V Proposal
- Outdoor Lighting Report

4.0 Relevant Planning History

Subject Site

ABP-312613-22 – SHD – By Order of the High Court, perfected on the 15th May 2024, the Board's decision on same was quashed and the case was remitted back to the Board for further consideration and determination. The Commission will note that this current report relates to same and I am the new Inspector assigned to the case and I am assessing the file *de novo*.

Site Immediately west of the subject site

ABP-316742-23 Inclusion of the land on the residential zoned land tax draft map at Dromin, Cloghroe. Decision: Set aside the determination of the local authority and allow the appeal. [decision date 16th October 2023].

ABP-315209-22/PA Reg Ref 2140620

Permission at Dromin, Cloghroe, Tower, Cork for the construction of 73 no. residential units comprising 5 no. detached 5-bed dwellings, 15 no. detached 4-bed dwellings, 50 no. semi-detached 3 bed dwellings and 3 no. terraced 3-bed dwellings. Upgrade of existing access from the R579, flood mitigation works which include works to the R579, culverting of existing streams, foul and storm drainage, public lighting, landscaping, amenity areas and all associated site works.

ABP Decision: Refuse Permission [decision date 21st May 2024] for 1. No. reason as follows:

Having regard to 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' issued by the Department of the Environment, Heritage and Local Government in November 2009, the Board is not satisfied, on the basis of the

information submitted with the planning application and the appeal, and the further information/clarification of further information at planning application stage, that the applicant has provided sufficient information, nor provided sufficient certainty, in relation to the future maintenance of the proposed measures to address flood risk on the site and in the vicinity of the site, thus giving rise to a level of uncertainty regarding the potential for increased on-site and off-site flood levels. The proposed development would be contrary to public safety and to the above-mentioned guidelines, would seriously injure the amenities of future residents and of existing property in the vicinity, and would, therefore, be contrary to the proper planning and sustainable development of the area.

ABP-307785-20, Reg. Ref. 19/05413: Permission was refused in 2020 for the construction of 73 no. residential units on lands immediately west of the subject site. The reason for refusal related to a potential flood risk.

ABP Decision: Refuse Permission [Decision Date 03rd December 2020] for one reason as follows:

Having regard to ‘The Planning System and Flood Risk Management Guidelines for Planning Authorities’ issued by the Department of the Environment, Heritage and Local Government in November, 2009, the Board is not satisfied on the basis of the information submitted with the planning application and in response to the appeal that the applicant has provided sufficient information on the proposed measures to address flood risk on site and in the vicinity of the site, thus giving rise to a level of uncertainty both as to the adequacy of the proposed measures and the responsibility for future maintenance of the proposed flood defence scheme on public and other lands. The proposed development would, therefore, be contrary to public safety and to the above mentioned Guidelines and would seriously injure the amenities of future residents and of existing property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

ABP-302594-18, Reg. Ref. 18/04947: Permission was refused in 2019 for the construction of 74 no. residential units on lands immediately west of the subject site. The reason for refusal related to a potential flood risk.

ABP Decision: Refuse Permission [Decision date 25th February 2019] for one reason as follows:

The southern portion of the proposed development is located in an area which is at risk of flooding. Having regard to 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' issued by the Department of the Environment, Heritage and Local Government in November, 2009, it is considered that the proposed development would be premature pending the carrying out of works to mitigate flooding along the R579. The proposed development would, therefore, be contrary to public safety and to the above mentioned Guidelines and would seriously injure the amenities of future residents. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

5.0 Section 5 Pre Application Consultation

5.1.1. A Section 5 pre-application virtual consultation took place on the 5th March 2021 in respect of a development of 189 no. residential units (124 no. houses and 65 no. apartments), a café and a retail food store (1,315sqm). Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. The main topics discussed at the meeting were –

- Quantum of development in the context of the Blarney Macroom Municipal District LAP, 2017
- Surface Water Drainage and Flood Risk
- Biodiversity and Management of the Riparian Zone
- Design and Layout of the Development including the provision of public open space
- Roads, Traffic and Transportation Issues. Pedestrian and Cycle Connections
- Retail Development
- Copies of the record of the meeting and the inspector's report are on this file.

5.1.2. In the Notice of Pre-Application Consultation Opinion dated 16th March 2021 (ABP-308980-21) An Bord Pleanála stated that it was of the opinion that the documents submitted require further consideration and amendment to constitute a reasonable

basis for an application for strategic housing development to An Bord Pleanála with regard to the following: -

Residential Density

- 5.1.3. Further consideration / justification of the documents as they relate to the proposed quantum of development and residential density, with regard to: The location of the site within the boundary of Cork City; The Blarney Macroom Municipal District Local Area Plan 2017 and the Cork County Development Plan 2014-2020; National planning policy including the National Planning Framework; The Regional Spatial and Economic Strategy (RSES) for the Southern Region; Relevant Section 28 guidelines including the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual'), the 'Design Standards for New Apartments – Guidelines for Planning Authorities' (2018) and the 'Urban Development and Building Heights – Guidelines for Planning Authorities' (2018); The location / accessibility of the site relative to existing / proposed public transport services, district centres, retail facilities, local amenities and employment centres, including any relevant objectives in the Cork Metropolitan Area Transport Strategy (CMATS).

Surface Water Drainage and Flood Risk

- 5.1.4. Further consideration / justification of the documents as they relate to the issue of surface water drainage and flood risk, with regard to: A Site Specific Flood Risk Assessment in accordance with the requirements of the Planning System and Flood Risk Management Guidelines for Planning Authorities, to include hydraulic modelling of the watercourse at the development site and to address in particular any potential downstream impacts on the Owennagearagh River to the south of the site and at the R617/R579 junction; Detailed treatment of the watercourse on the western side of the site, including the riparian zone, such that there is no increase in flood risk, with regard to relevant guidance provided in the Inland Fisheries Ireland document 'Planning for Watercourses in the Urban Environment'; Detailed surface water drainage proposals for the development, to include SUDS measures where possible, and attenuation proposals with full details of proposed outfall rates, to be integrated where possible with the proposed roads design and landscaping scheme; Landscaping scheme to provide details of the treatment of the riparian zone and

wetland areas within the site, along with biodiversity corridors; Detailed site layout of the development, to indicate any flood zones present at the development site based on the modelling in the SSFRA.

Interaction with R617 / Pedestrian and Cycle Connectivity

5.1.5. Further consideration/justification of the documents as they relate to the road frontage to the R617 and to pedestrian and cycle connectivity to the wider area. The applicant is advised to address the following matters in particular: The provision of a detailed roads layout for the site frontage to the R617, as per the comments of Cork City Council Transport Mobility Section and Cork City Council Urban Roads and Street Design, to include an appropriate, suitable pedestrian crossing of the R617 to the satisfaction of the planning authority; Traffic calming measures to the R617; Relocation of the existing bus stop at the development site and associated pedestrian infrastructure; Cycle routes along the R617 in accordance with the guidance provided in the National Cycle Manual; All works to the R617 that are to be delivered by the prospective applicant should be included in the red line site boundary and the applicant should provide clarity as to the proposed timeframe for their delivery; The applicant shall demonstrate sufficient legal interest to carry out the proposed works at the R617

5.1.6. The following specific information was also requested: -

- Statement of Material Contravention
- Housing Quality Assessment
- Building Lifecycle Report.
- A site layout plan showing which, if any, areas are to be taken in charge by Cork City Council.
- Comprehensive landscaping scheme for the entire site, to include (i) Arboricultural Impact Assessment and details of measures to protect trees and hedgerows to be retained at the site and (ii) rationale for proposed public open space provision, to include an open space hierarchy and detailed layouts for the public open spaces.
- Landscape and Visual Impact Assessment with photomontages and CGIs.

- Existing and proposed ground levels across the site. Detailed cross sections indicating proposed FFL's, road levels, open space levels, etc. relative to each other and relative to adjacent lands and structures.
- Traffic and Transport Impact Analysis
- Rationale for the proposed car parking provision
- Retail Impact Analysis.
- Rationale for proposed childcare provision
- Part V proposals.
- Ecological Impact Statement
- AA screening report or NIS.

5.1.7. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 should be submitted as a standalone document.

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

- Irish Water (now Uisce Éireann)
- Transport Infrastructure Ireland
- National Transport Authority
- Cork City Council Childcare Committee

5.2. **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 and a summary is provided below.

Residential Density

The scheme provides for a density of 35 units per ha which is considered the most appropriate scale of development for the site given the site-specific topography and locational factors. The density complies with the ambition contained in the NPF, the

RSES and Section 28 Guidelines. The density also complies with the density recommendations as outlined in the Sustainable Residential Development Guidelines for edge of centre sites.

Surface Water Drainage and Flood Risk

A Site Specific Flood Risk Assessment has been submitted with the application and includes modelling of the watercourse at the development site and addressed any potential downstream impacts of the proposed development on the Owennagearagh River to the south of the site at the R617 / R579 junction.

Due to the separation distance between the proposed development and the western boundary and the fact that no works are provided to the stream, it is considered the proposed development is consistent with guidance in the OPW's Planning for Watercourse in the Urban Environment.

The Engineering Design Report submitted with the application details the surface water drainage proposals. The scheme provides for the diversion of existing surface water flowing into the stream to the public system on the R 617.

The submitted landscape drawings detail the treatment of the riparian zone and wetland areas within the site and highlight the development of biodiversity corridors.

Flood waters are contained within upstream drainage basins and underground storage. Flood waters would have no impact on the proposed houses or site and are prevented from entering the adjacent Seanandale Estate.

Interaction with R617 / Pedestrian and Cycle Connectivity

The subject site is well located and within 5 – 10 minutes walking distance of all local amenities, that are currently provided within Cloghroe and Tower. The site is situated immediately adjacent to an existing bus stop, serving as the terminus of the no. 215 Cloghroe – Mahon Point which operates every 30 min.

The scheme includes traffic calming measures including a signalised toucan crossing to improve connectivity with Tower to the north, relocation of existing bus stop and the provision of a bus shelter, provision of a footpath, cycle lane and grass verge along the sites eastern boundary and a setback for the future provision of a bus lane to form part of BusConnects network. These works will be delivered by the

applicant as part of Phase 1 of the development. In this regard a letter of consent has been submitted from Cork City Council.

The following specific information was also submitted: -

- A Statement of Material Contravention.
- Housing Quality Assessment.
- Building Lifecycle Report.
- A site layout plan showing illustrating the areas are to be taken in charge by Cork City Council.
- A Comprehensive landscaping plan for the entire site and an Arboricultural Impact Assessment which includes details of measures to protect trees and hedgerows to be retained at the site. The landscape masterplan and landscape strategy provides a rationale for proposed public open space provision, its hierarchy and provides detailed layouts for the public open spaces.
- A Landscape and Visual Impact Assessment with photomontages and CGIs.
- Detailed cross sections indicating proposed FFL's, road levels, open space levels relative to each other and relative to adjacent lands and structures.
- Traffic and Transport Impact Assessment.
- The Parking Strategy provides a rationale for the proposed car parking provision, which is based on housing type and likely demand of future residents.
- A Retail Impact Analysis.
- A Childcare Needs Assessment provides a rationale for the proposed childcare provision.
- Part V proposals.
- Chapter 9 of the EIAR provides details of flora, fauna and habitats present on the site, consideration of the impacts on the riparian zone of the watercourse, impacts on wetlands, the retention and management of hedgerows and the impact on bats.
- AA screening report and an NIS.

- An EIAR has been prepared.

6.0 Relevant Planning Policy

6.1. Local Policy

- 6.1.1. 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. Both of these plans are now superseded by the current Cork City Development Plan 2022-2028.
- 6.1.2. 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.
- 6.1.3. The **Cork City Development Plan 2022-2028** is now the operative City Development Plan and it is under this operative Plan that I am assessing the proposal before me.

Cork City Development Plan 2022-2028

Land Use Zoning

The site is zoned 'ZO 02 - New Residential Neighbourhoods' in the Cork City Development Plan 2022-2028 with a stated objective to '*provide for new residential development in tandem with the provision of the necessary social and physical infrastructure.*'

Section 12.24 of the Development Plan sets out overarching objectives for development in all zones, with regard to ZO 2 New Residential Neighbourhoods it states that lands in this zone are designated as Tier 1 or Tier 2 zoned lands in the Core Strategy. Any development proposals must satisfy the requirements for developing on Tier 1 or Tier 2 lands set out in Chapter 2 Core Strategy. It further states that 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. Uses set out

under ZO 1 'Sustainable Residential Neighbourhoods' are appropriate under this zone, subject to such uses supporting the creation of sustainable communities and not conflicting with the primary objective of this zoning.

The site lies within Tier 2 zoned land, with reference to Figure 2.21 of Volume 1 of the CCDP.

Other Relevant Sections/ Policies

The following policies are considered relevant to the consideration of the subject proposal:

Chapter 2, Section 2.1 Strategic Objectives for Growth

The following Strategic Objectives for Growth are outlined:

SO 1: Compact Liveable Growth - Deliver compact growth that achieves a sustainable 15-minute city of scale providing integrated communities and walkable neighbourhoods, dockland and brownfield regeneration, infill development and strategic greenfield expansion adjacent to existing city.

SO 2: Delivering Homes and Communities - Provide densities that create liveable, integrated communities by using a mix of house types, tenures and sizes linked to active and public transport. Provide amenities, services and community and cultural uses to enable inclusive, diverse and culturally rich neighbourhoods.

SO 9: Placemaking and Managing Development - Develop a compact liveable city based on attractive, diverse and accessible urban spaces and places. Focus on enhancing walkable neighbourhoods that promote healthy living, wellbeing and active lifestyles, where placemaking is at the heart. Follow a design-led approach with innovative architecture, landscape and urban design that respects the character of the city and neighbourhood.

Chapter 2, Core Strategy

The Core Strategy classifies Tower as an 'Urban Town'. Urban Towns are identified as having the following role: - *'phased delivery of strategic sites by targeting growth proportionate to the existing population. All development shall focus on prioritising walking, cycling and public transport use. Apply a mixed-use approach to regenerating key underutilised locations. Use a range of designs and densities that reflect and enhance the individual character of each town'*.

Table 2.2 states that Tower has a baseline (2016) population of 3,274 (equating to 1.6% of the total population of Cork City) and envisions that the population of Tower will increase to 4,437 (1,163 persons) by 2028. Table 2.3 states that Tower has 21.1ha of underutilised land with a total potential yield of 467 units.

Chapter 7

Chapter 7 Economy and Employment

Retail

Section 7.86 Retail Hierarchy

Section 7.95 to 7.96 Sequential Approach

Section 7.97 Retail Impact Assessment

Objective 7.27 Strategic Retail Objectives including (a) *To inter alia support and implement the Retail Hierarchy in defining the role of retail centres, in preparing plans and in assessing development proposals for retail development.*

Objective 7.35 Assessing New Retail Development - Cork City Council will have regard to the Retail Planning Guidelines for Planning Authorities (2012) and the accompanying Retail Design Manual in determining planning applications for retail development

Chapter 10, Key Growth Areas & Neighbourhood Development Sites

Chapter 10 Part 8 considers Tower.

Tower designated as a key growth area. Section 10.289 (Population and Housing) outlines the following in regard to its development potential: - *'development is somewhat constrained by the topography of the area and associated flood plain to the east. Large areas to the south and west have also experienced significant flood risk. The potential for additional development in Tower needs to be examined in the context of these constraints and the need to balance development with the service providers' ability to cater for large population increases, notably for education and transport. There may be limited potential for additional housing on infill sites within the development boundary.'*

Section 10.297 (Flooding) notes the following in relation to flooding: - *'Tower has experienced a number of recorded flood events. Flooding has occurred in Riverview*

Estate, Tower Bridge and at the junction of the R579 and R617 at Cloghroe which has recurred on a regular basis. Other areas of the settlement have been identified as being at risk of flooding. These are identified in the Strategic Flood Risk Assessment document, Appendix II maps. Development proposals in the south west of the town and in all areas identified as being at risk of flooding must be accompanied by both area-based and site-specific flood risk assessments.'

Section 10.293 - Retail and Ancillary Services - Tower does not require additional retail floorspace during the Plan period and the existing shopping centre and the nearby Cloghroe village centre will continue to be the principal location for future retail development and will continue to be limited to small scale convenience uses.

Section 10.294 – Education - There is one primary school, located in Cloghroe that serves Tower. The nearest secondary schools are in Blarney and Ballincollig. Cloghroe National School has a current enrolment of 530 pupils with 45 teaching and ancillary staff. The current and future capacity of this school will be a determining factor in the number and phasing of all future housing developments.

Chapter 10 sets out 3 no. objectives for Tower.

Objective 10.72: Prepare a Public Realm Strategy for Tower to address issues such as pedestrian and cycle permeability, signage, car parking, traffic management and enhancements to the town core including the area around Tower Shopping Centre and Cloghroe Neighbourhood Centre. In addition, the potential for connections to Ballincollig and Kerry Pike will also be examined during the lifetime of this Plan.

Objective 10.73: All future planning applications for multiple housing units in Tower including the phasing and numbers permitted will be examined in the context of the current and future capacity of Cloghroe National School.

Objective 10.74: Consolidate future development within the development boundary of Tower and maintain the City Hinterland between Tower and Blarney and Kerry Pike respectively.

Chapter 11, Sections 11.219 to 11.221 'Development Adjoining Watercourse Corridors)

Development proposals should protect watercourses in accordance with Inland Fisheries Ireland's "Planning for Watercourses in the Urban Area" including the protection of riparian sections of rivers and streams, where possible, as set out below. Existing development will be taken into account.

- 1. Protection of the streamside zone, (within 15m of riverbanks);*
- 2. Utilisation of outer riparian buffer zone (>8m) for treatment and reduction of stormflow runoff;*
- 3. Minimal disturbance of the corridor 15-30m from the river;*
- 4. Explore opportunities for river corridors for access and use as local amenity; and*
- 5. Encourage riparian buffer strips on agricultural land*

Chapter 11, Sections 11.71 & 11.72 Residential Density

Developing Cork City as a compact city will require housing to be built at higher densities utilising different models of development. Most of the new development in Cork City and the Urban Towns will be built at a "gentle density" of 40-70dph and a scale of 2-4 storeys.

Density targets and prevailing character will be the key measures in determining site-specific density.

Table 11.2 (Cork City Density and Building Height Standards) outlines a lower target of 40 dwellings per hectare and a higher target of 60 dwellings per hectare for outer suburbs.

Chapter 11, Objective 11.2 - Dwelling Size Mix

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 (Urban Towns and Hinterland Villages Dwelling Size Mix for Housing Developments) outlines the following requirements regarding dwelling size mix:

	Min	Max	Target
Studios/PBSA (at LRT Stops/Urban Centres Only)	0%	5%	0%
1 Bedroom	15%	25%	21%
2 Bedroom	30%	40%	34%
3 Bedroom	25%	35%	30%
4 Bedroom/Larger	10%	20%	15%

Chapter 11, Section 11.112 Public Open Space in Housing Developments

Public open space for residential developments will normally be required as per Table 11.11, apart from in exceptional circumstances.

Table 11.11 (Residential Public Open Space Provision) outlines a requirement of 15% for Greenfield Sites / Areas for which a local area plan is appropriate and a general requirement of 10%.

Chapter 11, Sections 11.220 & 11.221 Development Adjoining Watercourse Corridors

Development proposals should incorporate an appropriately-sized buffer zone to maintain natural fluvial processes and to protect the water environment.

Development proposals should protect watercourses in accordance with Inland Fisheries Ireland's "Planning for Watercourses in the Urban Area" including the protection of riparian sections of rivers and streams, where possible, as set out below.

Protection of the streamside zone, (within 15m of riverbanks);

Utilisation of outer riparian buffer zone (>8m) for treatment and reduction of stormflow runoff;

Minimal disturbance of the corridor 15-30m from the river;

Explore opportunities for river corridors for access and use as local amenity; and

Encourage riparian buffer strips on agricultural land.

Chapter 11, Section 11.263 Flood Risk Assessment and Land Use Zoning

Land use zoning objectives provided by this Plan are subject to the following conditions:

Undeveloped land in Flood Zone A that is the subject of any zoning objective are only zoned for and shall only be developed for water compatible uses as identified in the Guidelines.

Undeveloped land in Flood Zone B that is the subject of any zoning objective are only zoned for and shall only be developed for water compatible or less vulnerable uses as identified in the Guidelines.

With respect to lands that have already been developed in Flood Zone A or B the potential conflict (between zoning and highly or less vulnerable development in Flood Zone A and between zoning and highly vulnerable development in Flood Zone B) will be avoided by applying the following zoning approach, subject to the exception areas set out in (iii).

Chapter 11, Car Parking¹

A car parking rate of 1.25 spaces per 1 and 2 bedroom residential unit and 2.25 spaces per 3-3+ residential unit is specified for sites located within Parking Zone 3.

Section 12.22, Land Uses and Flooding

Proposals shall only be considered favourably where it is demonstrated to the satisfaction of Cork City Council that they would not have adverse impacts or impede access to a watercourse, flood-plain or flood protection and management facilities, or increase the risk of flooding to other locations and be in accordance with the proper planning and sustainable development of the area.

The nature and design of structural and non-structural flood risk management measures required for development in such areas will also be required to be demonstrated, to ensure that flood hazard and risk will not be increased. Measures proposed will follow best practice in the management of health and safety for users and residents of the development.

Strategic Flood Risk Assessment for the Cork City Development Plan 2022-2028

¹ 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.

The Strategic Flood Risk Assessment for the Cork City Development Plan 2022-2028 places the subject site (more specially the southernmost part and the area adjacent to the eastern boundary) within Flood Zone A.

Section 10.293 Retail and Ancillary Services states that Tower does not require additional retail floorspace during the Plan period and that the existing shopping centre and the nearby Cloghroe village centre will continue to be the principal location for future retail development and that it will continue to be limited to small scale convenience uses.

Section 11.221 states that development proposals should protect watercourses in accordance with Inland Fisheries Ireland's "Planning for Watercourses in the Urban Area" including the protection of riparian sections of rivers and streams, where possible, as set out.

Objective 11.4 'Daylight Sunlight and Overshadowing' of the Cork City Development Plan 2022-2028 states that *inter alia* planning applications should be supported by a daylight and sunlight design strategy, and that Daylight, Sunlight and Overshadowing (DSO) assessment, utilising best practice tools, should be scoped and agreed with the Planning Authority prior to application. Section 11.96 of the Development Plan states that *inter alia* development should be guided by the principles of 'Site Layout Planning for Daylight and Sunlight, A guide to good practice' (BRE, 2011) and any updated guidance. A daylight analysis will be required for all proposed developments of more than 50 units and in relation to smaller applications where there are impacts on habitable rooms and the nature of the impact is not clear

Other Relevant Policies objectives of the plan include the following: -

- SO 1: Compact Liveable Growth
- SO 2: Delivering Homes and Communities
- SO 3: Transport and Mobility
- Objective 7.27 Strategic Retail
- Objective 7.31 Neighbourhood and Local Centres
- Objective 11.1: Sustainable Residential Development
- Objective 11.2: Dwelling Size and Mix

- Objective 11.3: Housing Quality and Standards
- Objective 11.4: Daylight, Sunlight and Overshadowing (DSO)
- Objective 11.5: Private Amenity Space for Houses

Core Strategy

- The Core Strategy is set out in Chapter 2.
- SO 1: Compact Liveable Growth
- SO 2: Delivering Homes and Communities
- SO 3: Transport and Mobility
- SO 4: Climate and Environment
- SO 5: Green & Blue Infrastructure, Open Space and Biodiversity
- SO 8: Environmental Infrastructure
- SO 9: Placemaking and Managing Development
- Objective 2.10 'The 15 - Minute City'
- Objective 2.14 'Walkable Neighbourhoods'

Delivering Homes & Communities

- Objective 3.4 'Compact Growth'
- Objective 3.5 'Residential Density'
- Objective 3.6 'Housing Mix'

Transport and Mobility

- Objective 4.5 'Permeability'

Economy and Employment

- 7.92 Small local shops such as corner shops selling convenience goods are generally located in residential areas serving the daily needs of nearby residents and are of such a small scale that does not merit inclusion in the Retail Hierarchy. It is recognised that these shops can play an important role in urban or village life, however any new proposals should be of a size and scale which would not be detrimental to the health of nearby centres defined

within the retail hierarchy and should not have a negative impact on residential amenity. Guidance on petrol filling station shops is included in Chapter 11 Placemaking and Managing Development.

Placemaking & Managing Development

- Strategic Objective 9 ‘Placemaking and Managing Development’
- Chapter 11
- Objective 11.1 ‘Sustainable Residential Development’
- 11.66 When assessing proposals for residential developments a broad range of issues will be assessed..

Objective 11.2 ‘Dwelling Size Mix’

- Where a clear justification can be provided on the basis of market evidence that demand / need for a specific dwelling size is lower than the target then flexibility will be provided according to the ranges specified.
- Objective 11.3 Housing Quality and Standards
- 11.89 The minimum size of habitable rooms for houses and apartments / flats shall conform with appropriate National guidelines or standards in operation at the date of application for planning permission, including the minimum dimensions as set out in ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’ (2018), and ‘Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes Sustaining Communities’ (2007).

Objective 11.4 ‘Daylight Sunlight and Overshadowing (DSO)’

- 11.100 Privacy and overlooking are important for quality of life. Levels of privacy will gradually diminish as urban densities increase above 25 dph. This will be taken into account in assessing planning applications.
- 11.101 Traditionally a minimum separation distance of 22m between the rear elevations of buildings was required to provide sufficient privacy and avoid over looking of back gardens. This rule - of – thumb was derived from the Parker Morris Standards of 1919 and was intended to provide adequate privacy for people to enjoy their back gardens. Best practice has since

evolved, and lesser separation distances are often appropriate, particularly in an urban context, subject to design solutions and site - specific context. All development proposals will be required to demonstrate that they have been designed to avoid overlooking.

- 11.103 Proposals for apartment developments and those over three storeys high, shall provide for acceptable separation distances between blocks to avoid negative effects.
- 11.104 Overbearance
- 11.105 Overlooking may be overcome by a multitude of design tools , such as:
 1. Building configurations (bulk and massing);
 2. Elevational design / window placement;
 3. Using oblique windows;
 4. Using architectural features;
 5. Landscape and boundary treatments.
- Objective 11.5 ‘Private Amenity Space for Houses’
- Table 11.11: Residential Public Open Space Provision.
- Area Public Open Space Provision
- Greenfield Sites / Areas for which a local area plan is appropriate 15%
- General Provision 10%
- 11.113 Qualitative criteria relating to the provision of public open space are set out in Chapter 6: Green and Blue Infrastructure, Open Space and Biodiversity and the Sustainable Residential Development Guidelines 2009 and the Urban Design Manual 2009. Public open space is intended to be usable as well as provide visual amenity and biodiversity value, and will normally be required in addition to land required for landscape reasons, such as woodland, habitats, tree belts, floodplains, etc.

Transport/DMURS

- 11.226 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).
- 11.229 Applications for proposed new residential, commercial, mixed use, industrial and educational developments shall be accompanied by a Traffic and Transport Assessment (TTA) to be prepared in accordance with the TII Traffic and Transport Assessment Guidelines, 2014.
- Car parking standards for both residential and non - residential developments are set out in Table 11.13. These standards are maximums in order to constrain car trip generation and promote patronage of active travel and public transport.
- 11.245 Bicycle parking facilities shall comply with the standards set out in Table 11.14

Childcare Facilities

- 11.162 Childcare is an essential part of sustainable communities.
- 11.163 Purpose - built childcare facilities will generally be required as part of proposals for new residential developments of more than 75 dwelling units.
- 11.166 Childcare facilities in new residential developments or as part of new or extended employment facilities should be provided at ground floor level in purpose built, preferably standalone buildings.

Climate Resilience

- 12.20 Development proposals in every zone must consider climate resilience from the design to implementation stages.

Land Uses and Flooding

Sustainable Community and Neighbourhood Development

2.24 Development proposals in every zone must consider how they contribute to the development of sustainable communities and neighbourhoods, with larger development proposals providing community uses or facilities commensurate with the scale of the development and the neighbourhood. Chapter 11 Placemaking and Managing Development provides further detail and development guidance.

Public Transport

- CMATS proposes both a Core and Orbital bus network as part of BusConnects (see Chapter 4 Transport and Mobility).

6.2. **Regional Policy**

Regional Spatial and Economic Strategy for the Southern Region, 2020

The Regional Spatial and Economic Strategy (RSES) for the Southern Region provides for the development of nine counties (Cork, Clare, Kerry, Limerick, Tipperary, Waterford Carlow, Kilkenny and Wexford) including the Cork City area, and supports the implementation of the National Development Plan (NDP). Cork City and suburbs is the largest settlement in the Region with a population of over 208,000. Cork City is one of three cities categorised as Metropolitan Areas.

One of the Guiding Principles outlined in the Cork MASP is to ‘promote consolidation of Cork City and suburbs, refocus on the development of brownfield and infill lands to achieve a target of a minimum 50% of all new homes within the existing built up footprint in Cork and 30% in other metropolitan settlements’.

The site is located with the ‘Cork Metropolitan Area Strategic Plan’ area (Map 1 of the Cork Metropolitan Area Strategic Plan. The RESE incorporates Metropolitan Area Strategic Plans (MASP) to ensure coordination between local authority plans. A key component of the RSES is building partnerships and a collaborative approach between the cities and metropolitan areas to realise combined strengths and potential, and to support their development as a viable alternative to Dublin.

RPO 10 : Compact Growth in the Metropolitan Area: To achieve compact growth, the RSES seeks to:

- a. Prioritise housing and employment development in locations within and contiguous to existing city footprints where it can be served by public transport, walking and cycling.
- b. Identify strategic initiatives in Local Authority Core Strategies for the MASP areas, which will achieve the compact growth targets on brownfield and infill sites at a minimum and achieve the growth targets identified in each MASP...

Cork Metropolitan Area Transport Strategy (CMATS) 2040

Provides a framework to deliver an accessible integrated transport network.

Measures proposed include Bus Connects Cork, Cork Light Rail and Cork Cycle Network Plan.

6.3. National Policy

Delivering Homes, Building Communities 2025-2030 An Action Plan on Housing Supply and Targeting Homelessness (November 2025)

Aims to deliver 300,000 homes by the end of 2030.

Reaching the housing 300,000 target will only be achieved through the individual and collective effort of the key delivery partners. Local authorities, together with Approved Housing Bodies (AHBs), the Land Development Agency (LDA) and the construction sector, will be critical to delivering and enabling the delivery of the quantum of homes needed over the lifetime of the plan. Central government will provide the policy, regulatory and funding frameworks to support housing delivery.

The Plan is built around two pillars Activating Supply and Supporting People, with four key priorities under each pillar.

Pillar 1 - Activating Supply focuses on activating the supply of 300,000 homes. This will be achieved through activating more land, providing more housing-related infrastructure, securing more development finance for home building, addressing viability challenges particularly those seen in apartment delivery, increasing the adoption of Modern Methods of Construction, increasing the skills in the residential construction sector and working toward ending dereliction and vacancy.

Pillar 2 - Supporting People sets out a series of key actions that work towards ending homelessness, support affordability and address the housing needs of people as they progress through life. In partnership with local authorities, the LDA and AHBs, the Plan will address the needs of the most vulnerable in our communities, make buying and renting homes more affordable and support the development of villages, towns and cities across the country.

National Planning Framework First Revision (April 2025)

The National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of our country out to the year 2040. This Framework is revised and updated to take account of changes that have occurred since the publication of the National Planning Framework in 2018 and to build on the framework that is in place.

Section 6.6 sets out that there is a projected total requirement to accommodate approximately 50,000 additional households per annum to 2040.

Several national policy objectives (NPOs) are applicable to the proposed development, a new residential scheme within Cork City and suburbs. These include NPO 4, NPO 7, NPO 8, NPO 11, NPO 16, NPO 42, NPO 43 which support the provision of new homes and targeted population growth in Cork City and suburbs, subject to *inter alia* sufficient environmental capacity, and NPO 22, NPO 37, NPO 45, NPO 78, NPO 79, NPO 85 and NPO 87 which seek the delivery of well-designed urban schemes that incorporate sustainable modes of transport and water management systems, whilst protecting local biodiversity and the environment.

National Biodiversity Action Plan 2023-2030

The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Commission, as a public body, to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Commission. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, Environmental Impact Assessment Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable.

Climate Action Plan, 2025 [CAP25]

It is noted within CAP25 that Key targets to further reduce transport emissions include a 20% reduction in total vehicle kilometres travelled relative to business-as-usual, a 50% reduction in fuel usage, and significant increases to sustainable transport trips and modal share.

In relation to buildings, it is noted that operational emissions in the built environment sector have decreased by 21% since 2018, and achievement of the first sectoral emissions ceilings is within reach. In 2025 it is proposed to transpose the Energy Performance of Buildings Directive, publish a roadmap to phase out fossil fuel boilers, and increase the numbers of building energy rating (BER) assessors, One-Stop-Shops, and Sustainable Energy Communities.

It is stated within the Plan that, CAP25 is to be read in conjunction with CAP24, and as such I have set out a summary of same below.

Climate Action Plan, 2024. [CAP24]

Implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.

6.4. Section 28 - Ministerial Guidelines

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2023 ²
- Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities, 2024.³
- Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines - Quality Housing for Sustainable Communities.

² Given that the application was remitted back to An Coimisiún Pleanála on 15th May 2024 (having originally been lodged with An Coimisiún Pleanála on 1st February 2022), the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (July 2023) apply.

³ These Guidelines post-date the submission of the SHD application, but were in place at the time the SHD was remitted back to An Coimisiún Pleanála.

- Urban Development and Building Heights Guidelines, 2018
- Design Manual for Urban Roads and Streets, 2013
- The Planning System and Flood Risk Management Guidelines, 2008
- Guidelines for Planning Authorities: Retail Planning, 2012
- Childcare Facilities, Guidelines for Planning Authorities (2001).
- Retail Planning Guidelines for Planning Authorities (2012)

6.5. **Applicants Statement of Consistency**

The applicant has submitted a Statement of Consistency (as part of the Planning Report) as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of section 28 guidelines in place at the time of submission, and how the proposal is consistent of with the now expired Cork County Development Plan 2014 and the Blarney Macroom Municipal District Local Area Plan 2017.

6.6. **Material Contravention Statement**

The applicant submitted a Material Contravention Statement. It is stated therein that the proposed development materially contravenes the Cork County Development Plan 2014 with regard to density and car parking standards.

Density: The proposed scheme has a density of 35 units per ha. This is in excess of the Medium B density (12-25 units per ha) indicated for small towns in Table 3.1.

Car Parking: The proposed car parking provision (397 no. spaces) is below the standard of 2 no. spaces per residential unit set out in Table 1a of Appendix D.

The Cork County Development Plan 2014 was superseded by the Cork County Development Plan 2022 – 2028 in August 2022 and, therefore, I note that these objectives and standards no longer apply. I also note that the subject site is now located within the administrative boundary of Cork City Council. The Cork City Development Plan 2022-2028 was adopted in August 2022. The applicant's material contravention statement does not address any potential contraventions of the new city plan.

The applicants material contravention statement also considered that the proposed development would be a material contravention of Objective GO-01 and Table 4.1 of the now expired Blarney Macroom Local Area Plan 2017 which outlines that the normal recommended scale of any individual scheme in Tower during the lifetime of the plan is 40 no. units and the total number of units within the settlement within the lifetime of the plan is 182 no. Section 1.13 of the Cork City Development Plan 2022-2028 clarifies that the new development plan supersedes the existing LAP's that relate to the Cork County Council Municipal area. Therefore, these objectives and standards are no longer relevant.

7.0 Third Party Submissions

- 7.1.1. 37 no. Third Party Submissions were received. I would note that these submissions were lodged at the time of the original application and refer to the now expired Blarney Macroom Local Area Plan 2017 and now expired Cork County Development Plan 2014.

Principle of Development

- Local Area Plan sets out a growth of 182 no. units has already been used up.
- Material contravention of the LAP.
- Tower has already met/exceed development target of 182 units.
- Exceeds maximum size of development of 40 units.
- Density exceed Development Plan requirement of 12-25 units/ha (Plan Objective HOU 4-1).
- Comments from the OPR on the draft City Plan should be noted – less accessible location /zoning of land.
- Zoning is non-sequential – inconsistent with NPO72c – lands that cannot be serviced within the life of the Plan should not be zoned.
- Site is not in Cloghroe.
- Adjacent site has been refused permission twice.
- Has exceeded Max growth for the Cloghroe.

- Original zoning was for housing only.

Design (density, scale, height, open space, visual impact)

- Scale and intensity of the proposed development.
- Not in keeping with surrounding developments.
- Leave out the retail side/replace with town houses, semi-detached and detached dwellings.
- Proposed height will be overbearing.
- Visual impact.
- Proposal for a major discount supermarket is a material contravention of the Local Area Plan – Board cannot grant an SHD that material contravenes the Development Plan as relates to the zoning of the land.
- Density – Development Plan recommends minimum 'B' Density of 12-25 Units per Hectare for the site.
- Impact of 3 storey blocks.
- Useability of open spaces
- Application is too large and too dense
- Development should be reduced in size.
- Removal or Redesign of the apartment blocks
- Proposed mix is not in line with the current Cork City Plan (2015-2021) – no of one bed apartments in the development exceeds the 20% maximum/no. of 3/3+beds is less than the minimum 50% set out in the Cork City Plan.
- Would represent a 26% increase in population.
- High density is out of character.
- Inclusion of apartment will lead to transient residents.
- Number of units too high.
- No need for the pedestrian route to the north-east/will impact on privacy/security issues.

Residential Amenity

- Impact on privacy/overlooking.
- Impact on residential amenity.
- Impact from the commercial area /noise.
- Will be located above ground levels of adjacent gardens.

Ecology

- Reeds and Silver Birch Trees are synonymous with wetlands in Ireland.
- A total of 12 mature birch trees on the boundary of the site.
- Impact on ecology.
- Impact on frogs.
- Impact on biodiversity.
- Impacts on biodiversity/impacts on bats – removal of willows and sycamores located in the wet area to the east of the site /light pollution.
- Impact of removal on hydrology.
- Trees should be retained if development is approved.
- Impact on biodiversity.
- Impacts on Bats and Red Squirrels.
- Impact on wildlife corridors.
- Proposed replacement trees may not survive.
- Hedging to be retained on western boundary is within observer's property.

Retail

- Retail element not required A walking loop would be more beneficial.
- Sufficient retail provision in the area already.
- Café is not viable.
- Not in compliance with the Retail Planning Guidelines/Scale of the retail is excessive.

- Application has not justified the retail element.
- Using SHD process to deliver a commercial development.
- Unclear if retail is needed.
- Commercial unit is unnecessary.
- Land used for supermarket could be better used as a sports pitch.

Social/Physical Infrastructure

- Playing field for the children.
- Inadequate play facilities.
- Lack of play facilities in the area.
- School is at max capacity.
- Insufficient facilities for young people.
- Will put additional pressures on existing infrastructure.
- Insufficient local facilities.
- Deficiencies in the local footpath and walking infrastructure.
- Poor reliability of water supply.
- Objective 10.70 of the draft plan – relates to school capacity.
- No capacity in local GP surgery.
- Clubs in the area are oversubscribed.
- All weather pitch referred to in the EIAR is not open for public access.

Traffic and Transport

- Safety issues in relation to the 5m wide internal road.
- No on road visitor parking.
- Cannot have parking in front of townhouses.
- Opportunity to increase the width of the road to allow for more visitor parking.
- Safety issues at the current school.

- Traffic noise and pollution.
- Night time commercial deliveries.
- Existing traffic congestion.
- Lane is unsuitable for additional traffic.
- Will increase traffic congestion.
- Traffic congestion.
- Insufficient car parking provision – below the minimum of 2 spaces per house/1.25 per apartment.
- Bus serving Cloghroe only has a frequency of every 30 minutes.
- Bus service is not reliable or frequent.
- Road inclines are steep.
- Impact of Covid 19 on traffic count.
- Impact of importing and exporting of material.
- Application suggests that the R579/R617 junction will reach capacity in 2024.
- Increased traffic levels due to the resumption of quarry works, schools, tourist traffic and other.
- Road safety issues in relation to access onto the R617 from Upper woodlands and also from Fairways Estate.
- Does not meet car parking space requirements.
- Predicted modal shift of 20% is ambitious.
- Insufficient cycle facilities/cycle land is limited in length.
- Impact of road closures/congestion.
- Proposal will be car dependent.
- Road safety issues in relation to parking near the school.
- Traffic growth model does not state if proposed development beside this site was considered.

- Traffic levels in the afternoon are not considered in the TTA.
- Premature pending determination of LRT route.
- Should omit access to Kiely's Lane.
- Impact on air quality as a result of additional traffic.
- Request that pedestrian route be removed from the plan on safety grounds.
- Access lane is dimly lit and narrow – contravenes 16.17 of the Cork City Plan.
- Lack of footpath – does not meet the R617.
- R579 Road is closed several times a year due to flooding.
- Object to the provision of a pedestrian access and right of way.
- Applicant has no jurisdiction to open up the lane to pedestrian traffic – it is not in Council ownership.
- No justification for the lane – will result in road safety issues/crossing of the R617 road.
- Will become a short-cut for people to access the proposed off-licence in the retail outlet.
- Lane is still used to access farmland.
- ABP should omit this access.
- Cumulative impact with agricultural traffic.
- Footpath along the R579 and R617 is not safe.
- Cul-de-sac is too narrow for two cars.
- Footpaths do not extend to the R617.
- There is no lighting on the footpath.
- Safety issues in relation to the use of the cul-de-sac.

Flood Risk/Drainage/Wastewater/Water Quality

- Flooding impacts.
- Flooding issues.

- Drainage plans may cause subsidence.
- Flooding issues.
- Water levels will damage access bridge to the farm.
- Impact on flood risk downstream.
- Ownenageragh River meets the Shouragh River 500-600m beyond the N617/R579 junction/exacerbates flooding issues.
- Site is a wetland and marsh ground which holds water during the wet season/reduces flow to the river/removal will increase flood risk.
- Insufficient rainwater storage.
- Impact of waste/drainage issues.
- Existing flooding in Senandale.
- FRA does not highlight Pluvial flooding.
- Photographs of flooding included.
- Will increase flood risk.
- Annual flooding on the site.
- Flooding in the area.
- Insufficient flood mitigation.
- Flooding issues.
- Coolfluch is an anglicisation of Chuil Fluich – meaning wet corner, wet patch.
- Section of land is very wet and boggy for most of the year.
- Basic principle is not to build on flood plains.
- Flood plain is to be replaced with stormwater storage under the retail car park.
- No detailed calculations accompany the Engineering Design Report.
- Proposals will lead to new flooding from the existing storm sewers.
- Will increase flood risk.

- Attenuation tanks for Areas 4&5 will not function during a flood as they cannot discharge – will overflow.
- Inconsistencies in drawings related to pipe sizes/design flow velocities are too fast.
- No attempt to assess capacity of storm sewer to accept the flows/pipe remains with Local Authority, does not fall under Uisce Éireann.
- ABP refused permission for 307785-20 (73 houses) refused on flooding grounds.
- A Site Specific Flood Risk Assessment is needed. This has not been carried out.
- Model has underestimated the extent and level of flooding in the applicant's lands.
- Modelling of flood waters is not correct.
- Gullies are blocked due to lack of maintenance.
- PA have raised concerns in relation to drainage, surface water floor risk/traffic.
- Building of two no, housing estates has generated regular flood events/area previously comprised of a large flood plain.
- Joint approach to flood issues on this and neighboring site would be desirable.
- This site is one of the few remaining areas of the original floodplain.
- Previous refusals on site relating to flood risk.
- Must address LAP policy on flooding.
- ABP would be liable for flood damage.
- Maintenance of surface water infrastructure.
- Clogroe School were refused permission for a new car park due to flooding issues.
- Flooding/Chapter 8 – Maintenance of the underground tanks/build up of silt.
- Impacts of Inniscarra Dam release on flood levels.
- Maintenance of culverts along the Owennagearagh River.
- Wastewater – Blarney WWTP is exceeding allowable discharge limits.

- Ecological status of the Shournagh River has dropped in recent years – Objective 9.5 of the Draft City Development Plan is of relevance.
- Attenuation tanks will not capture all the rain.
- Impact on the flood plain.
- Should be located nearer to the centre of Tower away from flood zone.
- Existing pump station is inadequate.
- Impacts of climate change on flooding.
- Impact on existing septic tank.
- Continuation tanks are in the back gardens of proposed row of houses to the south of property.
- Boundary wall should be constructed along the full length of property.
- Holding tanks may be insufficient to hold the required volume of water.
- Own lands that are current subject to a planning application (21/40620).
- Have developed a proposal with Cork City Council and OPW to design flood mitigation works along R579 and at the T junction with the R617.
- There will be an increase in water levels on lands to the west as stated in the application documents.
- This will pass through a proposed culvert on the R579 to be installed by the observers/SHD is premature pending the completion of the flood mitigation works.
- Should be a condition to required a pedestrian access to the boundary of lands to the west to the retail area.
- Proposal results in an increased flood risk on lands to the west/as such the proposal fails the Development Management Justification Test.
- Flooding of existing Senandale estate.
- Raising levels on this site will result in further flooding of Senandale.

EIA

- EIAR does not define significance., or duration or magnitude of an impact for several topics of the EAIR – will hinder the Board’s ability to prepare an informed decision on the development.
- No views from nearest houses set out in EIAR.
- No PV panels shown on the houses/no glare assessment.
- Does not address parking or emergency access.
- EIAR fails to address cumulative effects – development to the west and other developments – Flooding, traffic, schools, wastewater.
- Other developments not considered i.e. 2 housing estates on the Old Kerry Road.
- Air and Climate – Fail to detail embodied carbon.
- No public consultation carried out.
- Schedule 7a information has not been submitted.

Other Issues

- Risk of anti-social behaviour.
- Impact of other construction projects.
- Scale of development has increased from the pre-application stage (308980).
- Cumulative effects of development.
- Conflict with the Climate Action Plan (2021)/NSO 3 of the NPF.
- No indication of other future development adjacent to the site.
- Cumulative impacts of this and adjacent development.

8.0 Planning Authority Submission

- 8.1. The Chief Executive’s Report (“The CE Report”), in accordance with the requirements of Section 8(5)(a) of the Act 2016, was received by An Bord Pleanála on the 28th March 2022. I would note that the CE Report was written having regard to the now expired Blarney Macroom Local Area Plan 2017 and now expired Cork County Development Plan 2014, which were the relevant plans in place at the time. The report includes a summary the proposed development, relevant planning history,

third-party submissions and prescribed bodies. The views of the elected members at a meeting held on the 22nd March 2022 are summarised as follows:

- Little demand for apartments
- In similar developments, they have been subject to a change of use, or sold to an AHB for social housing
- Flood Risk
- Need for a childcare assessment, to determine the need for a creche

The key planning considerations of the Chief Executive's report are summarised below.

Site Zoning/Principle of Development

- Site is zoned as 'Existing Built Up Area'
- Notes objective DB-01 of the Blarney Macroom Municipal District LAP 2017 – allows for up to 182 units during the plan period
- Notes that the total number of units permitted since the adoption of the LAP is 201, with a further 89 at Further Information Stage
- Was considered that National Policy took precedence of local policy
- Make reference to NPR and RSES/Having regard to same, proposal for 198 no. dwelling units is acceptable in principle
- Broadly in compliance with Planning Policy for Tower
- Reference is made to Table 4.1 of the LAP – Normal recommended scale of any individual scheme within tower is 40 units.
- Proposed scheme may be considered to materially contravene the County Development Plan and the LAP
- Permission could be granted under Section 37(2) of the Planning and Development Act, 2000 (as amended)
- Calculate the proposed density at 35 units/ha – does not include the 2 no. apartments located over the proposed café building.
- Reference is made to Objective HOU 4-1 of the Cork County Development Plan (previous plan) – density of between 12-25 would normally be acceptable.
- Refers to a higher density allowable in certain areas/circumstances

- Refers to the Sustainable Residential in Urban Areas (May 2009) – Edge of Town Sites – 20-35 dwellings per hectare appropriate
- Density considered appropriate.
- May be considered a material contravention of the County Development Plan.
- Permission could be granted under Section 37(2) of the Planning and Development Act, 2000 (as amended)

Scale, Height and Visual Impact

- Height and scale of the proposed development is considered to generally accord with the location and the surrounding buildings.
- Located within the development boundary of Tower.
- Considered to respect the character of the key village location
- Given the location of the 3 storey buildings, and the topography of the site, not considered that these buildings would appear out of character
- Visual impact of the development considered acceptable.

Impact on Residential Amenity

- Not considered proposed development would have an impact on a large number of dwellings.
- Will have a considerable impact on the outlook of the single, one-off dwelling to the east of the development site.
- Will not result in overshadowing or loss of light to any adjacent dwellings.
- May be some impacts on the outlook of the existing dwellings located to the north of the proposed development – considered to be minor.

Design

- Reference to policies of the Development Plan
- Reference made to report of the City Architect – scheme is acceptable in architectural and urban design terms.
- Recommends amendments to roof pitches on Duplex Blocks 1 to 5, and on Apartment Block 6

Residential Development Standards

- Noted that all units meet or exceed minimum standards (with regards the applicable standards in place at the time of writing of the CE report).

- The 3 no. distinct character areas are a well-designed approach.
- Layout of the residential units is considered to be generally acceptable.
- Mix of units types acceptable/accords generally for a mix of units as set out in the Cork County Development Plan.

Ecology/Landscaping

- Reference is made to the relevant policy and report of the Senior Parks and Landscape Officer.
- Notes the proposed development provides for 16% of usable open space.

Retail/Commercial

- Positioning of this element is considered acceptable given its proximity to the existing local services across the road and combined, will form a defined urban entrance to the village.
- Refers to the report of the Planning Policy section issued at opinion stage in which it is stated that the proposed retail provision is premature pending the Joint Retail Strategy for Metropolitan Cork.

Connectivity, Access and Traffic and Transportation

- Refers to the report of the Area Engineer, Roads Design (Planning) and Traffic Operations [see also summary of same below]
- Condition required in relation to stopping sight distances/visibility.
- Condition required in relation to public realm works/footpath provision/traffic calming.
- Notes that parking for the residential is below the max requirement. A justification has been provided for this and is acceptable.
- Condition required in relation to bike parking/Stage 2/3/4 Road Safety Audits
- Short terms works to the junction of R617/579 to preserve the capacity of same should be carried out.

Services/Waste

- Refers to internal reports [see summary of same below]

Wastewater

- Refers to report of Senior Executive Engineer [see also summary of same below]/Refers to IW COF and Statement of Design Acceptance

Stormwater Drainage/SuDS

- Refers to Drainage Report [see also summary of same below] – notes that studies indicate that the site is only at risk of flooding from the Dromin Stream and not the Owennageararagh River.
- Minimum buffer zone required.
- Flooding to the properties to the north of Senandale will be mitigated
- Provision of compensatory flood storage.
- Negligible impact on adjacent lands
- FFLs are acceptable.
- Should coordinate works with adjacent site.
- Conditions recommended.
- Impacts on the Dromin Stream – Not in accordance with IFI guidelines.
- No cross sections submitted showing how proposed development is to interact with this watercourse.
- Stream is significantly encroached upon by the proposed development at several points along its length.
- Hostile and unusable relationship between the stream and the development.
- Storm chamber cover likely to be a source for casual disposal of refuse.
- Draft Plan requires 15m buffer.
- Additional cross sections required to show impact on the stream.
- Topsoil stripping near the stream not in line with IFI guidelines.
- Notes IFI concerns in relation to Dromin Stream (as expressed in a submission on adjacent site to the west 21/40620) – trout bearing water.

Childcare Facility

- Provision of a 42 place creche is acceptable.

Conclusions

The proposed development accords with the zoning objectives for the site and, generally, accords with the general strategic development objectives of the Cork County Development Plan 2014, Blarney-Macroom Municipal District LAP, and national planning guidance and is acceptable in principle.

The development will make a significant contribution to addressing the housing shortage in the city. The proposed development will result in more sustainable residential densities. The design, form and layout of the proposed development is considered positive and is in accordance with the density guidance and objectives as set out in the County Development Plan and National planning guidelines.

The proposed development is not considered to be in accordance with the Inland Fisheries Ireland (IFI) guidance document entitled 'Planning for Watercourses in the Urban Environment'.

The Planning authority noted the following concerns: -

The roof design of some of the Apartment/Duplex blocks should be re-designed to have an architectural consistency within the residential element of this scheme.

The proposed development should be revised to accord with same, in particular seeking a minimum buffer zone of 15m between the stream channel edge, and any roadways / car parking areas / flood storage areas etc.

The retail element is considered premature pending the publication of the Joint Retail Strategy for Metropolitan Cork and adoption of the Cork City Development Plan 2022-2028.

There are several mature trees on the site and it would be important that as many as possible of these are retained, treated and supported.

The principle of the proposed development generally corresponds to the pattern of previously permitted developments within the area. The planning authority is satisfied that the proposed development accords with the relevant land-use zoning objectives and, generally, accords with the general strategic development objectives of the County Development Plan 2014.

It is recommended that permission be granted subject to 45 no. conditions.

8.1.1. Internal Reports are included in Appendix B and summarised below.

Traffic Regulation and Safety

- Traffic calming/safety measures are welcomed.
- Notes that parking for some elements of the residential is below the max requirement/justification has provided and is acceptable.

- Cycle parking should be in line with the Sustainable Urban Housing Guidelines for new apartments where an apartment does not have access to a ground floor private garden.
- Note modal shift of +15%/seems high given limited transport plans for area/however national target is 45%.
- Short terms works to the junction of the R617/R579 are required to preserve the capacity of same (noting results of the TTA +5 scenario).
- Conditions recommended.

Drainage

- No specific comments in relation to the EIAR/comments made on appendices
- Notes that an Irish Water Confirmation of Feasibility and Statement of Design Acceptance have been included in the Engineering Report (Appendix A and B to Eng Report, respectively).
- Storm Water – Impacts on existing sewer, or the existing outfall, have not been assessed.
- Infiltration options are limited due to nature of site/applicant has proposed attenuation
- No clear explanation of how the system can be made watertight (i.e. from groundwater infiltration that may reduce its capacity)/Condition recommended.
- Collection of storm water and direction of same to the existing storm sewer to the east (R617) should lead to a reduction in surface water run off to the stream/potential to reduce flood risk to downstream properties
- No details of existing public sewer provided/condition recommended in relation to same (i.e. condition and capacity assessment)
- Conditions recommended in relation to stormwater.

Flooding

- Based on the hydraulic modelling carried out by Irish HydroData, it is apparent that the site is at risk of flooding from the Dromin Stream.
Noted that, while development on, or loss of flood plain is to be avoided, there are extenuating circumstances at this location i.e. mitigation and flood protection that will be provided to Senandale and provision of additional flood storage/flood storage within biodiversity ponds

- Noted that lands to the west and south are subject of a separate planning process/Flood risk management proposals for that development would also mitigate the need for the flood plain in the south of the subject site/area of land affected by the development is not intended for development but is intended to be green space.
- Not grounds for failing the justification test nor is it ground for recommending refusal
- Acceptable freeboard has been provided
- Conditions recommended in relation to flooding
- Impacts on Dromin Stream
- Proposed development not in accordance with IFI Guidance (Planning for Watercourses in the Urban Environment)
- Impacts on the Dromin Stream – Not in accordance with IFI guidelines
- No cross sections submitted showing how proposed development is to interact with this watercourse
- Stream is significantly encroached upon by the proposed development at several points along its length
- Hostile and unusable relationship between the stream and the development
- Storm chamber cover likely to be a source for casual disposal of refuse
- Draft Plan requires 15m buffer/ guidance document on urban watercourses, and the specific buffer zones, is included under Section 11.219 of the Draft Cork City Development Plan 2022-2028
- A minimum set back of 15m has been recommended on previous developments (ref. planning file 21/40038)
- Additional cross sections required to show impact on the stream
- Topsoil stripping near the stream not in line with IFI guidelines
- Notes IFI concerns in relation to Dromin Stream (as expressed in a submission on adjacent site to the west 21/40620) – trout bearing water
- Likely that Inland Fisheries Ireland would wish to review and approve any proposed works likely to impact on the Dromin Stream, prior to commencement.

- Conditions recommended in relation to the concerns expressed above.

Environment Report

- Conditions recommended in relation to construction impacts, waste, noise, waste management and general environmental impacts.

Housing Directorate

- Lands to which the proposed development relates were purchased by the landholder between 1st September 2015 and 31st July 2021. 20% social and affordable Part V introduced by the Affordable Housing Act, 2021, does not apply in this instance.
- Part V is to be complied with through the transfer of 10% of the units onsite. It is noted that the applicant proposes to transfer 19 units under Part V from the proposed development.
- This proposal has been agreed in advance and in principle with the applicant/have no objection to same.
- Is subject to full review and evaluation should planning permission be granted.
- Condition recommended.

Urban Roads and Street Design

- Recommends that an independent Quality Audit shall be carried out at the developer's expense for the development in accordance with the Design Manual for Urban Roads & Streets (DMURS) Guidance and TII (Transport Infrastructure Ireland) standards.
- Conditions recommended.

Area Engineer

- Roads and Transportation
- Applicant shall ensure that 120m stopping sight distances are achieved to the nearside road edge in both directions of new junctions.
- Unclear if applicant has liaised with Cork City Council infrastructure department during the preplanning process/should be ensured that the works to public realm do not conflict with CMATS (Bus Connects).
- Applicant shall ensure that the minimum carriageway width of the R617 is 3.25m.

- Upgrades will be required to the public footpath on the opposite side of the road if works reduce the carriageway width to its minimum.
- No details of approach signage and traffic calming measures have been provided (in relation to the proposed pedestrian crossing).
- Conditions recommended.

Infrastructure Development

- Proposed development does not impact any infrastructure projects in the vicinity of the development site.
- Ties in with CMATS.
- No objection.

City Architect

- Proposed layout utilises the site in a rational manner by integrating the existing landscape within the proposed development and creating an 'entrance' to the village by means of a commercial development and consolidating the form of the village.
- Recommends amendments to roof pitches on Duplex Blocks 1 to 5, and on Apartment Block 6

Parks

- Open Space provision is satisfactory and well distributed within the site with easy access from all residential units.
- There is satisfactory provision for both active and passive play.
- No evidence of a SUDS policy.
- Conditions recommended.

9.0 Prescribed Bodies

9.1.1. The list of prescribed bodies, which the applicant was required to notify prior to making the SHD application was issued with the Section 6(7) Opinion and included the following:

- Irish Water (now Uisce Éireann)
- Transport Infrastructure Ireland

- National Transport Authority
- Cork City Council Childcare Committee

9.1.2. The applicant notified the relevant prescribed bodies listed in the Board's Section 6(7) opinion. The letters were sent on the 1st February 2022. A summary of the comments received are summarised below:

Uisce Éireann: (submission dated 28th February 2022) - In respect of Wastewater upgrade works are required at the Cloghroe Wastewater Pumping Station which will not require planning permission. Uisce Éireann does not currently have any plans to carry out the works required. The applicant will be required to provide a contribution of a relevant portion of the costs for the required upgrades as part of a connection agreement.

In respect of Water a new connection can be facilitated without infrastructure upgrade by Uisce Éireann.

Transport Infrastructure Ireland: (submission dated 11th February 2022) No observations to make.

No response was received from the National Transport Authority or Cork City Council Childcare Committee

10.0 **Assessment**

10.1.1. This assessment is divided into a Planning Assessment, an Appropriate Assessment Screening and an Environmental Impact Assessment. In each assessment, where necessary, I refer to the issues raised by Prescribed Bodies and third-party submissions on the application, together with the Chief Executive Report [hereinafter referred to as the 'CE Report'], in response to the application.

11.0 **Planning Assessment**

11.1.1. In assessing the application, I have had regard to all the documentation before me, including, *inter alia*, the report of the planning authority (the CE Report); the submissions received; the provisions of the Cork City Development Plan 2022-2028; relevant section 28 Ministerial guidelines; National Planning Framework (First Revision) and the provisions of the Planning Acts, as amended and associated

Regulation. I have visited the site and its environs. This planning assessment section addresses issues that are not addressed in the EIA, and it should be read in conjunction with both the EIA and AA sections. The main planning issues relating to this application (that are not dealt with in other sections of this report) are as follows:

- Principle of Development
- Retail Policy
- Housing Mix (New Issue)
- Residential Density (New Issue)
- Residential Standards/Amenities
- Design (including height, layout, landscaping, visual appearance)
- Impacts on Adjoining Residential Amenities
- Traffic and Transportation, including car parking (New Issue)
- Daylight/Sunlight/Overshadowing (New Issue)
- Social Infrastructure including school capacity (New Issue)
- Material Contraventions

11.1.2. I again highlight that An Bord Pleanála issued a ‘Split Decision’ for SHD Application ABP-312613-22 on 11th October 2022 for 198 no. residential units (117 no. houses, 81 no. apartments) and associated site works, at Coolflugh, Cloghroe, Tower, Co. Cork (this subject site). An Bord Pleanála’s decision was brought under Judicial Review and the decision was QUASHED on 15th day of May 2024 by High Court Order. The High Court ordered that the matter be REMITTED to An Bord Pleanála to be determined in accordance with law. I am the new Inspector assigned to the case and I am assessing the file de novo.

11.1.3. This current remitted application was received by An Coimisiún Pleanála on the 2nd July 2024. At the time of initial lodgement of the application to An Coimisiún Pleanála (ABP-312613-22) on 1st February 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 2022-2028. 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.

11.2. Principle of Development

CE Report Comments

- 11.2.1. For a detailed summary of comments from the CE, I refer the Commission to Section 8 of this report. However, I shall provide a brief summary here. In relation to the principle of development, the Planning Authority (PA) refer to the relevant plans in place at the time i.e. the now expired Blarney Macroom LAP 2017 and now superseded Cork County Development Plan 2014. The CE report notes that, in relation to the quantum of units proposed, the proposed development may be considered to materially contravene the CDP in place at the time, and the LAP, noting the limit on unit numbers allocated to Tower (182 during the Plan period, and noting the permissions granted since the adoption), and noting the normal recommended scale of an individual scheme within Tower (of 40 no. units, as per Objective GO-01 and Table 4.1 of the Blarney Macroom Local Area Plan 2017). In relation to same I note that the above provisions no longer apply, and in relation to unit numbers, and unit allocations for Tower, I refer the Commission to the discussion on 'Housing Quantum' below where I have considered same in light of current policy.

Third Party Comments

- 11.2.2. For a detailed summary of third-party submissions, I refer the Commission to Section 7 of this report. Similar to those comments made by the PA, a large number of comments make reference to the now expired LAP and to the previous Development Plan, and note that the zoning of same (under the LAP) is inconsistent with NPO72c i.e. lands that cannot be serviced within the life of the Plan should not be zoned. Other more general comments refer to the previous refusals on the adjacent site. (I have referred to same in the relevant sections of this report).

Context

- 11.2.3. The proposed development is for 198 no. residential units (117 no. houses, 81 no. apartments) and associated site works at Coolflugh, Cloghroe, Tower, Co. Cork. The proposal also provides for a single storey retail foodstore (1,895 sq. m. gross/1,315 sq. m. net), a café (186.3 sq. m) and a creche (405 sq. m/42 no. child care spaces). Tower was formerly located within the administrative area of Cork County Council. Since May 2019, Tower is located within the expanded Cork City Council administrative area.
- 11.2.4. The applicant, planning authority and third parties considered the scheme against the provisions of the now superceded Cork County Development Plan 2014 - 2020 (as extended), and the now expired Blarney-Macroom LAP 2017, which were the relevant statutory plans in place when the scheme was lodged. However, the new Cork City Development Plan 2022 – 2028 for the new expanded administrative area, which includes Tower, was adopted in August 2022. As such, my assessment is based on the policies and objectives of the current statutory plan, which is the Cork City Development Plan 2022-2028 [Hereinafter referred to as the 'CCDP'], as well as the relevant National and Regional Policies applicable to the development, including any applicable Section 28 Guidance now in force, or that is applicable to this scheme.
- 11.2.5. Tower is designated as an Urban Town in the CCDP. In relation to Urban Towns, the CCDP highlights that development shall focus on prioritising walking, cycling and public transport use and to utilise a range of designs and densities that reflect and enhance the individual character of each town.
- 11.2.6. In relation to population and housing, the CCDP notes that Tower has a young population, with 38% of the estimated 3,274 population aged under 25 years old. Most households living in the town consist of young families, with over half being of pre-school, early school or adolescent age. Development is somewhat constrained by the topography of the area and associated flood plain to the east. Large areas to the south and west have also experienced significant flood risk (see discussion of same in Section 12.11 of this report). The CCDP notes that the potential for additional development in Tower needs to be examined in the context of these constraints and the need to balance development with the service providers' ability to cater for large population increases, notably for education and transport. There may

be limited potential for additional housing on infill sites within the development boundary.

Zoning

- 11.2.7. The Commission will note at the time of the submission of the application (1st February 2022), the site was zoned as 'Existing Built-Up Area'. The CE submission on same did not raise any objection in principle to the uses proposed under this SHD application and did not state that the proposal was contrary to the zoning objectives of the site.
- 11.2.8. Third parties did not state that the uses proposed were contrary to the zoning objective in place at the time, although the zoning of the land, in principle, was questioned by third parties.
- 11.2.9. Under the current CCDP, the site is zoned ZO 02 'New Residential Neighbourhoods' in the CCDP (Map 18 'Tower and Hinterland' of Volume 2 of the CCDP refers). Zoning Objective O2 is 'to provide for new residential development in tandem with the provision of the necessary social and physical infrastructure'. Lands in this zone are designated as Tier 1 or Tier 2 zoned lands in the core strategy any development proposals must satisfy the requirements for development developing on Tier 1 or Tier 2 lands set out in chapter 2 core strategy (see discussion on same below).
- 11.2.10. In terms of appropriate uses within this zoning, I note that "sustainable residential neighbourhoods' are appropriate under this zone, subject to such uses supporting the creation of sustainable communities and not conflicting with the primary objective of the zoning. Local convenience shops are also an acceptable use. Small scale local services, as well as community uses are also acceptable, and I am of the view that the proposed café and the creche uses would fall into these categories.
- 11.2.11. In this instance, I would note that, as well as the residential provision, the proposal also includes a retail unit of 1,315 sq. m. net. A 'local convenience shop' is an acceptable use, subject to provisions, in 'ZO 02' Zoned areas. This is not defined in the Plan. However, I would accept that the provision of a retail unit of this size is acceptable in principle, as it could be termed 'a local convenience shop'. Notwithstanding, there are other provisions of the plan of relevance here, and I refer the Commission to Section 11.3 'Retail Policy' of this report, which discusses the proposed retail use in more detail.

Tier 2 Lands

11.2.12. Paragraph ZO 2.1 of the CCDP states that “lands in this zone are designated as Tier 1 or Tier 2 zoned lands in the Core Strategy. Any development proposals must satisfy the requirement for developing on Tier 1 or Tier 2 lands set out in Chapter 2 Core Strategy. In relation to same, Tier 1 sites are zoned lands that are currently serviced by physical infrastructure. Tier 2 sites are zoned land that are considered serviceable by physical infrastructure within the life of this Plan. The site lies within Tier 2 zoned land, with reference to Figure 2.21 of Volume 1 of the CCDP. In relation to same I am of the view that there is sufficient existing and proposed physical infrastructure in place, as considered in the assessment below (in particular Section 11.9 (in relation to road, cycle and footpath infrastructure), Section 12.11 (in relation to surface water and wastewater infrastructure) and Section 12.14 (in relation to road, cycle and footpath infrastructure)).

Housing Quantum

11.2.13. I would note that applicants Material Contravention Statement states that the proposed development would be a material contravention of Objective GO-01 and Table 4.1 of the now expired Blarney Macroom Local Area Plan 2017 which outlines that the normal recommended scale of any individual scheme in Tower during the lifetime of the plan is 40 no. units and the total number of units within the settlement within the lifetime of the plan is 182 no. I refer to Section 11.12 of this report which discusses the issue of material contravention. I note that the above LAP is no longer in force, and the current quantum of development allocated to Tower is set out in the current CCDP.

11.2.14. Table 2.1 of the current CCDP sets out a potential yield of 278 units in Tower on Tier 2 sites. This current application is for a total of 198 units. With reference to Figure 2.21 ‘Growth Strategy Map’ of the CCDP, I would note that the only Tier 2 sites within Tower are this site and the adjacent site, as well as a smaller site to the north-west of Tower town centre. I would note that neither this site, nor the adjacent site to the west, have been granted a permission to date. The smaller site to the north-west of tower would appear to correspond to a site at Kerry Road, Coolflugh, Tower, where a permission was granted on 19th May 2021 for 37 No. units (PA Ref 2039202).⁴ I do not have any information before me on whether this permission was

⁴ With reference to the Commission’s internal GIS mapping system.

built out. In any case, even if this permission has been built out, the proposed development would still not exceed the quantum of development set out for Tier 2 lands in Tower. Furthermore, I am of the view that the proposed development would aid in achieving these housing targets as set out in the Core Strategy of the Plan for Tower.

Conclusion on Principle of Development

- 11.2.15. The proposed uses are in line with the zoning objective for the site, and in line with current Development Plan strategy in relation to the development of Tier 2 lands. The quantum of units being delivered is in line with the housing strategy for Tower.

11.3. Retail Policy

CE Report Comments

- 11.3.1. I have set out a detailed summary of the CE submission, and related internal reports, in Section 8 above. However, I shall provide a brief summary here. I would highlight again that the CE submission was written having regard to the statutory plans in place at the time. Of note, is that the Planning Authority (PA) have stated the proposed retail provision is premature pending the Joint Retail Strategy for Metropolitan Cork, and the adoption of the Cork City Development Plan 2022-2028. However, I would note that the PA has recommended a Grant of Permission, subject to 42 no. conditions (as set out in Section 8 above). I would also note that the PA have not recommended that the retail element is omitted by way of condition.

Third Party Comments

- 11.3.2. I have set out a detailed summary of Third Party comments relating to retail provision above, and I refer the Commission to same. However, in summary, many of the submissions are of the view that that Tower does not need additional retail provision. As per the CE Report, third-party comments are made in the context of the statutory plans in place at the time.

Current Policy

- 11.3.3. I note that the Cork City Development Plan 2022-2028 has now been adopted although, with reference to the PA comments as set out in the CE Report, it would

not appear that the Joint Retail Strategy for Metropolitan Cork has been adopted to date. In relation to same, I note that Section 7.82 of the CCDP states that the Cork City Council remains committed to preparing a Cork Metropolitan Area Joint Retail Study and Strategy with Cork County Council, having regard to the Retail Planning Guidelines for Planning Authorities (2012).

- 11.3.4. Objective 7.35 'Assessing New Retail Development' states that Cork City Council will have regard to the Retail Planning Guidelines for Planning Authorities (2012) and the accompanying Retail Design Manual in determining planning applications for retail development
- 11.3.5. Objective 7.27 'Strategic Retail Objectives' of the CCDP seeks to *inter alia* support and implement the Retail Hierarchy in defining the role of retail centres. Section 7.86 of the Cork City Development Plan 2022-2028 sets out the Retail Hierarchy. It is set out therein that the retail hierarchy defines the role and importance of retail centres and forms the basis for determining the quantum and location of new retail development in the Cork Metropolitan Area. Tower is not listed within the Hierarchy, with the nearest listed centres being located at Ballincollig (Level 2 – Larger Urban Town Centre) and at Blarney (Level 3 – Small Urban Town Centre). Furthermore, the site is not identified as a 'Neighbourhood/Local Centre and Large Village Centre' (Level 4 within the Retail Hierarchy) within the CCDP zoning Maps (Map 18 Volume 2 refers). The nearest such centre is Clogroe Village, located c100m to the south of the site, with a defined Neighbourhood and Local Centre located within the centre of Tower itself, approximately 770m north-west of the site.
- 11.3.6. Of particular note is Section 10.293 of the CCDP which states that Tower does not require additional retail floorspace during the Plan period and the existing shopping centre and the nearby Cloghroe village centre will continue to be the principal location for future retail development and will continue to be limited to small scale convenience uses.
- 11.3.7. The application documents include a Retail Impact Assessment (January 2022) [hereinafter referred to as the RIA] which sets out the existing retail provision within Tower, and within Cloghroe Village, as well as considering other retail within a wider defined retail catchment area. It is stated that within Tower there is an existing supermarket, with other retail provision noted. Within Cloghroe neighbourhood centre,

there is a local convenience shop as well as other retail units. There is a service station with retail located near the junction of the R617 and the L-2752 roads. It is noted within the RIA that Tower provides retail and local services for a large rural hinterland, and the importance of this role is increased due to the limited retail provision in Blarney, which has no significantly sized supermarket.

11.3.8. Section 4.9 of the Retail Planning Guidelines (2012) outlines specific criteria that a RIA must address. The applicant has addressed each of these criteria in Table 3.1 of the submitted RIA, with reference to the LAP in place at the time. In relation to retail capacity, Table 4.9 of the applicants RIA indicates that based on a population growth scenario of 1% by 2031 there would be spare capacity within the defined retail catchment (which is set out in Figure 4.1 of the RIA) to support 2,724 sqm of additional convenience floorspace, and 4,196sqm based on a 2% population growth scenario. In this regard, the RIA concludes that there is adequate capacity within the catchment to support the proposed retail element here, which has a total net sales area of 1,315 sq. m.

11.3.9. In relation to the provisions of the Retail Planning Guidelines (2012) the Guidelines acknowledge that the retail sector is a key element of the national economy in terms of employment, economic activity and the vitality of cities and towns. A key aim of the Guidelines is that the Planning Authority planning system should promote and support the vitality and viability of city and town centres in all their functions. It is further noted that the retail development must be appropriate to the scale and function of the settlement. Section 2 of the Guidelines outlines five key objectives which are intended to guide and control retail development. These objectives relate to the need for plan-led development, a focus on city and town centres for the majority of future development, a pro-active approach by local authorities in enabling city and town centre renewal and development to come about and a high-quality approach to urban design. Section 4.4 contains guidance on the sequential approach to retail development. It outlines an order of priority for retail development, directing the retail development should be located in city and town centres (and district centres if appropriate) and that edge-of-centre or out-of-centre locations should only be considered where all other options have been exhausted. Section 4.11.1 states that large convenience stores comprising supermarkets, superstores and hypermarkets should be located in city or town centres or in district centres or on the

edge of these centres and be of a size which accords with the general floorspace requirements set out in the development plan/retail strategy. The guidelines define a supermarket as a single level, self-service store selling mainly food, with a net retail floorspace of less than 2,500sqm.

11.3.10. In relation to the acceptability, or otherwise, of the retail element proposed here, I am of the view that, in not listing Tower within the Retail Hierarchy (with the exception of that area within Tower Town Centre defined as a Neighbourhood and Local Centre), and by definitively stating that Tower does not require additional retail during the Plan period, the CCDP is clear that retail provision, such as that proposed here, is not supported by the Plan, notwithstanding the identification of capacity for such a provision within the applicant's Retail Impact Assessment, noting that such capacity relates to the point in time when the Retail Impact Assessment was prepared (January 2022). As such, allowing retail provision of the scale proposed here would serve to undermine the Retail Strategy as set out in the CCDP. I would also note that the scale of the proposed retail unit (at 1,895 sq. m. gross and 1,315 sq. m net) would be larger than the existing supermarket within Tower town centre (which is reported as being 1,232 sq. m in floor area) and I am of the view that retail of such scale is more appropriate directed to those areas that have been earmarked or designated for such provision, within the Retail Strategy as set out in the CCDP. The Retail Planning Guidelines are clear that both the quantum *and* location (my emphasis) of retail should be plan led, and in this case neither the quantum nor the location of the retail proposed here is supported by the current Development Plan.

11.3.11. I would also note that the Retail Planning Guidelines seek to apply a sequential approach to retail provision, in order to preserve and enhance the vitality and viability of city and town centres. This approach is also supported in Section 7.95 of the CCDP. Section 2.5.2 of the Retail Planning Guidelines clarify that, in applying such an approach, the overall preferred location for new retail development is within city and town centres, and that only where the applicant can demonstrate that there are no sites or potential sites within a city or town centre, should an edge of centre site be considered. Notwithstanding that Tower has not been earmarked for such retail provision with the Retail Strategy, as discussed above, I note also that the applicant has not set out how the sequential approach has been applied in this instance, contrary to the provisions of the Guidelines.

11.3.12. As such, I am of the view that the provision of the retail provision, while, in principle, allowed for under the zoning objective applicable to the site, is not acceptable having regard to other relevant objectives as set out in the current plan (Objective 7.27 and Section 10.293), and is also contrary to the provisions of the Retail Planning Guidelines (2012), which espouse a 'plan-led' strategy for the provision of retail floorspace of the scale proposed here, and a 'sequential approach' to the location of same. I note that Objective 7.35 'Assessing New Retail Development' state that the Council will have regard to the Retail Planning Guidelines when determining planning applications for retail development. I am therefore recommending a refusal of permission on this basis, as per my recommendation in Section 14 of this report.

11.3.13. In relation to other potential approaches, i.e. refusing permission for this element alone, and subject to other considerations, granting permission for the residential element and other elements, would result in a materially different proposal, with a lack of clarity as to the final layout and nature of the proposal overall and would necessitate a significant redesign of the scheme. Furthermore, a fundamental element of the flood mitigation strategy is the provision of flood storage below the commercial car park to the south-east of the site. The provision of said car parking would be doubtful, and would not be in the interest of proper planning, in the absence of the retail unit, and as such this would undermine the entire flood mitigation strategy that is applied to the site overall including the off-site benefits of the flood storage proposed, which include a reduced flood risk to properties located to the north of the Senandale Estate (see detailed discussion of the flood risk mitigation strategy in Section 12.11 of this report).

Comparison of Previous and Existing Policies on Retail.

11.3.14. The Commission may wish to consider if the issue, or issues, identified above, constitute a 'New Issue' or 'New Issues'. A key consideration here, in my view, is if previous policies on retail differ materially from current policies on retail, and whether the issue of retail provision has been adequately ventilated during the application process.

11.3.15. In relation to the previous policy on retail, that was applicable at the time of making the application, I note that the Blarney Macroom Local Area Plan 2017

contained similar provisions to the current CCDP in relation to retail within Tower. To aid the Commission in comparing previous and current policy, I have set out same in the table below:

Blarney Macroom Local Area Plan 2017 Wording Section 4.8.24 to Section 4.8.25	Cork City Development Plan 2022-2028 Wording Section 10.293
<p>“The range of services offered by Tower Town Centre is limited. However given the limited population growth and the new retail facilities provided in Ballincollig and proposed in Blarney and at Stoneview, it is considered unlikely that there will be a future need for additional large scale retailing facilities in the village”.</p> <p>“Given the targeted population growth for Tower, it is not envisaged that additional retail floorspace will be required. It is intended that this village centre will continue to be the principal location for future retail development that will be limited to small scale convenience uses”</p>	<p>“Tower does not require additional retail floorspace during the Plan period and the existing shopping centre and the nearby Cloghroe village centre will continue to be the principal location for future retail development and will continue to be limited to small scale convenience uses”</p>

11.3.16. As such, the previous LAP, and the current Development Plan had similar provisions in relation to additional retail in Tower, and the applicant was aware of same prior to submission, with other parties also having the opportunity to comment on the application in light of same. Of note also is that the Retail Planning Guidelines (2012) were also in place at the time, which requires the location and quantum of

retail provision to be 'plan-led'. The applicant was not of view that the provision of the retail element represented a material contravention of the LAP, and no reference to the provisions of the LAP, as relates to retail, are made in the Material Contravention Statement. It could be argued that the wording of the current Development Plan is more definitive in relation to the need, or otherwise, for additional retail provision in Tower, and the Commission may wish to come to a view on same. My view is, however, that the issue of the need for retail provision in Tower has been adequately ventilated, having regard to the discussion above, and noting that the policies and objectives of both the CDP and LAP in force at the time of the original application did not support retail at this location, and the new CCDP still does not support retail at this location.

11.3.17. As such, I am of the view that the Commission can refuse permission on this basis, given same, and having regard to the interest of natural justice, and the holding of a limited agenda Oral Hearing to hear views on this matter is not necessary in this instance, noting that there is no recourse under the Planning and Development (Housing) and Residential Tenancies Act 2016 to seek further information in relation to SHD applications.

11.3.18. Conversely, if the Commission is minded to grant permission, my view is that the issue of retail provision would be an unidentified material contravention of the CCDP in my view, namely Section 10.293 of the CCDP which states that Tower does not require additional retail floorspace during the Plan period, and of Objective 7.27 'Strategic Retail Objectives' of the CCDP which seeks to support and implement the Retail Hierarchy in defining the role of retail centres. Furthermore, I would advise the Commission, if it is minded to grant permission, said material contravention was not advertised as such, nor addressed in the submitted Material Contravention Statement, as per the provisions of the Planning and Development (Housing) and Residential Tenancies Act 2016, and as such the holding of a limited agenda Oral Hearing to hear views on this matter may be warranted. Therefore, if the Commission consider that clarification on matters relating to compliance with Development Plan requirements regarding the provision of the retail element is required, this may be addressed by way of a "limited agenda" Oral Hearing which would focus only on the issues contained within the limited agenda. I would direct the Commission 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.

11.4. Housing Mix (New Issue)

- 11.4.1. I have considered issues related to residential standards and amenities in Section 11.6 of this report. This section considers in the issue of housing mix as a standalone issue.

CE Report Comments

- 11.4.2. The PA have stated that that the mix of unit types was acceptable, and it accords generally for a mix of units as set out in the Cork County Development Plan 2014. I note that this Plan is no longer in force.

Third Party Comments

- 11.4.3. Third parties have raised concern that the proposed mix is not in line with the Cork City Plan (2015-2021) and it was stated that the number of one bed apartments in the development exceeds the 20% maximum and that the no. of 3/3+beds is less than the minimum 50% set out in the Cork City Plan. In relation to same I note that the plan in place at the time of the submission of the application was the Cork County Development, 2014, and the Cork City Plan 2015-2021 was not the applicable plan in place.
- 11.4.4. More generally, third parties have stated that that the inclusion of apartments within the scheme would lead to a more transient population.

Proposed Mix

- 11.4.5. The proposed scheme comprises 198 no. residential units 117 no. houses, 52 no duplex blocks units and 27 no. apartments, with an overall housing mix as follows:
- 44 no. (22%) 1 bed units
 - 57 no. (29%) 2-beds,
 - 40 no. (20%) 3-beds and
 - 57 no. (29%) 4-beds.

11.4.6. Specifically in relation to the apartment/duplex units, I would note the following is provided:

- Total number of apartment/duplex units: 81 no. duplex/apartment units
- 44 no. 1 bed units
- 35 no. 2 bed units
- 2 no. 3 bed units

Previous Policy

11.4.7. I note that in the now superceded Cork County Development Plan 2014, and in the now expired Blarney Macroom Municipal District Local Area Plan 2017, there are no specific requirements in relation to unit mix. Objective HOU 3-3 of the Cork County Development Plan 2014 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 multi-unit 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.

11.4.8. As noted above, the PA were satisfied with the mix as proposed, as set out in the CE report. However, these comments are premised on the previous Cork County Development Plan 2014, which is no longer applicable to this proposed development.

11.4.9. A Third-Party comment has referred to the previous Cork City Development Plan (2015) and the mix requirements therein. These were not applicable at the time of submission and do not apply to the proposal currently.

Current Policy

11.4.10. Objective 3.6 Housing Mix of the Cork City Development Plan 2022-2028, sets out that Cork City Council will seek to:

- | |
|--|
| a. Implement the provisions of the Joint Housing Strategy and HNDA as far as they relate to Cork City; |
|--|

- b. Encourage the development of an appropriate mix of dwelling types to meet target residential densities, utilising a range of dwelling types and density typologies informed by best practice (as illustrated in “Density Done Well” in the Cork City Density Strategy, Building Height and Tall Building Strategy) with combinations of houses, stacked units and apartments;
- c. Within all new residential developments it will be necessary to ensure an appropriate balance of housing tenure and dwelling size to sustain balanced and inclusive communities, including a balance of family sized units and smaller dwellings tailored to suit the location (please refer to Chapter 11: Placemaking and Managing Development for those standards);
- d. Deliver at least 20% below-market priced housing across Cork City and ideally within each new residential neighbourhood;
- e. Encourage the provision of housing for one and two person households in all neighbourhoods to meet the needs of all age groups, including providing for downsizing to release family housing units;
- f. Update Development Plan policy as necessary to reflect emerging national guidance with regard to housing standards

11.4.11. Objective 3.6 ‘Housing Mix’ of the Development Plan seeks to implement the provisions of the Joint Housing Strategy and Housing Needs Demand Assessment (HNDA) as far as they relate to Cork City. Objective 11.2 *Dwelling Size Mix* of the CCDP 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....’ With respect to the subject site, Table 11.9 ‘Urban Towns and Hinterland Villages Dwelling Size Mix’ sets out the following:

	Min	Max	Target
Studios / PBSA (at LRT Stops / Urban Centre Only)	0%	5%	0%
1 Bedroom	15%	25%	21%
2 Bedroom	30%	40%	34%
3 Bedroom	25%	35%	30%
4 Bedroom / Larger	10%	20%	15%

Table 11.9: Urban Towns and Hinterland Villages Dwelling Size Mix for Housing Developments.

11.4.12. Objective 11.2 of the CCDP provides that the target dwelling size and mix be adhered to apart from exceptional circumstances or where justification has been provided. Table 11.9 sets out criteria for minimum, maximum and target unit mix.

11.4.13. In terms of the proposed dwelling mix, I have set compliance, or otherwise, with current Development Plan policy on mix, in the table below

	Proposed	Compliant?	Comment
Studios	0% (0 units)	Yes	In line with table 11.9
1 bed	22% (44 no. units)	Yes	In line with table 11.9
2 bed	29% (57 no. units)	No	As per Table 11.9, Min number of 2 beds is 30% (59 no. units)
3 bed	20% (40 no. units)	No	As per Table 11.9, Min number of 3 beds is 25% (50 no. units)
4 bed	29% (57 no. units)	No	As per Table 11.9, Max number of 4 beds is 20% (40 no. units)

11.4.14. The applicable guidelines in this instance are the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2023 ⁵

11.4.15. In relation to Housing Mix, the Apartment Guidelines 2023 includes SPPR 1 which states the following.

Specific Planning Policy Requirement 1

⁵ Given that the application was remitted back to An Coimisiún Pleanála on 15th May 2024 (having originally been lodged with An Coimisiún Pleanála on 1st February 2022), the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (July 2023) apply.

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). (my emphasis)

11.4.16. In this regard, I note that the Cork City and County Joint Housing Strategy and Housing Need Demand Assessment (HS & HNDA) was prepared as part of the CCDP 2022-2028⁶. Section 5.4.5.4 of the HS & HNDA relates to Tower and it is noted that Tower had a population of 3,274 in 2016. Tower has a high proportion of children and families as for the Urban Towns as a whole, and a high average household size of approximately 2.99. The Cork City Development Plan 2022-2028 sets a population target of 3,745 by 2028 for the town, an increase of 471 or 14%, and a housing target of approximately 189 units. The HS & HNDA states that, given this modest growth and development capacity, Tower will make a modest contribution to meeting housing demand over the strategy period. It is further noted within the HS & HNDA that assessed site capacity of 133 units on 8.8 ha. entails a relatively low unit density, and delivery of a larger proportion of 3-, 4-, and 5-bed houses may be appropriate as a result.

11.4.17. I am satisfied that the given such a Housing Strategy and Housing Need Demand Assessment (HS & HNDA) has been carried out, the Commission can rely on, and apply, the Development Plan's Housing Mix requirements, as per the provisions of SPPR 1.

11.4.18. In this regard, the proposal does not deliver a sufficient number of 3 bed units (proposed number of 3 beds is 40 no. units and required minimum number of 3 beds is 50 no. units), in line with the Housing Strategy, and with regard to Table 11.9 of the CCDP, and the proposal 'overdelivers' on the number of 4 bed units (proposed number of 4 bed units is 57 no. units, and maximum number of 4 beds is 40 no. units). I would note also the proposed development does not provide a sufficient number of 2 bed units (proposed number of 2 bed units is 57 no., and the minimum requirement

⁶ https://www.corkcity.ie/media/1gtl4oyn/cork-county-and-city-councils-joint-housing-strategy-2022-2028_-_with-index.pdf

is 59 no. units).

11.4.19. 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 not accompany the planning application, but the Commission will note the submission of the application preceded the current Development Plan. However, I would note that a requirement of the previous Development Plan (the Cork County Development Plan 2014) was that a Statement of Housing Mix should be submitted.

11.4.20. In relation to the proposal's compliance with current Development Plan Policy, I am of the view that Objective 11.2 Dwelling Size Mix and Table 11.9 of the Development Plan set out clear unit mix requirements, and where deviation from same is proposed, the applicant is required to set out justification for same. The CCDP also allows for a deviation from same in exceptional circumstances, although what constitutes exceptional circumstances is not set out in the CCDP. Notwithstanding, there is nothing on file that would indicate that any exceptional circumstances apply in this instance, and the applicant has not provided any justification for the proposed mix, noting however this is a requirement of the current Plan, rather than a requirement of the previous Cork County Development Plan 2014, which was in place at the time of the submission of this SHD.

11.4.21. In conclusion then, the proposed unit mix is not in accordance with the requirements of the CCDP, as set out in Table 11.9 and Objective 11.2 *Dwelling Size Mix*, and the applicant has not submitted any justification to support any deviation from the standards set out in the Development Plan, nor has the applicant submitted a Statement of Housing Mix. Therefore, the proposed development would be a material contravention of Objective 11.2 Dwelling Size Mix and Table 11.9 of the Development Plan, and of Objective 3.6 'Housing Mix' of the Development Plan which seeks to implement the provisions of the Joint Housing Strategy and Housing Demand and Needs Assessment (HDNA). This matter cannot be addressed by condition, in my view, as it is likely that, in order to comply with the CCDP, this would then necessitate a redesign of the scheme. This would have implications for the wider scheme including potential changes to the design, layout and finishes and may result in an alteration of the overall number of units to be provided on site.

Furthermore, I am of the view that the issue of 'Housing Mix' is a new issue which would need to be ventilated by way of a limited agenda Oral Hearing (as discussed further below).

- 11.4.22. In relation to same, I would note that the issue of housing mix, as per the requirements of the current Development Plan, has not been ventilated in the submission of the Planning Authority, in the third-party submissions, nor in any of the accompanying documentation that has been submitted with the application, including, the applicant's Material Contravention Statement, which the Commission will note refers to the statutory plans that were in the place at the time i.e. the Cork County Development Plan 2014 and the Blarney Macroom Municipal District Local Area Plan 2017

Other Issues related to mix

- 11.4.23. It is stated within the applicant's Statement of Consistency that, of the units referred to above, 27 no. (22 no. 1 bed and 5 no. 2 bed) are purpose built step-down units which will serve as a sheltered housing scheme for elderly residents, and that in accordance with Section 2.21 of the Apartment Guidelines 2020 these purpose built units have been omitted from the applicant's mix calculations.
- 11.4.24. I would note that the Section 2.21 of the applicable Apartment Guidelines (the 2023 Apartment Guidelines) state that 'the mix parameters set out [in SPPR 1] that generally apply to apartments, do not apply to purpose-built student accommodation or to certain social housing schemes, such as sheltered housing'. In relation to same, I would note that, while it may be the applicant intention to engage with an approved Housing Body, in order to offer the units as 'step down units' there is little other supporting evidence that would provide additional surety in relation to same. As such, I am satisfied that the sheltered housing units can be included in the overall mix calculations.
- 11.4.25. I would note also that a third-party submission has stated that the inclusion of apartments will lead to a more transient population. There is no evidence to support this statement and the provision of a range of housing options, including apartments, is supported by policy at national, regional and local levels.

Conclusion on Housing Mix

11.4.26. As per the discussion above, the proposed unit mix fails to comply with the requirements of Cork City Development Plan 2022-2028 'Objective 11.2 Dwelling Size Mix' and 'Table 11.9' and no justification for a deviation from the required mix has been submitted by the applicant. Furthermore, the application is not accompanied by a Statement of Housing Mix and this is contrary to Policy P01 of the Cork Joint Housing Strategy 2022-2028, which is incorporated into the Development Plan by way of Objective 3.6 Housing Mix, which seeks to implement the provisions of the Joint Housing Strategy. Therefore, the proposed development materially contravenes the Cork City Development Plan 2022-2028 and these matters have not been addressed in the Material Contravention Statement submitted. There is no recourse under SHD legislation to seek further information, and the issue of Housing Mix is 'New Issue' and not a matter that can be addressed by way condition, in my opinion. Therefore, if the Commission are minded to grant planning permission, and consider that clarification on matters relating to compliance with Development Plan requirements in relation to Housing Mix is required, this may be addressed by way of a "limited agenda" Oral Hearing. If a limited agenda oral hearing takes place, it will focus **only** on the issues contained within the limited agenda. I would direct the Commission 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. However, it is my recommendation that, given the fundamental concerns in relation to the provision of the retail element, as set out in Section 11.3 above, that a limited agenda Oral Hearing is not held and the application be refused, as per my recommendation below, which includes the issue of housing mix as a reason for refusal.

11.5. Residential Density (New Issue)

- 11.5.1. I have considered other issues in relation to design (building height, layout, landscaping etc) in Section 11.7 below. This section considers the issue of residential density as a standalone issue.
- 11.5.2. The net site area is 5.4 ha (gross site area is 7.5 ha). The proposed number of units is 198, with a proposed density of 35 units to the hectare (or 35 dwellings per hectare – dph).

CE Report Comments

11.5.3. The CE report notes that, in relation to the density proposed, this may materially contravene Objective HOU 4-1 of the now superceded Cork County Development Plan 2014, which states that a density of between 12-25 dph would normally be acceptable. The PA also refer to the Sustainable Residential in Urban Areas (May 2009) [now superceded] and guidance within same that relate to 'Edge of Town Sites' where 20-35 dwellings per hectare are considered appropriate. There PA were of the view that permission could be granted under Section 37(2) of the Planning and Development Act, 2000 (as amended).

Third Party Submissions

11.5.4. Similar to those comments made by the PA, a large number of comments make reference to the now expired LAP and to the previous Development Plan. It is stated that the density exceeds the now superceded Development Plan requirement of 12-25 units/ha (Plan Objective HOU 4-1). In addition, it is stated that the high density is out of character with the area.

Previous Policy on Density (Cork County Development Plan, 2014)

11.5.5. The application was submitted under the auspices of the Blarney Macroom District Local Area Plan 2017, and the Cork County Development Plan 2014, as extended. The Cork County Development Plan, as extended, indicated a Medium B Density of 12-25 units for small towns (Table 3.1) of same, and in relation to same, the applicants Material Contravention Statement Highlights same, and seeks to justify a density in excess of same, having regard to s37(2)(b) of the Planning and Development Act, 2000 as amended. I refer the Commission to Section 11.13 of this report for further consideration of the issue of Material Contravention.

Current Policy on Density (Cork City Development Plan 2022-2028)

11.5.6. The Current Cork City Development Plan policy (as expressed in the Cork City Development Plan 2022-2028) seeks to maximise the use of zoned and serviced residential land, as expressed in Objective 2.32 Housing Supply which states that the objective is to support an increase in the supply, affordability and quality of new housing in the city and provide a range of housing options delivering good design that is appropriate to the character of the area in which it is built, while also achieving an efficient use of zoned and serviced land. The CCDP sets out a combined building height and density spatial strategy, illustrated in Figure 11.1 of the CCDP. The strategy

is comprised of four sub-areas, each with their own quantitative performance criteria. The density strategy is set out in Chapter 3 Delivering Homes and Communities.

- 11.5.7. Objective 3.5 *Residential Density* of the CCDP 2022 includes that ‘Cork City Council will seek to promote compact urban growth by encouraging higher densities throughout Cork City according to the Cork City Density Strategy, Building Height and Tall Building Study and resultant standards set out in Chapter 11: Placemaking and Managing Development and Mapped Objectives....’
- 11.5.8. ‘Minimum’ and ‘Maximum’ residential densities are set out in Table 11.2 of the Cork Plan. Densities are expressed in terms of target minimums and maximums for the constituent areas of the City. Section 11.39 of the Plan notes that the ‘Outer Suburbs’ comprise of the remaining urban areas (that are not classified as other areas i.e. City, Fringe/Corridor/Centre and Inner Urban Suburbs). There is some lack of clarity as to the exact nature of the site’s definition, noting that Map 18 Tower and Hinterland ‘Densities & Heights’ does not include the subject site in the area defined as ‘Outer Suburb’. However, I am satisfied that a reading of the Plan as a whole, and the absence of policies that relate to any other area types, can lead to the reasonable conclusion that the site lies within the ‘Outer Suburbs’, and therefore I am of the view that the density parameters applicable to ‘Outer Suburbs’ are applicable to this site. The ‘minimum’ density for such areas, as set out in Table 11.2, is 40 dph while the maximum density is 60 dph. Section 11.72 of the Plan sets out that minimum density targets will be applied in the development of all sites, apart from in exceptional circumstances. Such ‘exceptional circumstances’ are not defined within the plan. The proposed development does not achieve this minimum density.
- 11.5.9. The proposed density is 35 dph, and as such the proposed density falls short of the lower density ‘targets’ set out in the CCDP. This has not been addressed in the applicant’s Material Contravention Statement (which, as noted above, addresses the density parameters of the Cork County Development Plan 2014), noting that application was lodged before the current Plan came into force. The issue of *insufficient* density has also not been ventilated by way of Third-Party Submissions, nor has it been addressed in the PA’s Chief Executives Report. In relation to density, I note the CE report considers the density acceptable owing to the town centre location and national and regional policies which seek to promote increased densities at appropriate locations. However, it does not address current

Development Plan policy on density, noting that CE submission predates the publication of the current Development Plan.

- 11.5.10. In relation to current Section 28 Guidelines, I draw the Commission's attention to the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), published subsequent to the lodgement of this application, and which sets out appropriate densities for various urban settlement locations and typologies. Policy and Objective 3.1 of same states that:

'It is a policy and objective of these Guidelines that the recommended residential density ranges set out in Section 3.3 are applied within statutory development plans and in the consideration of individual planning applications, and that these density ranges are refined further at a local level using the criteria set out in Section 3.4 where appropriate'.

- 11.5.11. I am of the view that Tower would fall within the definition of a 'Metropolitan Town (>1,500 population) – Centre and Urban Neighbourhood', as defined in table 3.3 of the Guidelines, noting its location within the Cork Metropolitan Area, and also noting that it is a distinct settlement from Cork City and Suburbs (and therefore would not fall into any of the Categories in Table 3.1 – 'Dublin and Cork City and Suburbs') and also noting that the population of Tower was recorded as 3,300 persons in the 2022 census⁷. The Guidelines note the following in relation to such urban settlements;

'The centre and urban neighbourhoods category includes: (i) the town centre and immediately surrounding neighbourhoods, (ii) strategic and sustainable development locations, and (iii) lands around existing or planned high capacity public transport nodes or interchanges (defined in Table 3.8). It is a policy and objective of these Guidelines that residential densities in the range 50 dph to 150 dph (net) shall generally be applied in the centres and in urban neighbourhoods of Metropolitan Towns' (my emphasis).

- 11.5.12. The proposed development does not achieve the minimum density in this density range. Section 3.3.6 of the Guidelines sets out 'Exceptions'. Parts 'a' and 'b' consider densities greater than the ranges set out in the guidelines. Part 'c'

⁷ <https://visual.cso.ie/?body=entity/ima/cop/2022&boundary=C04160V04929&guid=63b254ca-2ba1-4a64-a774-bd99c7cc6f03&theme=all> (accessed 28th November 2025).

considers cases of very small infill sites that are not of sufficient scale to define their own character and density, the need to respond to the scale and form of surrounding development, to protect the amenities of surrounding properties and to protect biodiversity may take precedence over the densities set out in this Chapter. In this instance, while the site, in theory, could be defined as an infill site, I would not be of the view that the site is 'very small' (noting the stated gross site area of 7.79 ha).I am also of the view that the context of the site is such that reduction in the density values in the Guidelines is not necessarily needed to protect residential amenity nor to protect biodiversity. As such I am not of the view the 'Exceptions' category applies in this instance.

- 11.5.13. Section 3.4 of the Guidelines sets out where the density ranges, as set out in the relevant tables of the Guidelines, can be further considered and refined. In relation to same, I am not of the view that this 'refining process' allows for densities that fall below the density range for this type of settlement, rather the 'refining process' should consider which is the most appropriate density within the density range set out for that settlement type (i.e. for Tower the density range is 50 dph to 150 dph). Notwithstanding, I have considered the criteria in Section 3.4 in any case, in order to assist the Commission in its determination.
- 11.5.14. Step 1 in the refining process is the 'consideration of proximity and accessibility to services and public transport', which encourages densities at or above the mid-density range at the most central and accessible locations, densities closer to the mid-range at intermediate locations, and densities below the mid-density range at peripheral locations. In the case of this site, the mid-density range is 100 dph (mid way between 50 and 150 dph). Table 3.8 outlines further guidance on accessibility. I have set out a description of public transport accessibility in Section 11.9 'Traffic and Transport' of this report below. In summary, I would note the current bus service is a 30 minute frequency and noting that planned service under Bus Connects is also a 30 minute service, and this does not meet the criteria for an accessible or intermediate location.
- 11.5.15. Given same, I am of the view that the site lies within a 'Peripheral Location' given the site does not meet the proximity or accessible criteria in other categories.
- 11.5.16. Step 2 in the refining process is the 'consideration of character, amenity and the natural environment'. In relation to the character of the area (criteria 'a'), the

defining characteristics of an area should be considered, although it is stated that it is not necessary to replicate the scale and mass of existing buildings, as most urban areas have significant capacity to accommodate change, it will be necessary to respond in a positive and proportionate way to the receiving context through site responsive design. While the application has sought to respond to the existing context, I would not be of the view that this is an overriding consideration when it comes to defining an appropriate density for the site, noting that it may still be possible to achieve a density of 50 dph and above, and still have regard to the character of the surrounding area.

11.5.17. In relation criteria (b), this relates to historic environment, and I am not of the view that it would apply here.

11.5.18. Criteria (c) considers impacts on the environment and protected habitats and species. I refer the Commission to Section 12.9 'Biodiversity' of this report for full consideration of same. In summary I am not of the view that the site is particularly sensitive, and I am not of the view that a density below the density range set out in the Guidelines would be justified having regard to this criteria.

11.5.19. Criteria (d) considers potential impacts on residential amenities, and I have considered same in Section 11.8 below. In summary, I am not of the view that the context of the site is such that a lower density would be required in order to protect surrounding residential amenity, and I am not of the view that a density below the density range set out in the Guidelines would be justified having regard to this criteria.

11.5.20. Criteria (e) considers water supply and wastewater, and I have considered same in Section 12.11 'Water' of this report, and in summary, I do not consider that there are water supply and wastewater capacity constraints so as to justify a lower density in this instance.

Conclusion on Residential Density

11.5.21. Noting the discussion above, the proposed density of 35 dph falls short of the density requirements for the Outer Suburbs, as set out in the current CCDP, and also falls short of the recommend density for 'Metropolitan Town (>1,500 population) – Centre and Urban Neighbourhood' as set out in the in the Compact Settlement Guidelines. The density proposed, then, does not represent an efficient use of zoned

and serviced lands, and is not in line with the concept of 'compact growth' as espoused at national, regional and local levels. In particular I note Sections 3.22 and 3.24 of the current CCDP which seeks to optimise density to order to achieve a more compact form of urban development that promotes resource efficiency, and noting that the density strategy as set out in the CCDP reflects national planning guidance, a bespoke analysis of Cork City and international best practice in relation to policy and models of development.

11.5.22. I note that the Planning Authority were of the view the density proposed would materially contravene the provisions of the now superceded Cork County Development Plan 2014, which allowed for a density of between 12-25 dph, although the PA were of the view that the permission could be granted under Section 37(2) of the Planning and Development Act, 2000 (as amended). The PA also refer to the now superceded Sustainable Residential in Urban Areas (May 2009) and note that same allowed for densities of 20-35 dph on 'edge of town sites' such as this one. In relation to same, I note that a new Development Plan is in place since the time of the CE submission, and the proposed development does not comply with same, as the density is now falls short of the density requirements of the new Plan, and also falls short of the requirements of the Compact Settlement Guidelines, as set out above (which succeeded the Sustainable Residential in Urban Areas Guidelines referred to by the PA).

11.5.23. Third parties have also cited the provisions of the previous Development Plan, and have also stated the density is excessive. These comments are in the context of the requirements of the previous Development Plan, and as noted the density proposed now falls short of same. As such, I am of the view that the density cannot now be seen as excessive in the context of the new Plan, and in the context of the Compact Settlement Guidelines.

12.1.1 I am also of the view that the proposed density would represent a material contravention of the current CCDP, as relates to Density (see also discussion in Section 11.12 'Material Contraventions' below). These matters have not been addressed in the Material Contravention Statement submitted. I would note also the issue of Residential Density has not been ventilated in the light of Cork City Development Plan 2022-2028, nor has it been ventilated in the light of the contents and requirements of the Compact Settlement Guidelines. As noted, above, there is

no recourse under the Planning and Development (Housing) Residential Tenancies Act 2016 to seek further information on SHD applications, and the issue of Residential Density is 'New Issue' and not a matter that can be addressed by way condition, in my opinion. Therefore, if the Commission are minded to grant planning permission, and consider that clarification on matters relating to compliance with Development Plan requirements in relation to Residential Density is required, this may be addressed by way of a "limited agenda" Oral Hearing which would focus **only** on the issues contained within the limited agenda. I would direct the Commission 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.

- 11.5.24. However, it my recommendation that, given the fundamental concerns in relation to the provision of the retail element, as set out in Section 11.3 above, that a limited agenda Oral Hearing is not held and the application be refused, as per my recommendation below, which includes the issue of 'Residential Density' as a reason for refusal.

11.6. Residential Standards / Amenities

CE Report Comments

- 11.6.1. The PA have stated that all units meet or exceed minimum standards (with regards the applicable standards in place at the time of writing of the CE report). It is further stated that the 3 no. distinct character areas are a well-designed approach and that the layout of the residential units is considered to be generally acceptable.

Third Party Comments

- 11.6.2. Third parties have raised concerns in relation to level of amenities provided, and in particular it is contended that there is a lack of play facilities in the area, with insufficient facilities and clubs for younger people.

Prescribed Bodies

- 11.6.3. There are no comments from Prescribed Bodes of relevance to this section of the assessment.

Proposed Development

11.6.4. The application is accompanied by a Housing Quality Assessment Report ((HQA). The Housing Quality Assessment (HQA) document outlines compliance of the proposed apartments with the relevant quantitative standards required under

- Quality Housing for Sustainable Communities, Department of the Environment, Heritage and Local Government (2007)
- Sustainable Urban Housing: Design Standards for New Apartments. Guidelines for Planning Authorities (2020)
- Cork County Development Plan 2014-2020

11.6.5. The Commission will note that, the relevant development plan is now the Cork City Development Plan 2022-2028. In addition, I note that the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (July 2023) apply here⁸. Where relevant (i.e. in relation to the apartment/duplex element of this scheme) I have assessed the proposal's compliance, or otherwise. with the aforementioned Apartment Guidelines

Apartment/Duplex Units

11.6.6. There are 81 no. apartment/duplex units within the proposed development I have considered the relevant standard relating to same below.

Unit Sizes

11.6.7. In relation to the Apartment Guidelines 2023, I note that SPPR 3 refers to minimum apartment sizes. The relevant standards are as follows

- Studio apartment (1 person) 37 sq. m.
- 1-bedroom apartment (2 persons) 45 sq. m
- 2-bedroom apartment (4 persons) 73 sq. m
- 3-bedroom apartment (5 persons) 90 sq. m.

11.6.8. The unit sizes meet or exceed the above standards (noting that there are no studio units proposed).

⁸ Given that the application was remitted back to An Coimisiún Pleanála on 15th May 2024 (having originally been lodged with An Coimisiún Pleanála on 1st February 2022), the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (July 2023) apply.

Room Areas/Widths

- 11.6.9. The guidelines also set out standards for the minimum widths of living/dining rooms and bedrooms and the minimum floor areas of certain rooms within the apartments. The majority of units have floor areas more than 10% larger than the minimum. According to the HQA, the development complies with all the relevant standards.

Dual Aspect

- 11.6.10. In relation to the apartment units, the majority of the apartment units are dual aspect (25 of 29), which equates to 86%. Given the discussion on public transport accessibility above, I am of the view that the site could be defined as an 'intermediate location', and that, therefore, a minimum of 50% dual aspect apartment units would be required. The proposal meets this requirement. All of the duplexes are dual aspect.

Ceiling Heights

- 11.6.11. SPPR 5 requires that ground level apartment floor to ceiling heights shall be a minimum of 2.7 metres. All Floor to Ceiling Heights meet or exceed 2.7m, as per the Housing Quality Assessment.

Lifts/Stair Cores

- 11.6.12. SPPR 6 states that a maximum of 12 apartments per core may be provided in apartment schemes. The apartments are located within Block 6. In relation to same I note that this is a 3-storey block and there is no lift provided within same.

Childcare

- 11.6.13. A Childcare Needs Assessment (January 2022) has been submitted with the application. The proposal is to provide for a 42 place childcare facility. Objective 3.21 of the CCDP requires purpose built childcare facilities as part of proposals for new residential developments of more than 75 dwelling units (providing 20 places). The proposed scheme provides a creche designed to accommodate 36 children and therefore exceeds the requirements of the CCDP and Childcare Guidelines (20 childcare space for every 75 units).
- 11.6.14. The creche will cater for different age groups and is intended to cater for residents of proposed development and families in the wider community and is therefore a welcome addition.

Amenity Space

Private Amenity Space -Houses

- 11.6.15. Objective 11.5 of the CCDP requires *inter alia* that private open spaces for houses should aim to be at least 48 sq. m. As set out in the Housing Quality Assessment, the proposed garden areas meet or exceed these standards, in some cases by a significant margin (garden areas are up to 273.9 sq m for Unit 87). As such, the proposal complies with CCDP standards in relation to private open spaces.

Private Amenity Space -Apartments/Duplexes

- 11.6.16. Private amenity space for each apartment is provided in the form of balconies on the upper floors, and terraces on ground floor, podium and street level units. All balconies and terraces exceed the minimum width and area requirements.

Communal Amenity Space

- 11.6.17. The Apartment Guidelines 2023 set a minimum communal open space requirement of 5 sqm per 1-bed unit and 7 sqm per 2-bed (4 person) unit. Block 6 accommodates 22 no. 1-bed units and 5 no. 2-bed units. Based on those standards, these units would require a total of 145 sq. m. of communal open space. The proposed provides a c105 sq. m communal open space/courtyard area to the south of Block 6. I note that this would not meet the communal open space requirements. However, I am not of the view that this shortfall is material however, noting the provision of sufficient public open space within the scheme that would be accessible to the residents of the apartment block. As such I am satisfied with the quantum of same.

- 11.6.18. I note that the current CCDP does not state that a specific quantum of communal open space is required and as such I am not of the view that the shortfall identified above would result in a contravention of the CCDP in terms of the total quantum of communal open space provided.

Public Open Space

- 11.6.19. Section 11.112 of the CCDP states that public open space will normally be required as per Table 11.11 of the Plan, apart from in exceptional circumstances. The CCDP does not set out what these exceptional circumstances are. Table 11.1 sets out that for greenfield sites or on areas for which a local area plan is

appropriate, public open space provision sought is 15%, and a general provision of 10%. The site can be defined as a greenfield site in my view, therefore the 15% open space provision applies in this instance.

- 11.6.20. In terms of national policy, Policy and Objective 5.1 of the Compact Settlements Guidelines outline that statutory 'development plans shall include an objective(s) for public open space provision of not less than a minimum of 10% of net site area and not more than a minimum of 15% of net site area' save in exceptional circumstances. The Guidelines also allow for variations on this standard depending on the nature of the site.
- 11.6.21. The applicant's Housing Quality Assessment details that a total of 16% Open Space has been provided, of which 14% is 'Usable'. There is no breakdown of all of the areas of open space (in terms the area each is providing, nor is there a total open space figure provided within the documentation). However, 16% of the net developable area (which is 5.6 Ha as stated in the Housing Quality Assessment) is 8,960 sq. m. 14% of same is 7,840 sq. m.
- 11.6.22. In terms of the location of said public open space, the submitted documentation details that there are a number of open space areas that are spread throughout the site. To the north-west a 'hill top amenity space' (Amenity No. 8) is proposed. Along the western boundary a streamside amenity path is proposed (Amenity No. 1). A 'quadrangle terraced amenity' is proposed to the northern half of the site (Amenity No. 7), which links to the 'Eastern Parkland and grass' (Amenity No. 9) and 'Central parkland/amenity green' (Amenity No. 2). In terms of child play provision, Amenity No. 3 provides for Children's Swings and Picnic Area, which includes 3 no. swings and 4 no. picnic tables. Amenity Area No. 6 is located centrally and provides for the Apartment Courtyard. To the east is Amenity Area No. 4 (boardwalk through wet Willow Woodland). All of said spaces are located within easy walking distance of adjoining residential units, and are logically distributed throughout the proposed development, and I am satisfied in relation to the quality of same.
- 11.6.23. In terms of the quantum of public open space provided, I am cognisant the applicant has stated that 2% of the open space is not 'usable', and as such a provision of 14% usable open space has been provided. This is a contravention of the CCDP (Section 11.112 of same). However, I am not of the view that same is a material contravention,

as the shortfall is of the order of 1% or a quantum of 560 sq. m, and as noted above, I am also satisfied as to the quality and location of the public open space that has been provided.

- 11.6.24. However, should the Commission be of the view this shortfall would constitute a material contravention, this matter has not been addressed in the Material Contravention Statement submitted. As noted, above, there is no recourse under SHD legislation to seek further information and, if the Board are of the view that the shortfall in public open space is a material contravention of the CCDP (Section 11.112 of same), the issue of public open space provision would constitute a 'New Issue' and not a matter that can be addressed by way condition, in my opinion. Therefore, if the Commission are minded to grant planning permission, and consider that clarification on matters relating to compliance with Development Plan requirements in relation to Public Open Space is required, this may be addressed by way of a "limited agenda" Oral Hearing which would focus **only** on the issues contained within the limited agenda. I would direct the Commission 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.

Connections & Permeability

- 11.6.25. Objective 2.14 'Walkable Neighbourhoods' seeks to provide enhanced permeability for walking and cycling. Objective 2.17 of the CCDP relates to Neighbourhood Design and states 'the design and siting of development shall create a sense of community and identity, enhance connectivity, incorporate creative approaches to urban design, enhance landscape character and green and blue infrastructure and respect the local context and character of the area.' Objective 4.5 'Permeability' states that all new developments include permeability for pedestrians, cyclists and public transport to maximise accessibility.
- 11.6.26. I have detailed connections and permeability in Sections 11.7 'Design' and 11.9 'Traffic and Transportation' below, and I am satisfied the proposal is in compliance with Objectives 2.14, 2.17. and 4.5 as cited above. While the Commission will note I have recommended that the pedestrian route that provides access to Greenhills (the cul-de-sac to the north-east of the site) be omitted (as per discussion in Section 11.9 'Traffic and Transportation' below), I am of the view that, even in the absence of same,

the proposal provides for sufficient connections and permeability, and is consistent with Objective 2.14 Walkable Neighbourhoods, Objective 2.17 and Objective 4.5 of the CCDP.

Separation Distances

- 11.6.27. Section 11.101 of the CCDP recognises that a minimum separation distance of 22m between the rear elevations of buildings was traditionally required. However, it also acknowledges that best practice has since evolved, and lesser separation distances are often appropriate, particularly in an urban context, subject to design solutions and site-specific context. All development proposals will be required to demonstrate that they have been designed to avoid overlooking. The Commission will note, then, that there is no set minimum separation distance between rear elevations required by the CCDP, and the citing of the 22m distance is in terms of providing an historical context in relation to the application of same.
- 11.6.28. The Commission will also note that, consistent with the NPF preference for performance-based standards and a range of tolerance (NPO13), the Apartments Guidelines (2023) do not apply the 22m standard and advise against blanket restrictions on building separation distance. It highlights a need for greater flexibility in order to achieve significantly increased apartment development in cities and points to separate guidance to planning authorities as outlined in the Building Height Guidelines.
- 11.6.29. More recently, the Compact Settlement Guidelines outline that separation distances should be determined based on considerations of privacy and amenity, informed by the layout, design and site characteristics of the specific proposed development. SPPR 1 states that development plans shall not include an objective in respect of minimum 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 both local and national policy allows for appropriate flexibility in separation distances.
- 11.6.30. The proposed layout provides for sufficient separation distance between opposing rear and side elevations. The nearest directly opposing rear or side windows are between Block 2 (3 storey Duplex Block) and Unit 01/Unit 02(House Types D2 – 3 storey townhouse), which are located 10.55m from each other. There

are obscured bathroom windows to the side of Block 2 which face towards Unit 01/Unit 02. Given that these windows are obscured no overlooking will result. All other separation distances, between rear and side elevations, are greater than this and I am satisfied that no overlooking will result from opposing side or rear elevations of the proposed residential units.

- 11.6.31. Therefore, having considered the separation distance/s of the proposed development between blocks, I am satisfied that adequate separation distances have been provide for within the scheme and in line with relevant standards.

Conclusions on Residential Standards

- 11.6.32. As outlined in the foregoing, I have considered the location, nature, scale, design, and layout of the proposed development and I have reviewed the application plans and particulars, and I am satisfied that the information provided regarding floor areas, dimensions, and aspect etc. is reflective of the scheme.
- 11.6.33. I am also satisfied that the proposed development would provide an acceptable level of residential amenity for the prospective occupants and is supported by an appropriate level of communal services and facilities.

11.7. Design (including height, layout, landscaping, visual appearance)

- 11.7.1. The Commission will note that I have the considered the issue of 'Landscape and Visual Impact' in Section 12.17 'Landscape and Visual' of this report. There is inevitably some overlap between the two assessments. Notwithstanding. I have endeavoured to limit repetition in this report, and in this regard, this section should be read in conjunction with Section 12.17, as both assessments are relevant to the issue of landscape and visual impact.

CE Report Comments

- 11.7.2. For a detailed summary of comments from the CE, I refer the Commission to Section 8 of this report. However, I shall provide a brief summary here. The PA were of the view that the height and scale of the proposed development is considered to generally accord with the location and the surrounding buildings, and was considered to respect the character of the key village location. Given the location of the 3 storey buildings, and the topography of the site, it was not considered that

these buildings would appear out of character, and the visual impact of the development considered acceptable.

Third Party Submissions

- 11.7.3. For a detailed summary of third party submissions I refer the Commission to Section 7 of this report. However, I shall provide a brief summary here. In general, many submissions noted the scale and intensity of the proposed development and it was not considered in keeping with surrounding developments. Concerns were raised in relation to the height of the proposed development, the visual impact of same, and noting that said height would be overbearing

Prescribed Bodies

- 11.7.4. There are no comments from Prescribed Bodies of relevance to this section of the assessment.

Context

- 11.7.5. To the south of the site is the Senandale Housing Estate. To the east of the site, across the R617 Road are the Fairways and Woodlands Housing Estates. To the north-east is Greenhills, a cul-de-sac with a number of houses accessed from same. The surrounding housing is generally 2 storey in nature.
- 11.7.6. An Architectural Design Statement accompanied the application. It is set out within same that the proposed scheme has been organised into specific areas with a retail/commercial element to the south, higher density/smaller units in the middle and the larger units on the northern part of the site which benefit from the panoramic views to the south. The proposal also includes a central parkland space. Pedestrian connectivity is provided for to the northeastern part of the site, onto Greenhills, with possible future road and pedestrian connections to the site to the west. A pedestrian/cycle path along the eastern edge of the site will link the site entrances to the bus stop.

Height

- 11.7.7. In terms of the heights proposed here, the proposed dwelling houses are generally 2 storeys, save for House Types D1 to D3, which are 3 storey townhouses. The duplex blocks are 3 no. storeys in height. The retail unit is a single storey unit, with the café

element with residential over being 2 storeys in height. The creche unit is 2 storeys in height.

- 11.7.8. In relation to height, Table 11.72 sets out a lower target height of 2 storeys and an upper target height of 4 storeys. The proposed heights are in line with these height parameters.

Local Policy (Design, Place making)

- 11.7.9. Chapter 3 *Delivering Homes and Communities* of the CCDP seeks to ensure that placemaking is at the heart of all development to create attractive, accessible, liveable, well-designed, child-friendly, playful, healthy, safe, secure and welcoming, high-quality urban places. The CCDP seeks to promote the concept of a 15-minute city focused on inclusive, diverse and integrated neighbourhoods served by a range of homes, amenities, services, jobs and active and public transport alternatives and requires that proposals for new development demonstrate how placemaking is at the heart of the development and how the development will contribute to the local neighbourhood (Objectives 3.1 and 3.3).
- 11.7.10. Chapter 11 of the CCDP relates to Placemaking and Managing Development. It set out that ‘development should have a positive contribution to its receiving environment delivered by innovative architectural, landscape and urban design, that respects the character of the neighbourhood, creates a sense of place, and provides green spaces and community and cultural amenities commensurate with the nature and scale of the developments’. Section 11.5 sets out eight no. overarching development principles. In a more general sense, CCDP Objective 11.3 outlines that Housing Quality and Standards should address the key qualitative aspects outlined in Table 11.10. I have carried out an assessment of these aspects the following table:

Table 1 – Assessment of CCDP key qualitative aspects for Housing as per Table 11.10 of the CCDP.

Layout, Orientation and Form	
A	Having regard to the surrounding context, which is as described above, and having regard to the layout as proposed, with the 3 story elements set away from the existing 2 storey development to the south, and having regard to the overall height strategy, the built form, massing and height of the development

	is largely consistent with the surrounding context, with the 3 storey buildings reflecting national, regional and local policies, that seek greater densities than previously achieved on sites such as this one.
B	The layout forms a coherent, legible and navigable pattern development and will enhance the public realm along R617 Road, and also provide for active ground floor uses in the form a creche, residential amenity spaces, open spaces, and own-door units. These arrangements create a sense of activity and security.
C	. As outlined in sections 11.7, 11.8 and 11.10 of this report, the proposed development will provide adequate privacy and daylight, noting however that the applicant has not submitted a technical Daylight and Sunlight Assessment (see further discussion of same in Section 11.10 'Daylight/Sunlight/Overshadowing' below). All of the proposed houses and duplex units are dual aspect. The majority of the apartments are dual-aspect (25no of the 29no - 86%) with the single aspect units located on the western side of Block 06 overlooking the streamside walk. There are no north facing single aspect units. The layout provides clear and convenient routes which are appropriately overlooked to provide safety. There would be no significant noise interference from common areas. Having regard to the application drawings and documents, I am satisfied that the proposed homes will help meet the challenges of a changing climate and that they will be subject to compliance with Building Regulations.
Outside Space	
D	I refer the Commission to Section 11.6 'Residential Standards' of this report.
E	I am satisfied that proposed communal and private amenity spaces are acceptable in terms of quantity and quality.
Usability and Ongoing Maintenance	
F	The experience of arrival to the development is suitably accessible and fit for purpose. The application includes a Building Lifecycle Report which acceptably outlines how the development is designed to facilitate future maintenance.

National Policy

11.7.12. Chapter 4 of the Compact Settlement Guidelines focuses on planning and design at settlement, neighbourhood and site levels. An assessment of the proposed development against the stated 'key indicators of quality design and placemaking' is outlined in the following table and I am satisfied that this will reinforce the overarching placemaking principles as set out in the CCDP 2022-2028.

Table 2 – Assessment of Key Indicators of Quality Design and Placemaking

<p>(i) Sustainable and Efficient Movement</p>	<p>(a) The site close to the south-western edge of Tower Town Centre, and in close proximity to Cloughroe Neighbourhood Centre, and fronts directly onto R617 Road. The location provides for pedestrian connections to both the town centre and the local services to the south. The site is within walking distance of local services, main retail facilities, the local school and wider mixed-use facilities. As set out in the Architectural Design Report, the village of Cloughroe is located directly to the south of the proposed development site which includes social infrastructure facilities such as a national school, church, pharmacy, shop and hairdressers. All are accessible within a 2 min. walk from the site. The proposed road, cycle and pedestrian network is permeable, legible, and easy to navigate. I am satisfied that the proposal adequately optimises movement for sustainable modes.</p> <p>(b) The proposed development also provides for future connections to the site to the west. In terms of public transport I have set out details of same in Section 11.9 'Traffic and Transportation' of this report.</p> <p>(c) The application includes a DMURS Compliance document which sets out that it is proposed to provide public realm works including a 2.0m footpath, 1.0m grass verge, a 2.0m cycle lane and a 3.25m reservation for a possible future bus lane to be provided as</p>
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	<p>part of CMATS (Bus Connects). An off-road bus stop including bus shelter is also being proposed.</p> <p>With the proposed scheme itself, it is set out that all footpaths will be dishd at all entrances and crossings with tapered/ dropped kerbs and tactile paving used on approaches in accordance with the design guidelines for use with tactile paving. This is to accommodate wheelchair access and guide the visually impaired safely through the development.</p> <p>Internally, the development has been designed so that residential units are overlooking the main access routes, circulation areas and public open spaces. Home Zones are proposed, which are overlooked by on-street housing and include features such as shared surfaces, active open spaces and traffic calming elements.</p> <p>Active street frontages are provided for with the majority of the residential units fronting onto the circulation roads.</p> <p>Footpath widths are in line with DMURS (generally 2.0m wide or greater).</p> <p>Streets and roads within the scheme have been sized to create a definitive hierarchy, by way of colour contrasted surfacing, raised traffic platforms and other traffic calming elements such as pedestrian crossings, signing and lining.</p> <p>Vehicular access to the residential site is accommodated by means of a single access point onto the R617 Tower Road. The retail element including the café and overhead apartments has its own priority-controlled access onto the R61.</p>
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	<p>A low speed environment is achieved through appropriate street design, with calming elements provided.</p> <p>Through the provision of appropriate cycle and pedestrian layouts, and proposed links to the wider area, the proposal actively promotes sustainable transport modes (Objective 4.4 Active Travel – promoting walking and cycling, Objective 4.5 Permeability – seeks to maximise permeability). Active travel measures have been suitably prioritised in the proposed layout.</p> <p>(d) In relation to car parking, I have set my concerns in relation to same in Section 11.9 ‘Traffic and Transport’ below.</p>
(ii) Mix and Distribution of Uses	<p>(a) As outlined in section 11.2 ‘Principle of Development’ of this report, the proposed uses are in line with the zoning as set out in the plan. However, the retail element is not provided for, having regard to other provisions of the CCDP, as considered in Section 11.3 ‘Retail Policy’ of this report. In relation to the remaining uses, I would note that a creche has also been provided which will add to the provision of social infrastructure in the area.</p> <p>(b) The proposed apartments and creche will also help to achieve the critical mass needed to sustain Cloghroe Village and Tower town centre as an attractive and vibrant places to live.</p> <p>(c) The proposed development is suitably served by local service/amenities within the adjacent Cloghroe Village and Tower town centre which will be complemented by the proposed creche.</p> <p>(d) In terms of the proposed quantum of development (in terms of residential density) I have set out my concerns in relation to same in Section 11.5 ‘Residential Density’ above.</p> <p>(e) In relation to public transport provision, I have detailed same in Section 11.9 ‘Traffic and Transportation’ of this report.</p>

	<p>(f) I refer the Commission to Section 11.4 'Housing Mix' as regards my concerns with respect to Housing Mix.</p>
(iii) Green and Blue Infrastructure	<p>(a) The proposed landscaping scheme includes a landscaped parkland with amenity walk, along the western boundary of the site, along with the retention of mature treeline on this boundary. The submitted Landscape Strategy sets out 'Key Landscape Features' and these include:</p> <ul style="list-style-type: none"> • 420m streamside amenity path (west boundary) • 1700 sq.m. central amenity access and biodiversity corridor. • 1200m amenity walks through 4 different habitats • Willow wetland walk with nature play amenity • 500 sq.m. of formal children's play areas with full equipment4 no. adult exercise equipment units • {ublic orchard and 3 acres of wildflower meadow • 700 sq.m. road frontage plaza along R617 <p>The scheme seeks to retain, protect and enhance the trees along the western boundary of the site.</p> <p>I am satisfied that the proposal has sought, so far as is possible, to protects and enhance important natural features such as the stream to the western boundary and avoids the degradation of ecosystems; and includes suitable measures to mitigate against any potential negative ecological impacts. (I refer the Commission to Section 12.9 'Biodiversity' and Section 12.11 'Water' of this report).</p>
(iv) Public Open Space	<p>(a) I refer the Commission to section 11.6 'Residential Standards' above for a detailed discussion of same.</p>

<p>(v) Responsive Built Form</p>	<p>(a & b) I am of the view that the form and design of the proposed development has had sufficient regard to the context of the site and has proposed distinct and recognisable scheme though the architectural and design treatment of the form, fenestration, and material colours and finishes. The height of the blocks within the scheme are set at an appropriate scale, noting the maximum height within the scheme will be 3 no. storeys.</p> <p>There will be some change in outlook and views from surrounding residential properties, however the site is earmarked for development by virtue of the zoning, and as such some change in outlook and views will occur should any scheme come forward on the site. The design has sought to limit impact on surrounding amenity (see discussion in Section 11.8 of this report).</p> <p>The scheme will be a very positive addition to the identity of the locality and enhance the sense of place through the high-quality architecture, landscaping and urban design along the street front. I am satisfied that this will create a legible and coherent urban structure which responds in a positive way to the established pattern and form of development.</p> <p>(c) The proposal will strengthen the overall urban structure and will successfully link with existing and permitted development and provide for future opportunities to create significant new linkages for future development.</p> <p>(d) The proposed blocks will provide activity along the principal frontages in the form of a creche, residential amenity spaces, open spaces, and own-door units.</p> <p>(e/f) The proposal embraces modern architecture and urban design using simple architectural language and a limited palette of materials. The proposed development will enhance local distinctiveness.</p>
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Conclusion on Design and Layout

11.7.13. As per the detailed assessment above, I consider the proposed development will provide an appropriate urban development on this site, which is located in proximity to existing urban centres (Cloghroe Village and Tower). I have had regard to the contents of the Compact Settlement Guidelines 2024, Table 2 above and CCDP Objective 11.3, Table 1 above and I am satisfied design and layout of the proposal is in line with same.

11.8. Impacts on Adjoining Residential Amenities

CE Report Comments

11.8.1. The PA are of the view that, overall, the proposed development would not have an impact on a large number of dwellings. However, it was considered that the proposed development would have a considerable impact on the outlook of the single, one-off dwelling to the east of the development site. It was further considered that there may be some impacts on the outlook of the existing dwellings located to the north of the proposed development but these were considered to be minor.

Third Party Comments

11.8.2. Third parties have raised concerns in relation to general impacts on residential amenity including potential impacts on privacy resulting from overlooking. Other concerns relate to the potential impact from the commercial area and noise emanating from same, with third-parties stating that the commercial area would be located above ground levels of adjacent gardens.

Prescribed Bodies

11.8.3. There are no comments from Prescribed Bodies of relevance to this section of the assessment.

Overlooking/Overbearing

11.8.4. In relation to the existing residential properties to the south of the site, at Sendandale, the nearest proposed units to same are those units located over the

café building. These units are set back c20m from the closest property at Senandale, and I am satisfied that no overlooking will result from same, nor will the building result in sense of overbearing when viewed from properties in Senandale. All other existing residential properties are set back at greater distances from the proposed development. I would note also the 3 storey units are set back sufficiently so as not to result in a sense of overbearing when viewed from exiting residential properties.

Noise

- 11.8.5. I have considered the issue of noise in Section 12.12 Noise and Vibration' of this report and I refer the Commission to same. As set out therein, mitigation measures relating to noise include, but are not limited to, selection of quiet plant and where necessary, screens around noise sources, limiting the hours of work and noise monitoring. Noise control measures in relation to commercial plant include the use of acoustic louvres or attenuated acoustic vents. As per my conclusions in Section 12.12 of this report, I am satisfied that, with mitigation measures in place, the proposed development will not have a significant impact on the noise environment, either at construction or operational stage.

Conclusions on Residential Amenity

- 11.8.6. I am satisfied that the proposed development will not have a significant determinantal impact on the adjoining properties by reason of overlooking, overbearing impact, noise or construction impacts, nor from any noise impacts at operational stage.

11.9. Traffic and Transportation including Car Parking (New Issue)

- 11.9.1. I would highlight to the Commission that the issue of Traffic and Transportation is also considered within the EIAR, and I refer the Commission to Section 12.14 'Material Assets – Traffic' of this report for a consideration of same. Section 12.14, in the main, considers the potential impacts of the proposed development on the surrounding road network, in terms of the capacity of same, and any proposed mitigation measures proposed by the applicants to reduce impacts on same. This section of the report relates to other, but related issues, including public transport accessibility, car parking provision, cycle parking provision, safety issues and other transport issues. There is inevitable overlap between the two assessments, although

I have endeavoured to keep repetition to a minimum. However, this section should be read in conjunction with Section 12.14 of this report.

CE Report Comments

- 11.9.2. I have set out a detailed summary of the CE submission, and related internal reports, in Section 8 above. However, I shall provide a brief summary here. The PA notes that parking for the residential is below the maximum requirement (of the previous Development Plan). However, the PA note that a justification has been provided for this and is acceptable. Also of note is the PA's view that short term works should be carried out to the junction of R617/579 to preserve the capacity of same.

Third Party Comments

- 11.9.3. I have set out a detailed summary of Third Party comments relating to traffic and transportation above, and I refer the Commission to same. I shall provide a brief summary here. A large number of submissions have raised concerns in relation to existing traffic congestion, and it is contended that the proposed development will result in increased traffic congestion. It is set out that the TTA has not considered existing afternoon traffic levels, cumulative impacts, and the results of the traffic surveys that inputted into same were skewed by the impact of Covid 19. The Commission will note I have considered the issue of traffic congestion, in terms of the impacts on the surrounding road network, in Section 12.14 of this report.
- 11.9.4. Safety concerns are also raised in relation to several aspects of the scheme, namely the narrow width of the existing footpath on Greenhills (onto which it is proposed to provide a pedestrian access point), and it is noted also that said footpath does extend as far as the R617 road. It is set out that the applicant does not have the legal right to open up this lane to pedestrian traffic, and it is requested that this element be removed from the proposals.
- 11.9.5. Safety concerns are also raised in relation to current parking arrangements at the school, and it is stated that the proposed development will result in increased risk from same. It is also stated that the existing footpath along the R579 and R617 is not safe. In relation to car parking, it is set out that there is insufficient car parking provision and is below the minimum requirement of 2 spaces per house, and 1.5 spaces per apartment. It is also set out that the site is poorly serve by public transport, with the result that the proposed development would be car dependant.

- 11.9.6. Other concerns raised include the lack of sufficient cycle facilities, as well as safety concerns relating to the proposed cycle lane.

Prescribed Bodies

- 11.9.7. There are no comments from Prescribed Bodies of relevance to this section of the assessment, noting that the submission from Transport Infrastructure Ireland (TII) stated that it had no observations to make.

Proposed Access /Circulation

- 11.9.8. As noted above, access to the proposed development is via 2 no. entrances from the R617 to the east of the site, 1 no. access would serve the proposed residential development and the other would serve the proposed retail and café use. An additional pedestrian entrance is proposed from the existing cul-de-sac at the sites northern boundary. The works include upgrades to the R617, including the installation of footpath / cycle infrastructure, signalised pedestrian crossing and the relocation of the existing public bus stop.

Connections and Permeability.

- 11.9.9. The location provides for pedestrian connections to both the town centre and the local services to the south. The site is within walking distance of local services, main retail facilities, schools and wider mixed-use facilities. As set out in the Architectural Design Report, the village of Cloghroe is located directly to the south of the proposed development site which includes social infrastructure facilities such as a national school, church, pharmacy, shop and hairdressers. All are accessible within a 2 min. walk from the site. The proposed road, cycle and pedestrian network is permeable, legible, and easy to navigate.
- 11.9.10. I would note that the development also provides for a signalised pedestrian crossing to the north-east of the development and cycle and footpath provision to the western side of R617 Road, where no such facilities currently exist. This will improve pedestrian and cycle safety over and above the current situation.
- 11.9.11. I am satisfied that the proposal adequately optimises movement for sustainable modes.

Existing and Proposed Public Transport Provision

- 11.9.12. In terms of public transport⁹, the site is currently served by the 215 bus service, which runs approximately every 30 mins from Cloghroe to Mahon Pt. Shopping Centre, in Cork City. The 235 Intercity Bus Service also serves the site and this runs twice daily between Cork Bus Station and Rylane.
- 11.9.13. In relation to future public transport provision, I would note, that as part of the Cork Bus Connects Scheme, the 215 is proposed to be replaced with the 17 Bus Route which is proposed to runs every 30 mins between Cork City Centre and Cloghroe (and onwards to Ballincollig every 60 mins). As such, it would not appear that the frequency of the bus service serving this site directly will be increased as part of the Bus Connects scheme. Information on the Bus Connects website (accessed 18th November 2025) states that Government approval for same was secured on the 29th October 2025, and it is stated that this approval will facilitate the lodgement of planning applications with An Coimisiún Pleanála which is expected to occur next year.¹⁰
- 11.9.14. I would also note that Tower town centre is proposed to be served by the No. 38 Bus Route which will run every 2 hrs between Cork City Centre and Blarney Business Park.¹¹ This bus stop is located approximately 750m from the northern end of the site.

Cycle Lane/Cycle Facilities

- 11.9.15. I would note that third party concerns have been raised in relation to the limited extent of the cycle lane and potential safety concerns in relation to same. In term of the extent of same, I am of the view that the developer has provided an extent of cycle lane that would serve to improve the existing situation for cyclists, and the provision of a greater extent of same, and the provision of a more interconnected network of cycle lanes is a matter for the local authority and/or developers of adjoining and surrounding sites.
- 11.9.16. In term of safety concerns in relation to the cycle lane, I would note the Road Safety Audit has raised concerns in relation to the lack of signage and road markings indicating the start and end of the track and it is recommended that appropriate

⁹ Information in relation to same was accessed via <https://www.buseireann.ie/>

¹⁰ <https://busconnects.ie/ministers-secure-government-approval-for-busconnects-cork/> (accessed 18th November 2025).

¹¹ [Cork-New-Network-Outer-West](#) (Correct as of 3rd June 2025)

signage and road markings in accordance with the National Cycle Manual are provided. I am of the view that if the Commission is minded to grant permission, a condition in relation to a Stage 3/4 Road Safety Audit can be imposed which will ensure that any recommendations of the submitted Road Safety Audit will be implemented in full.

Car Parking

- 11.9.17. A total of 397 no. car parking spaces are proposed to serve the development. A total of 295 no. spaces will serve the residential units and creche and 101 no. retail units would serve the retail element. I note that the access point for the residential units and associated car parking will be to separate to the access point for the retail element, which is located to the south of the site. The application documentation clarifies that, in relation to the breakdown of the residential car parking element, it is generally proposed to provide 2 no car parking space per house, with the exception of 20 no. 2 bedroom townhouses, located in Area B, which have been provided with 1 no. space. Parking for the proposed apartments have been allocated on the basis of 1 space per unit for 2 and 3 bedroom duplex apartments, and 0.5 space per unit for 1 and 2 bedroom ground floor units, with 16 no. visitor spaces. Within Area D, parking for the proposed 1 and 2 bedroom 'stepdown' apartments is provided on the basis of 1 space per 3.5 apartments. Within the overall provision, a total of 17 no. EV parking spaces are provided, 12 of which are within the areas reserved for the creche and step-down apartments and the commercial parking areas. The car parking spaces are provided in communal areas to the front of the residential units. I refer the Commission to Drg. No. 20068/P/014 (Proposed Vehicle Car Parking Allocation).
- 11.9.18. I have set out within the table below, a comparison of proposed parking with current Development Plan standards.
- 11.9.19. For the purposes of car parking standards, Tower is located in Zone 3. Table 11.13 *Maximum Car Parking Standards* of the current CCDP (as amended by Variation No. 1) establishes in Zone 3 (Urban Towns of Ballincollig (excluding the Town Centre), Blarney, Glanmire, Tower) a maximum of 1.25 spaces for 1-2 Bedroom residential units and 2.25 spaces for 3 and 3+ bed units. This equates to a maximum required of 344 no. car parking spaces for these elements.

11.9.20. In addition, Table 11.13 establish 1 car parking space per 6 children for the proposed crèche. This equates to a requirement of 7 no. spaces (creche capacity = 42).

	Development Plan Standard Zone 3¹²	Total No proposed/Total capacity/Proposed Floor Area	Maximum Provision	Proposed Provision
1 and 2 bed residential units	1.25 per unit	101 no.	126	287
3/3+ bed residential units	2.25	97 no.	218	
Creche	1 space per 6 children	42 children	7	9
Retail Unit	1 space per 20 sq. m (Convenience Retail)	1,895 sq. m. gross	95	101
Café	1 space per 50 sq. m.	186 sq. m.	3	0

11.9.21. For the residential element, the proposed provision of 287 no. spaces is below the maximum provision of 344 no. spaces. I would note that the retail provision of 101 no. spaces exceeds the maximum provision of 95 no. spaces, but this is not material in my view, noting the overprovision is some 6 no. spaces, or an exceedance of the maximum provision by 6%. There no café parking proposed, although I am of the view that any demand for same would be served by the retail parking provision.

¹² As per Variation No. 1 adopted Monday 8th May 2023

- 11.9.22. The CCDP further clarifies on how parking standards shall be applied. In relation to Zone 3, the CCPD, as varied, notes that Bus Connects Cork is proposed to serve these areas of Cork City. It is envisaged that parking standards serving this zone will be reduced to reflect the level of public transport services over time. However, Section 11.239 of same, states that *inter alia* the application of maximum car parking standards will remain the standard going into the future. As such to my mind, the maximum standards apply unless sufficient justification has been provided.
- 11.9.23. In addition, Section 11.240 of the CCDP states that applicants will be required to justify the level of parking through the preparation of robust assessments, including a TTA, the extent of parking in the general vicinity (including precedents for the application for reduced parking standards).
- 11.9.24. In relation to same, the applicants have submitted a Traffic and Transport Assessment (TTA) and the overall levels of parking have been justified by the applicant (in the Material Contravention Statement) with reference to *inter alia* the site's location close to Tower Town Centre, and Cloghroe Village, including the amenities located therein.
- 11.9.25. Notwithstanding, I am not of the view that the site is an accessible site, in terms of public transport provision. While Tower is earmarked for new routes to be served by Bus Connects Cork, I have no evidence before me to indicate that the frequency of buses will be increasing. Notwithstanding, I accept that the site is located relatively close to Tower Town Centre, and to Cloghroe Village, and the services located therein. However, the application of reduced standards in Zone 3 is based on the premise of an improved level of public transport provision over time, and from the information that is available to me, this does not appear to be the case for Tower.
- 11.9.26. Also of relevance here are the Compact Settlement Guidelines, published in 2024, subsequent to the submission of this application. These guidelines consider the issue of car parking. Section 5.3.4 of same considers 'Car Parking – Quantum, Form and Location'. It is stated that *'In areas where car-parking levels are reduced studies show that people are more likely to walk, cycle, or choose public transport for daily travel. In order to meet the targets set out in the National Sustainable Mobility Policy 2022 and in the Climate Action Plan 2023 for reduced private car travel it will*

be necessary to apply a graduated approach to the management of car parking within new residential development'

11.9.27. However, in addition to the above, the Guidelines also note that the approach [to car parking quantum] should take account of proximity to urban centres and sustainable transport options, in order to promote more sustainable travel choices. Car parking ratios should be reduced at all urban locations, and should be minimised, substantially reduced or wholly eliminated at locations that have good access to urban services and to public transport. Of significance in this instance is SPPR 3 'Car Parking' of the Guidelines where the locational and accessibility attributes of a particular site are the key determinants in the level of car parking provision. In relation to the 'peripheral locations' such as this site (see discussion of same in Section 11.5 'Residential Density' of this report), SPPR 3 sets out that 'the maximum rate of car parking for residential development, which such provision is justified to the satisfaction of the planning authority, shall be 2 no. spaces per dwelling'. In this instance the, the maximum car parking would be 396 spaces. The applicant has provided 287 spaces, which is short of same. However, the Commission will note that these are maximum targets, and the Guidelines note that car ratios should be reduced at all urban locations, and should be should be minimised, substantially reduced or wholly eliminated at locations that have good access to urban services and to public transport. In this instance, and as per the discussion above, I am of the view that while the site has access to services within Tower and Cloghroe Village, the site is not an accessible site in terms of public transport provision, and furthermore, it has not been demonstrated that the mobility needs of residents and works can be facilitated through shared mobility solutions such as a car and bike share, as espoused by the Guidelines, where reduced parking rates are being considered.

EV equipped parking spaces

11.9.28. 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 space. 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 50.6 EV parking spaces.

11.9.29. The overall provision, a total of 17 no. EV parking spaces are provided, 12 of which are within the areas reserved for the creche and step down apartments (2 no) and the commercial parking areas (10 no)(Drg. No. 20068/P/014 (Proposed Vehicle Car Parking Allocation refers). There is no indication that the remaining car parking areas will be 'ducted' or provided with future proofing infrastructure to allow the provision of EVs. As such, same would not be in compliance with the requirements of the current CCDP.

11.9.30. In relation to previous Development Plan policy on EV parking, Table 1a of the now superceded Cork County Plan 2014 included a provision in relation to EV parking. It was stated that non-residential developments will provide facilities for battery powered vehicles to be recharged at a rate of 10% of the total car parking spaces. All other parking spaces including residential should be constructed to be capable of accommodating future charging points as required. As such, for the residential element, there was no specific requirement for a quantum of EV parking, but there was a requirement to 'provide for' such parking (i.e. likely in the form of ducting, although this is not specifically stated).

11.9.31. Having regard to the discussion above, it is my view that the underprovision of EV parking, and associated provision of EV parking infrastructure, represents a material contravention of the current CCDP and that this issue has not been adequately ventilated (see further discussion of same below).

Accessible Car Parking Spaces

11.9.32. Section 11.244 of the CCDP requires 5% of car parking spaces to be set aside for disabled car parking. This would equate to a requirement of 20 no. spaces (5% of the total allocation of 397 spaces). A total of 9 such spaces have been provided (7 for the commercial/creche/step down units) and 2 for the residential units. This is not in compliance with Section 11.244 of the CCDP and would represent an unidentified material contravention of the CCDP, in my view, and that this issue has not been adequately ventilated (see further discussion of same below).

Bicycle Parking

11.9.33. 126 no. cycle parking spaces have been provided. Table 11.14 sets out a requirement of 0.5 per apartment unit in the suburbs. The quantum proposed is in accordance with Table 11.14.

Other Issues

11.9.34. Footpath Width – In relation to the width of the footpath on the opposite side of the side, I am of the view that any concerns in relation to same would be a matter for the Planning Authority. I am satisfied that the applicant in this instance is providing for improvements on the western side of the R617 that are commensurate and proportionate to the scale and nature of the development proposed, noting that such improvements include the provision of a wider footpath on this side of the road.

Use of Greenhills as a pedestrian route

11.9.35. In relation to the use of this laneway as a pedestrian route, I concur with the views of the third-parties in this regard, noting that there is no continuous footpath link from the proposed development to the north to the R617, as the existing footpath does not extend the full length of this lane. While the provision of an additional link is welcomed in urban design and permeability terms, the increase in pedestrian footfall will lead to road safety concerns in my view. In particular, I note Section 4.17 'Walking' of the CCDP, which supports permeability but also the safe movement of pedestrians. The proposed access point does not allow for the safe movement of pedestrians over the entire length of Greenhills. As such I am of the view that this proposed link should be omitted from the proposal, in the interests of road safety. Should the Commission be minded to approve the proposed development, I would recommend that this pedestrian link should be omitted by way of condition.

11.9.36. I note also that third parties have raised the issue of legal consent to open up access to the cul-de-sac as it is stated that it is a private lane. In relation to same, I note that the Commission is not an arbiter of title, and I refer to Section 34(13) of the Planning and Development Act which provides that if the applicant lacks title or owner's consent to do works permitted by a planning permission, the permission does not give rise to an entitlement to carry out the development.

Other General Road Safety/Safety Concerns at School

11.9.37. I am not of the view that the proposal would serve to worsen any safety issues at the National School, nor would it give rise to any increased road safety risks,

subject to conditions (noting the discussion in relation to the proposed cycle lane and pedestrian route above).

Conclusion on Traffic and Transport

11.9.38. In relation to the issues considered above, I would be of the view that proposed car parking provision would fall materially short of the maximum provision for this site, without sufficient justification for same being provided, in light of the provisions of the current development plan, in light of the provisions of relevant Section 28 Guidelines, including the Compact Settlement Guidelines, and in light of the related issue of proposed improvements to the bus service as part of Bus Connects. As such I am of the view that the proposed car parking provision, including EV provision and accessible parking provision, represents a material contravention of the current CCDP and I am recommending a refusal on this basis.

11.9.39. However, Commission may be of the view that the issue of car parking provision has not been adequately ventilated, either in the application documentation, the Third-Party submissions, the CE submissions nor via submission from Prescribed bodies. While the issue of car parking provision is considered in the applicant's Material Contravention Statement, the Material Contravention highlighted in the Statement relates to the provisions of the former Development Plan, and does not relates to the standards in the current Development Plan.

Previous Development Plan Standards

11.9.40. For the residential element I note that the previous Development Plan requirements (Cork County Development Plan, 2014) were as follows:

- Appendix D: Table 1a 2 spaces per dwelling; 1.25 spaces per apartment.

11.9.41. This would require a total of 234 spaces for the proposed houses (there are 117 no.) and 102 spaces for the duplexes/apartments (there are 84 no. proposed). This would be a maximum requirement of 336 no. spaces for the residential element. The proposed development is provided a total no. of 287 no. spaces. The maximum requirement under the current CCDP is 344 no. spaces. As such, the quantum required under both Plans could be argued not to be materially different, and the Commission may be of the view that the issue of the quantum of car parking has

already been adequately ventilated, and I note in this regard third-party submissions have raised the issue of insufficient car parking.

11.9.42. Notwithstanding, the issues of EV car parking provision and accessible car parking provision, are not considered within the applicant's Material Contravention, noting that same falls short of the Development Plan requirements and the I am of the view that this is an unidentified material contravention of the operative City Development Plan.

12.1.2 In conclusion therefore, I am of the view that the proposed car parking provision, including EV parking and visitor parking, would represent a material contravention of the current CCDP. These matters have not been addressed explicitly in the Material Contravention Statement submitted, as per the discussion above. As noted, above, there is no recourse under SHD legislation to seek further information and the issue of car parking is 'New Issue' and not a matter that can be addressed by way condition, in my opinion. Therefore, if the Commission are minded to grant planning permission, and consider that clarification on matters relating to compliance with Development Plan requirements in relation to Residential Density is required, this may be addressed by way of a "limited agenda" Oral Hearing which would focus **only** on the issues contained within the limited agenda. I would direct the Commission 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.

11.9.43. However, it my recommendation that, given the fundamental concerns in relation to the provision of the retail element, as set out in Section 11.3 'Retail Policy' above, that a limited agenda Oral Hearing is not held and the application be refused, as per my recommendation below, which includes the issue of insufficient car parking as a reason for refusal.

11.10. Daylight/Sunlight/Overshadowing (New Issue)

11.10.1. I have considered wider issues relating to residential standards and amenities in Section 11.6 of this report and have considered other issues as relates to impacts on surrounding residential amenity in Section 11.8 of this report. This section considers the issue of daylight, sunlight and overshadowing as a standalone issue.

Current Policy/Context

- 11.10.2. Objective 11.4 'Daylight Sunlight and Overshadowing' of the Cork City Development Plan 2022-2028 states that *inter alia* planning applications should be supported by a daylight and sunlight design strategy, and that Daylight, Sunlight and Overshadowing (DSO) assessment, utilising best practice tools, should be scoped and agreed with the Planning Authority prior to application. Section 11.96 of the Development Plan states that *inter alia* development should be guided by the principles of 'Site Layout Planning for Daylight and Sunlight, A guide to good practice' (BRE, 2011) and any updated guidance. A daylight analysis will be required for all proposed developments of more than 50 units and in relation to smaller applications where there are impacts on habitable rooms and the nature of the impact is not clear, with Section 11.98 and 11.99 setting out further requirements of same. The application is for over 50 units and therefore I am of the view that a daylight analysis is required.
- 11.10.3. I note the applicants have not submitted a Daylight and Sunlight Assessment, and given the specific requirements of the Development Plan, I would be of the view that the lack of same would constitute a Material Contravention of the Plan (Objective 11.4 and Section 11.96 of same). I have considered the issue of Material Contravention in Section 11.13 of this report.
- 11.10.4. The Compact Settlements Guidelines also refer to the various technical standards that can be used in considering the impacts of a development on daylight to neighbouring properties. Section 5.3.7 of the Guidelines state 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.
- 11.10.5. I note also the provisions of Section 5.3.7 'Daylight' of the Compact Settlement Guidelines (2024). This stated that *inter alia* that Planning authorities do not need to undertake a detailed technical assessment in relation to daylight performance in all cases. It should be clear from the assessment of architectural drawings (including sections) in the case of low-rise housing with good separation

from existing and proposed buildings that undue impact would not arise, and planning authorities may apply a level of discretion in this regard.

11.10.6. 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. The Guidelines state that 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 Bord 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.

11.10.7. Notwithstanding the lack of a Technical Daylight and Sunlight Assessment, as noted above, I have carried out an assessment of potential daylight and sunlight impacts below, having regard guidance within BRE 209 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2022) (BRE 2022).

Neighbouring Daylight, Sunlight and Overshadowing Effects

11.10.8. I would note that no concerns were raised by third parties, nor by the Planning Authorities, in relation to potential impacts on daylight and sunlight levels to neighbouring properties, nor was concern raised in relation to potential overshadowing of neighbouring amenity areas.

Daylight

11.10.9. In relation to potential impacts on daylight, I refer to BRE 2022, wherein it is set out that *‘Loss of light to existing windows need not be analysed if the distance of each part of the new development from the existing window is three or more times its height above the centre of the existing window. In these cases the loss of light will be small’.*

11.10.10. In the case of the closest property to the development (i.e. to the south at Senandale (No. 1 Senandale), the distance from same to the closest built form (i.e. the 2 storey café/residential unit) is c20m, and the height of this building is 9.6m. It is

not clear what height of the existing window at No. 1 Senandale is, but the BRE guidance sets out that a typical ground floor window would be 1.5m about the ground. The height of the café unit above the centre of the window would then be 8.1m. The distance of 20.4m is within 3 times this height (which is 24.3). In this instance, the '25-degree rule' can be used to find out whether an existing building still receives enough skylight. The guidance states that one can *'measure the angle to the horizontal subtended by the new development at the level of the centre of the lowest window. If this angle is less than 25° for the whole of the development then it is unlikely to have a substantial effect on the diffuse skylight enjoyed by the existing building. If, for any part of the new development, this angle is more than 25°, a more detailed check is needed to find the loss of skylight to the existing building'*. In this instance, and with reference to Drg. No. 20068/P/006 it is possible to determine that the angle subtended by the café/apartment block is less than 25 degree, and therefore the development is unlikely to have a substantial effect on daylight to this dwelling. In relation to the other elements of the proposed development, at the boundaries setback distances are greater, and heights are similar and therefore it can be reasonably be concluded that impacts are therefore similar. The surrounding properties should therefore experience a similar level of skylight after the proposed development is built, as is currently existing.

Overshadowing

- 11.10.11. In relation to overshadowing impacts on properties in Senandale, the proposed development lies to the north of same, and therefore will not have any impacts on amenity areas of same. In relation to properties to the east, across the R617 Road, the setback distances are such that impacts are unlikely, and in any case, the front gardens of properties face towards the development, with BRE Guidance (2022) stating that front gardens need not be analysed (section 3.38 of same). To the northeast, there is a dwelling that is set back some 38.5m from proposed houses B2. I would note that these are 2 storey houses, and the level of overshadowing is unlikely to exceed BRE guidance values i.e. it is recommended that at least half of the amenity areas listed above should receive at least two hours of sunlight on 21 March. I note the large extent of the amenity space surrounding this dwelling and same will receive the greatest proportion of sunlight from a southerly aspect, which would remain largely unaffected. I note also a property that lies to the

south on Greenhills, and which has development to the south of same (Block 05). This is an 3 storey block. However, this existing dwelling is setback some 48.6m from same, and has a large amenity area, and impacts on same are unlikely to exceed BRE guidance values.

11.10.12. Given the above considerations, I am of the view that it is likely that the proposed development meets the requirements of the BRE Guidelines, and any impacts on neighbouring properties will be negligible.

11.10.13. Accordingly, I am satisfied that the development will not have a determinantal negative impact in terms of daylight and overshadowing impacts on the adjoining residential properties.

Proposed Development - Daylight, Sunlight and Overshadowing

Internal Daylight and Sunlight

11.10.14. In terms of internal daylight and sunlight levels, again I note the application does not include a technical assessment of same. Notwithstanding, I would note that the development is low rise, with a maximum of 3 storeys, and is surrounded by either agricultural fields or by low rise 2 storey suburban houses, which are for the most part set back at a substantial distance from the proposed development. The houses and duplex units themselves are all dual aspect, and 86% of the apartment units are dual aspect, with no north facing dual aspect units. As such it is likely that the internal daylight and sunlight levels to the units will be sufficient, notwithstanding the lack of a supporting technical assessment, noting also that the PA nor third parties have raised any issues in relation to same.

Sunlight to Proposed Amenity Spaces

11.10.15. BRE guidelines states that developments should seek to achieve 2 hours of sun on ground to over 50% of the assessed area on 21st March. No assessment has been carried out in relation to same. However, for the majority of proposed open spaces, this is likely to be achieved, noting the scale of same, and the limited heights of surrounding built form. It may not be achieved for the 'Apartment Courtyard' space, given the built form surrounding same, however, there will be sunlight gained from the east, and this may be sufficient to achieve said target. However, in the absence of a technical assessment, it is not possible to determine same. Notwithstanding, even if this area did not achieve the standard as above, it

constitutes only a small element of the proposed amenity space provision, and a non-compliance with the target would not in itself constitute a reason for refusal in my view, given the likely compliance of the remaining area of amenity.

Conclusion

11.10.16. I am of the view that it is likely that the proposed development will have minimal impact on surrounding buildings in terms of access to skylight. There are no neighbouring gardens/amenity spaces in close enough proximity to the proposed development to be materially affected in terms of availability of sunlight. Overall, and notwithstanding a lack of a technical daylight and sunlight assessment, the development has been designed with due consideration for sunlight and daylight.

11.10.17. However, as noted above, the lack of a Technical Daylight and Sunlight Assessment would constitute an unidentified material contravention of the Plan in my view (see further discussion of same in Section 11.12 'Material Contraventions' below). This issue has not been addressed in the Material Contravention Statement submitted. I would note also the issue has not been ventilated in the light of Cork City Development Plan 2022-2028.

12.1.3 These matters have not been addressed explicitly in the Material Contravention Statement submitted, as per the discussion above. As noted, above, there is no recourse under SHD legislation to seek further information and the issue of compliance with the current CCDP regarding the submission of a Technical Daylight and Sunlight Assessment (Objective 11.4 and Section 11.96 refers) is 'New Issue' and not a matter that can be addressed by way condition, in my opinion. Therefore, if the Commission are minded to grant planning permission, and consider that clarification on matters relating to compliance with Objective 11.4 and Section 11.96 of the current CCDP is required, this may be addressed by way of a "limited agenda" Oral Hearing which would focus **only** on the issues contained within the limited agenda. I would direct the Commission 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.

11.10.18. However, it my recommendation that, given the fundamental concerns in relation to the provision of the retail element, as set out in Section 11.3 'Retail Policy' above, that a limited agenda Oral Hearing is not held and the application be refused,

as per my recommendation below, which includes the issue of a lack of a Technical Daylight and Sunlight Assessment as a reason for refusal.

11.11. Social Infrastructure including School Capacity (New Issue)

CE Report Comments

- 11.11.1. The PA have not made any comments of note in relation to social infrastructure.

Third Party Comments

- 11.11.2. I have set out a detailed summary of Third Party comments relating to social infrastructure in Section 7 above, and I refer the Commission to same. I shall provide a brief summary here. Concerns have been raised in relation to the capacity of the local school, and in relation to the capacity of local GPS services, as well as the lack of adequate facilities for young people in the area.

11.11.3. Prescribed Bodies

- 11.11.4. There are no comments from Prescribed Bodies of relevance to this section of the assessment.

School Capacity

- 11.11.5. Of note here is Objective 10.73 'Tower Education' of the CCDP which states that all future planning applications for multiple housing units in Tower including the phasing and numbers permitted will be examined in the context of the current and future capacity of Cloghroe National School. The CCDP (Section 10.294 refers) also notes that there is one primary school, located in Cloghroe that serves Tower. The nearest secondary schools are in Blarney and Ballincollig. Cloghroe National School has a current enrolment of 530 pupils with 45 teaching and ancillary staff. The current and future capacity of this school will be a determining factor in the number and phasing of all future housing developments. I would note that there does not appear to be a similar provision in the previous (now expired) LAP. However, I would note that the now expired Cork County Development Plan 2014 included a provision which stated the following:

‘It is therefore vital that the planning system keeps pace with the scale of new residential development by ensuring that adequate school places are available or provided in a timely manner.

Therefore, all substantial residential developments must be accompanied by a report identifying the demand for school places likely to be generated by the development’.

(Sections 5.4.8 to 5.4.9 of the Cork County Development Plan 2014 refers)

11.11.6. In relation to school capacity at Cloghoe National School, while third parties have raised concerns in relation to potential capacity issues at the school, there is no numerical data in relation to same on file. I note the wording of the CCDP, as set out above, in relation to the determination of housing applications such as this one, and it would appear that this information is a prerequisite to the determination of same.

11.11.7. This information has not been submitted by the applicant. To my mind, while the specific wording of the current CCDP and the previous County Development Plan is different, the overall requirement is similar i.e. a consideration of the demand for school places that arise as a result of the proposed development (and consequently a consideration of the available school capacity to accommodate same). Notwithstanding, the applicant has not included same in the application documentation, and as such I am of the view that the non-provision of same would constitute an unidentified material contravention of the current CCDP. I note that the issue of school capacity is not considered in the applicants Material Contravention Statement.

12.1.4 As noted, above, there is no recourse under SHD legislation to seek further information and the issue of compliance with the current CCDP regarding school capacity (Objective 11.73 and Section 11.294 refers) is a ‘New Issue’ in my opinion. Therefore, if the Commission are minded to grant planning permission, and consider that clarification on matters relating to compliance with Objective 11.73 and Section 11.294 of the current CCDP is required, this may be addressed by way of a “limited agenda” Oral Hearing which would focus **only** on the issues contained within the limited agenda. I would direct the Commission 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.

12.1.5 However, it my recommendation that, given the fundamental concerns in relation to the provision of the retail element, as set out in Section 11.3 'Retail Policy' above, that a limited agenda Oral Hearing is not held and the application be refused, as per my recommendation below, which includes a lack of information as to the current capacity of Cloghroe National School as a reason for refusal.

Other Social Infrastructure

11.11.8. In relation to other issues relating to social infrastructure, the Section 10.262 of the CCDP notes that there is a there is a lack of an appropriate range of cultural facilities in Blarney and Tower. The provision of such facilities should be considered as part of development proposals in the town centre. I would note that this site is an edge of centre site, and as such I am not of the view that it is a prerequisite that this development should deliver a cultural facility. Also of note is Section 10.296 of the CCDP states that the scale of growth envisaged for Tower may not require significant investment in large scale social infrastructure, although reference is made to the provision of a cultural facility, improved pedestrian and cycle facilities and improved play facilities. I note that the proposal includes for pedestrian and cycle facilities, as well as child play facilities. It also includes a creche facility. I am satisfied therefore, that the overall provision of social infrastructure (in terms of the physical delivery of same) is in line with current CCDP requirements. In relation to GP capacity, there does not appear to be a requirement in the current CCDP to assess the capacity of same, and more generally such provision would be a matter for either the HSE or for private sector provision.

11.12. Material Contraventions (MC)

12.7.1 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.

Applicant's Material Contravention Statement

12.7.2 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), noting that the application was originally submitted to the Board on 1st

February 2022.

12.7.3 The Material Contraventions identified in the applicant's statement are as follows:

Density

11.13. The proposed net residential density of 35 units per hectare (of the developable residential site area) which was in excess of the suggested Medium B density (12-25 units / ha) indicated for Small Towns by Table 3.1 of the Cork County Development Plan 2014.

Car Parking

11.13.1. A total of 397 no. car parking spaces are proposed for the proposed development, which are allocated on the basis of housing type and likely demands of future residents. The proposed parking provision is below the Development Plan minimum standard of 2 spaces per house and 1.25 spaces per apartment as described in Table 1a, of Appendix D of the CCDP).

Quantum of Development

11.13.2. The proposed development exceeds standards identified in LAP Objective GO-01 and Table 4.1 of the LAP regarding future development in the settlement of Tower. The proposed development of 198 no. residential units exceeds the recommended scale of any individual residential scheme in the settlement of 40 no. units and the overall scale of development in the settlement of 182 no. residential units during the lifetime of the 2017-2023 LAP.

Current Policy and Possible Material Contraventions

12.7.4 The below is an examination of proposed development in the context of the operative Cork City Development Plan 2022-2028 where I have identified material contraventions, which I have also tabulated for ease of reference.

12.7.5 It is my view that the various elements of proposed development represent unidentified material contraventions of the plan namely:

Retail Provision – Material contravention of Objective 7.27 'Strategic Retail Objectives' and Section 10.294 of the Plan as per the reasons and consideration as set out in Section 11.3 'Retail Policy' of this report.

Housing Mix – Material Contravention of Objective 3.6 ‘Housing Mix’, Objective 11.2 and Table 11.9 of the Plan as per the reasons and consideration as set out in Section 11.4 ‘Housing Mix’ of this report.

Density – Material Contravention of Table 11.2 and Section 11.72 of the Plan as per the reasons and consideration as set out in Section 11.5 ‘Residential Density’ of this report.

Car Parking Provision/EV Car Parking Provision – Material Contraventions of Table 11.13, Section 11.244 and Section 11.245 of the Plan, as per the reasons and consideration as set out in Section 11.9 ‘Traffic and Transportation’ of this report.

Daylight and Sunlight – Material Contravention of Objective 11.4 and Section 11.96 of the Plan, as per the reasons and consideration as set out in Section 11.10 ‘Daylight/Sunlight/Overshadowing’ of this report.

Education – Material Contravention of Objective 10.73 ‘Tower Education’ and Section 10.294 of the Plan, as per the reasons and consideration as set out in Section 11.11 ‘Social Infrastructure’ of this report.

MC Issue	MC Advertised & addressed in MC Statement	MC (Y/N)	Current Development Plan Requirement (Cork City Development Plan 2022-2028)	Reasoning
Retail Provision	No	Yes	<p>Material contravention of Objective 7.27 'Strategic Retail Objectives' and Section 10.294 of the Plan.</p> <p><u>Objective 10.73:</u> All future planning applications for multiple housing units in Tower including the phasing and numbers permitted will be examined in the context of the current and future capacity of Cloghroe National School.</p> <p>Section 10.294 (extract) ... The current and future capacity of this school will be a determining factor in the number and</p>	<p>As per reasoning as set out in Section 11.3 of this report.</p> <p>Not considered to be a 'New Issue' as per reasoning in Section 11.3 of this report.</p>

			phasing of all future housing developments.	
Density (insufficient density)	Yes but in the context of excessive density and in the context of the provisions of the Cork County Development Plan which had materially different policies in relation to density when compared to the current CCDP.	Yes	Material Contravention of Table 11.2 of the Plan and Section 11.72 of the Plan. The 'minimum' density for Outer Suburbs, as set out in Table 11.2, is 40 dph while the maximum density is 60 dph. Section 11.72 of the Plan sets out that minimum density targets will be applied in the development of all sites, apart from in exceptional circumstances.	As per reasoning as set out in Section 11.5 of this report. A 'New Issue'. Should An Coimisiún be minded to grant permission, a limited agenda Oral Hearing will be required to address this matter.
Unit Mix	No	Yes	Objective 3.6 'Housing Mix' seeks to implement the provisions of the Joint Housing	As per reasoning as set out in Section 11.4 of this report A 'New Issue'. Should An Coimisiún be minded to grant permission, a limited agenda

			<p>Strategy and HNDA as far as they relate to Cork City.</p> <p>Objective 11.2 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....</p> <p>...Where a clear justification can be provided on the basis of market evidence that demand / need for a specific dwelling size is lower than the target then flexibility will be provided according to the ranges specified.</p>	<p>Oral Hearing will be required to address this matter.</p>
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			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.	
Parking including accessible spaces and EV spaces.	Yes, but in relation to car parking quantum only, and only in the context of the provisions of the Cork County Development Plan.	Yes	Material Contraventions of Table 11.13 (Car Parking Standards), Section 11.244 (Disabled Parking) and Section 11.245 (EV Parking) of the Plan.	As per reasoning as set out in Section 11.6 of this report A 'New Issue'. Should An Coimisiún be minded to grant permission, a limited agenda Oral Hearing will be required to address this matter.
Daylight and Sunlight	No	Yes	Material Contravention of Objective 11.4 and Section 11.96 of the Plan.	As per reasoning as set out in Section 11.7 of this report A 'New Issue'. Should An Coimisiún be minded to grant permission, a limited agenda Oral Hearing will be required to address this matter
Education (School Capacity)	No	Yes	Material Contravention of Objective 10.73 'Tower	As per reasoning as set out in Section 11.8 of this report

			Education’ and Section 10.294 of the Plan,	A ‘New Issue’. Should An Coimisiún be minded to grant permission, a limited agenda Oral Hearing will be required to address this matter.
Quantum of Development	<p>Yes. Reference made to the now expired Blarney Macroom Local Area Plan 2017.</p> <p>Quantum of Development</p> <p>The proposed development exceeds standards identified in the now expired LAP Objective GO-01 and Table 4.1 of the now expired LAP regarding</p>	No	<p>Table 2.1 of the current CCDP sets out a potential yield of 278 units in Tower on Tier 2 sites. This current application is for a total of 198 units.</p>	As per reasoning as set out in Section 11.2 of this report.

	<p>future development in the settlement of Tower. The proposed development of 198 no. residential units exceeds the recommended scale of any individual residential scheme in the settlement of 40 no. units and the overall scale of development in the settlement of 182 no. residential units during the lifetime of the 2017-2023 LAP.</p>			
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12.0 Environmental Impact Assessment (EIA)

12.1.1. This section sets out the EIA of the proposed project and should be read in conjunction with both the planning assessment and appropriate assessment sections of this report. The proposed development provides for:

198 no. residential units (117 no. houses, 81 no. apartments) and associated site works follows:

The construction of a mixed-use residential and retail development and all ancillary site development works, including the demolition of 2 no. existing agricultural structures. The proposed residential development comprises the construction of 198 no. residential units, two storey creche, two storey café building, ESB substations, and single storey retail food store. The proposed development provides for 117 no. dwelling houses consisting of 5 no. 4 bedroom detached houses, 44 no. 4 bedroom semi-detached houses, 8 no. 4 bedroom townhouses, 14 no. 3 bedroom semi-detached houses, 24 no. 3 bedroom townhouses and 22 no. 2 bedroom townhouses. The proposed development includes 81 no. apartment/duplex units consisting of 2 no. 3 bedroom, 35 no. 2 bedroom and 44 no. 1 bedroom units. 79 no. of the proposed apartment/duplex units will be provided in 6 no. 3 storey apartment buildings with ancillary communal areas and bicycle parking facilities. 2 no. apartment units will be provided at first floor level of a proposed café building to the south of the site. The proposed retail development consists of a single storey retail food store with a net sales area of 1,315 m² which includes the sale of alcohol for consumption off premises, totem sign and ancillary building signage, servicing areas, surface car park and bicycle parking facilities. The proposed development includes a proposed two storey café building with café on ground floor and 2 no. apartments at first floor level. Access to the proposed development will be via 2 no. entrances from the R617, one which will serve the proposed residential development and one to serve the proposed retail development. A separate pedestrian entrance is to be provided from the existing cul-de-sac to the north east of the site. The proposed development makes provision for the upgrade of the R617, including the installation of footpath/cycle infrastructure, signalised pedestrian crossing and the relocation of the existing public bus stop to the west of the R617. Ancillary site development works include flood defence works, public realm upgrades, amenity walks, public

open spaces, an urban plaza to the east of the proposed retail unit and the undergrounding of existing overhead lines

12.2. Site Description

- 12.2.1. A detailed description of the existing environment and a baseline scenario is set out in Section 2.3 of the EIAR.
- 12.2.2. The subject site of approximately 7.5 hectares in area, is situated in the townland of Coolflugh to the southwest of the settlements of Cloghroe/Tower, approximately 4km southwest of Blarney. The lands are currently in agricultural use and are irregular in shape, consisting of two separate field parcels with 2 no. existing agricultural structures (combined area of circa 382 sq.m) to the north of the site.
- 12.2.3. The topography of the site generally falls from north to south. The site is bound to the east by the R617 Cloghroe – Blarney regional road and to the south by the Senandale residential development. To the north is a mix of open agricultural lands and one-off dwelling houses with further undeveloped agricultural fields to the west. The EIAR describes an existing ‘man-made’ broadleaf/wet willow woodland exists to the east of the site, which is described as likely resultant from historical works to the R617, with an existing land drain running across the site joining an existing stream along the site’s western boundary. This stream enters a culvert to the rear of the Senandale residential development and discharges to an open channel before passing through twin small-bore pipe culverts under the R579 Cork-Kanturk regional road. It then joins the Owennagearagh river which is located some 20 metres further to the south
- 12.2.4. Existing foul and surface water infrastructure exists under the R617 road to the east of the site.

12.3. Phasing

- 12.3.1. The proposed development will be constructed in three distinct phases comprising.
- Phase 1 – (Expected duration of approximately 6 months). Bulk excavation across the entire site extents and public realm upgrades to the R617 including installation of signalised pedestrian crossing, relocation of bus stop and delivery

of footpath/cycle infrastructure on the R617. Demolition of the existing agricultural structures to the north of the site will also be undertaken in Phase 1.

- Phase 2 - (Expected duration of approximately 18 months). Development in the southern areas of the site comprising 82 no. residential units, creche, retail food store/café and central amenity parkland.
- Phase 3 - (Expected duration of approximately 24 months). 109 no. residential units in the northern area of the site. It is envisaged that the construction phase of the project will last for approximately 48 months (4 years) in total.

12.3.2. At operational stage, it is set out that the proposed surface water drainage system is in accordance with Sustainable Urban Drainage Systems (SUDS) principles and divides the site into six (6) drainage catchments: all of which are proposed for attenuation utilising Stormtech Underground Chamber systems. Each attenuation system is designed with a controlled flow rate of less than the greenfield run-off rate for the catchment area. This results in an overall discharge from the site of 20.8 l/s which is less than the greenfield run-off of 25.29 l/s. The attenuated systems will ultimately discharge into the Owennagearagh River downstream of the Currabea bridge, via the public storm sewer present on the R617.

12.3.3. Wastewater will discharge to the Cloghroe Wastewater Pumping Station. In order to accommodate the proposed connection, upgrade works to the existing pumps are required at the Cloghroe Wastewater Pumping Station to the south of Cloghroe Church. Uisce Éireann (previously called Irish Water) has confirmed that following the upgrade, the pumping station will have sufficient capacity to adequately process the additional input from the operational demand of the proposed development. A Confirmation of Design Acceptance from Uisce Éireann accompanies the Engineering Design Report. I refer the Commission to Section 12.11 of this report for further consideration of wastewater infrastructure capacity.

In terms of water supply, this will be from the main supply.

Flood Defence Works

12.3.4. I refer the Commission to Section 12.11 of this report for a detailed consideration of flood risk, and related flood defence works. However, in summary, it is proposed to utilise compensatory flood storage, near the southwest corner of the site to

compensate for the loss of floodable area following construction. This storage will be located beneath the car park area of the proposed retail unit. In addition to the compensatory flood storage, a headwall with non-return valve is proposed at the outfall of the existing land drain running along the southern boundary of the site. This land drain falls in a westerly direction towards the western boundary stream and is located along the boundary between the proposed retail car park and the Senandale residential development. It is set out in the EIAR that the proposed flood storage system is designed to manage the overflow from the western boundary stream during times of flooding and will provide protection to both the proposed development and adjoining properties in the Senandale residential development.

12.4. EIA Structure

12.4.1. Section 9 of this report comprises my EIA of the proposed development in accordance with the Planning & Development Act, 2000 (as amended) and the associated Planning & Development Regulations, 2001 (as amended), which incorporate the European directives on environmental impact assessment (Directive 2011/92/EU as amended by 2014/52/EU). Section 171 of the Planning & Development Act, 2000 (as amended) defines EIA as:

- (a) consisting of the preparation of an EIAR by the applicant, the carrying out of consultations, the examination of the EIAR and relevant supplementary information by the Commission, the reasoned conclusions of the Commission and the integration of the reasoned conclusion into the decision of the Commission, and,
- (b) includes an examination, analysis and evaluation, by the Commission, that identifies, describes and assesses the likely direct and indirect significant effects of the proposed development on defined environmental parameters and the interaction of these factors, and which includes significant effects arising from the vulnerability of the project to risks of major accidents and/or disasters.

12.4.2. Article 94 of the Planning & Development Regulations, 2001 (as amended) and associated Schedule 6 set out requirements on the contents of an EIAR.

12.4.3. This EIA section of the report is therefore divided into two sections. The first section assesses compliance with the requirements of Article 94 and Schedule 6 of the Regulations, 2001 (as amended). The second section provides an examination,

analysis, and evaluation of the development and an assessment of the likely direct and indirect significant effects of it on the following defined environmental parameters, having regard to the EIAR and relevant supplementary information:

- population and human health,
- biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive,
- land, soil, water, air and climate,
- material assets, cultural heritage and the landscape,
- the interaction between the above factors, and
- the vulnerability of the proposed development to risks of major accidents and/or disasters.

12.4.4. The second EIA section also provides a reasoned conclusion and allows for integration of the reasoned conclusions into the Commission's decision, should it agree with the recommendation made. It should be noted that reasoned conclusion refers to significant effects which remain after mitigation. Therefore, while I outline the main significant direct, indirect, and cumulative effects at the conclusion of my assessment of each environmental factor, only those effects that are not or cannot be appropriately mitigated are incorporated into my reasoned conclusion in Section 12.19 of this report.

12.5. Issues Raised in Respect of EIA

12.5.1. I would note that the majority of submissions have raised issues in relation to matters which are relevant to the issue of EIA (i.e. impacts on biodiversity, traffic congestion for example), and I have summarised these issues within the individual topics, and I refer the Commission to same. More generally it is stated that the EIAR does not define significance, or duration or magnitude of an impact for several topics of the EIAR and that this will hinder the Commission's ability to prepare an informed decision on the development. It is also stated that the EIAR fails to address cumulative effects – development to the west and other developments i.e. in relation to flooding, traffic, schools, wastewater for example and that other developments have not been considered i.e. the two housing estates on the Old Kerry Road. It is also stated that no public consultation carried out and that Schedule 7a information

has not been submitted. I have considered each of these issues in the relevant Sections of this report.

- 12.5.2. The submission from Uisce Éireann (dated 28th February 2022) has stated that, in relation to wastewater, upgrade works are required at Cloghroe Wastewater Pumping Station, and that Uisce Éireann does not currently have any plans to carry out the works required. It is further stated that the applicant will be required provide a contribution towards the upgrade as part of a connection agreement,
- 12.5.3. The Planning Authority did not raise any objections to the content or the quality of the EIAR, although I would note that the PA have imposed recommended some additional environmental conditions, over and above the specific measures set out in the EIAR, and I have considered same in the assessment below. Such conditions include recommended Condition 11, which requires details of measures to preserve the capacity of nearby junction R617/R579, Condition 31, which requires the provision of a 15m buffer zone from the Dromin Stream to the west of the site and Condition No. 37 which relates to vibration and noise levels.

12.6. Compliance with the Requirements of Article 94 and Schedule 6 of the Planning Regulations

- 12.6.1. In the table below, I assess the compliance of the submitted EIAR with the requirements of article 94 and schedule 6 of the Planning & Development Regulations, 2001 (as amended).

Table 9.1 – Compliance with the Requirements of Article 94 and Schedule 6 of the Planning Regulations

Article 94(a) Information to be contained in an EIAR (Schedule 6, paragraph 1)
A description of the proposed development comprising information on the site, design, size, and other relevant features of the proposed development, including the additional information referred to under section 94(b).
A description of the proposed development is contained in Chapter 2 (Development Description of the EIAR). Chapter subsections include a description of the phases of development, details of drainage and water supply arrangements, details of

services as well as details of the construction programme, and construction activities.

I am satisfied that the development description provided is adequate to enable a decision.

A description of the likely significant effects on the environment of the proposed development, including the additional information referred to under section 94(b).

An assessment of the likely significant direct, indirect, and cumulative effects of the development is carried out for each of the technical chapters of the EIAR. I am satisfied that the assessment of significant effects is comprehensive and sufficiently robust to enable a decision on the project.

A description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent, or reduce and, if possible, offset likely significant adverse effects on the environment of the development, including the additional information referred to under section 94(b).

Mitigation is addressed in each of the EIAR technical chapters. Chapter 15 (Summary of Mitigation Measures) sets out a summary of the range of methods described within the individual chapters which are proposed as mitigation and for monitoring. I am satisfied that proposed mitigation measures comprise standard good practices and site-specific measures that are capable of offsetting significant adverse effects identified in the EIAR.

A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment, including the additional information referred to under section 94(b).

Chapter 3 (Alternatives) provides an overview of the alternatives considered. In terms of alternative locations, it is set out that the subject lands are situated within the 'Settlement Boundary' of Tower as defined in the Blarney Macroom Municipal District Local Area Plan 2017 (which is now expired) and are the only lands within the settlement in the ownership or control of Cloghroe Development Limited. In a 'do nothing' scenario, the subject lands would remain undeveloped and in

agricultural use and is considered to represent an inappropriate unsustainable and inefficient use of these serviced residential zoned lands within the defined settlement boundary of Tower. Other potential uses were considered including potential high intensive employment, which was ruled out due to potential amenity impacts. It was considered that the proposed use was the most appropriate for the lands. Alternative layouts were considered and are described in the EIAR (Alternatives A and B, and the proposed development Alternative C). The potential impacts of each of the alternatives is set out.

I am satisfied that reasonable alternatives were considered, the main reasons have been set out for opting for the layout proposed (Section 3.8), and potential impacts on the environment have been taken into account.

Article 94(b) Additional information, relevant to the specific characteristics of the development and to the environmental features likely to be affected (Schedule 6, Paragraph 2)

A description of the baseline environment and likely evolution in the absence of the development.

The baseline environment is addressed in Chapter 2, and in each technical chapter within the EIAR and the likely evolution of the environment in the absence of the proposed development is described, with particular reference to 'do nothing' scenarios. I am satisfied with the descriptions of same.

A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved.

The relevant methodology employed in preparing the EIAR, including desk-based assessment, consultations, site visits, site investigations and excavations, impact assessment etc. is set out in the individual chapters.

The applicant has identified any difficulties encountered in each technical chapter. No specific difficulties were identified.

A description of the expected significant adverse effects on the environment of the proposed development deriving from its vulnerability to risks of major accidents and/or disasters which are relevant to it.

Where relevant, chapters of the EIAR have considered Risk of Major Accidents or Disasters. For example, Section 5.5.4 of the Traffic and Transport Chapter and Section 9.4.5.5 of the Biodiversity Chapter. No risk of major accidents and disasters has been identified, in terms of whether the proposed development is likely to cause accidents and/or disasters and its vulnerability to them. There is no evidence on file that there are risks that have not been identified by the EIAR. As such, I am satisfied the issue of Major Accidents or Disasters has been adequately addressed in the EIAR.

Article 94 (c) A summary of the information in non-technical language.

The EIAR submitted with the application comprises Volume I (Non-Technical Summary), Volume II (Main Report (in two parts)), and Volume III (Technical Appendices). I am satisfied that the Non-Technical Summary is concise, suitably comprehensive, and would be easily understood by members of the public.

Article 94 (d) Sources used for the description and the assessments used in the report

Each chapter provides a list of documents and information used to inform the chapter assessment. I consider the sources relied upon are generally appropriate and sufficient in this regard.

Article 94 (e) A list of the experts who contributed to the preparation of the report

A list of the various experts who contributed to the EIAR and their specialist topic(s)/input, is set out in Section 1.6 (EIAR Team & Qualifications) of the EIAR. I am satisfied that the EIAR demonstrates the competence of the individuals who prepared each chapter of the EIAR.

Consultations

12.6.2. The application has been submitted in accordance with the requirements of the Planning & Development Act, 2000 (as amended), and the Planning & Development Regulations, 2001 (as amended), in respect of public notices. Submissions have been

received from statutory bodies and third parties and are considered in this report, in advance of decision making.

- 12.6.3. I am satisfied, therefore, that appropriate consultations have been carried out and that third parties have had the opportunity to comment on the proposed development in advance of decision making.

Compliance

- 12.6.4. Having regard to the foregoing, I am satisfied that the information contained in the EIAR, and supplementary information provided by the developer is sufficient to comply with article 94 of the Planning & Development Regulations, 2001 (as amended).

12.7. Assessment of Likely Significant Effects

- 12.7.1. The following subsections of the report set out an assessment of the likely environmental effects of the proposed development under the environmental factors as set out in section 171A of the Planning & Development Act, 2000 (as amended). It includes an examination, analysis, and evaluation of the application documents, including the EIAR and submissions received and identifies, describes, and assesses the likely direct and indirect significant effects (including cumulative effects) of the development on these environmental parameters and the interactions of these effects.

12.8. Population and Human Health

Issues Raised

- 12.8.1. Issues indirectly related to health have been raised by third parties, including noise impacts at operational stage from the commercial/retail element, and from operational traffic noise, concerns in relation to traffic hazards and air quality impacts from traffic. I have considered the issues of noise, air quality and traffic hazards raised in the relevant sections of this report

Examination, Analysis, and Evaluation of the EIAR

- 12.8.2. Chapter 13 (Population and Human Beings) of the EIAR notes that human health is a very broad factor that is highly project dependent. The chapter addresses human health in the context of other factors addressed in further detail in other chapters e.g. air quality, noise, and the risk of major accidents and disasters. I have considered such

impacts in the relevant sections of this report. It is undertaken in accordance with best practice guidelines.

- 12.8.3. The existing environment is considered under the headings of demographics, land use and community and social infrastructure.

Demolition and Construction Stage Effects and Mitigation/Monitoring

- 12.8.4. Section 13.5.2 sets out the potential impacts on Existing Population and Human Health at construction and operational phases. Of note are the following:

Construction Phase

- Potential Construction phase impacts relate to traffic and transport, landscape and visual, services and utilities, land, soils and geology, water, noise and vibration and cumulative impacts. I have considered same in the relevant sections of this report.

Operational Phase

- Significant long-term positive impacts including:
 - Provision of housing.
 - Flood protection for Senandale.
 - Consolidaton of the Cloghroe Neighbourhood Centre
 - Sustainable mobility and traffic safety .
 - Impact on Landscape Character.
 - Significant positive impacts on the local economy .,
 - Significant long term positive impacts on amenity, open scape and sports provision.
 - Significant long term positive impact on childcare provision as a result of the creche.
 - Significant long term positive impacts in term of community and public open spaces.
 - Very significant positive impacts to the local population in terms of public transport provision.

- 12.8.5. Mitigation measures are set out in Section 13.6 and generally related to construction phase impacts as well as impacts that are considered in other chapters (i.e. noise, dust, biodiversity and biosecurity. I note that other construction stage mitigation, indirectly relating to population and human health, is set out in the individual chapters e.g. Chapter 6, Traffic and Transport, Chapter 10 Water (Hydrology & Hydrogeology), Chapter 10 Noise & Vibration, Chapter 12 Air Quality and Climate. I refer the Commission also to Chapter 15 (Summary of Mitigation Measures).
- 12.8.6. Residual impacts are described, but the significance of same is not set out. No significant cumulative impacts are identified.
- 12.8.7. It is stated in Section 13.8.2 that the development will result in profound benefits in term of wider health considerations.

Assessment: Direct, Indirect, and Cumulative Effects

- 12.8.8. I have examined, analysed, and evaluated Chapter 13 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of population and human health. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on population and human health, as a consequence of the proposed development, have been identified. I have no evidence before me to indicate that the baseline environment has altered to such an extent to render the conclusions of the EIAR invalid, noting that the EIAR was prepared prior to submission of the application on 1st February 2022.
- 12.8.9. I would accept that the proposed development provides overall benefits to population and human health, as a result of the employment and economic benefits at construction stage, and as a result of the provision of housing, in a time of housing need, and as a result of the other elements of the proposed development, which include the creche, open spaces and cycle path provision. I would accept that there would be significant positive impact on population as a result of the provision of housing. However, I am of the view that other significant positive impacts identified in the EIAR are either overstated or are not supported by evidence of same. For example, the EIAR cites 'very significant positive impacts to the local population in terms of public transport provision'. This is not supported by sufficient evidence of same, and I note that while the proposal is allowing for a more accessible bus stop than currently existing, which will facilitate the CMATS (Bus Connects) public

transport improvements, said improvements would appear to be limited (see discussion in Section 11.9 'Traffic and Transport' of this report), and, notwithstanding, the proposal is providing only very limited contributions towards same. Other examples of significant positive impacts cited include 'sports provision' and, noting that only relatively limited provision is made for same (in the form of outdoor play areas), I would not accept that impacts of same would be significant. While other elements of the scheme are positive (open space, creche provision), there is insufficient evidence provided to support a conclusion of profound, very significant or significant positive impacts on population and human health, in my view, save for the provision of housing which is will result in a significant positive effect on population, in my view.

- 12.8.10. As noted above. I have considered other aspects of the development that may indirectly have effects on population and human health, in the relevant sections of this report.

Conclusion: Direct, Indirect, and Cumulative Effects (Population and Human Health)

- 12.8.11. I consider that the main significant direct, indirect, and cumulative effects on population and human health is as follows:

- Significant direct, and cumulative positive effects on population, due to the substantive increase in the housing stock during the operational phase, as a result of this proposed development.

12.9. Biodiversity

Issues Raised

CE Report Comments

- 12.9.1. The CE Report does not raise any fundamental concerns in relation to biodiversity, noting that the PA's Environment Report, attached as Appendix B to the CE Report, did not raise any such concerns, although recommended a number of conditions, which are noted. The Drainage Report, raised concerns in relation to potential impacts on the Dromin Stream, to the west of the site, and the trout population

therein, as a result of the proximity of the proposed development, and I have considered same in Section 12.11 of this report (as relates to impacts on Water).

Third Party Comments

- 12.9.2. I have set out a detailed summary of Third Party comments relating to Biodiversity in Section 7 above., and I refer the Commission to same. I shall provide a brief summary here. Concern is raised in relation to the loss of trees on the site, and the loss of wetlands. General concerns are raised in relation to the potential impacts on biodiversity, including impacts on bats, frogs and red squirrels.

Prescribed Bodies

- 12.9.3. There are no comments from Prescribed Bodies of relevance to this section of the assessment.

Internal Technical Note (Ecology)

- 12.9.4. I draw the Commission's attention to the Internal Technical Note (dated 20th October 2025) prepared by the Commission's Ecologist, which I shall refer to in my assessment below. I have placed a copy of this Technical Note on file. In relation to this chapter of the EIAR, this note considers the specific issue of the lifespan of the ecological reports prepared by the applicant, in particular those related to bats.

Examination, Analysis, and Evaluation of the EIAR

- 12.9.5. Chapter 9 of the EIAR considers Biodiversity. I would note that Appendix 09, as contained within Volume III of the EIAR, is also of relevance to this chapter and includes a Bat Survey and a Public Lighting Report.
- 12.9.6. As well as desktop studies, an ecological walkover of the site was carried out on 23rd October 2020 and 25th August 2021. Mammal survey works was carried out in the 12th and 26th November 2020. Bat surveys were carried out in May 2021 and September 2021. The river adjoining the site was walked in September 2021 to check for signs of Otter.
- 12.9.7. Impacts on European Sites are considered in the EIAR. I have considered same in Section 13 and Appendix 1 of this report.
- 12.9.8. Of note is that the site is located in an area with high suitability for bats, particularly Brown long-eared bat (*Plecotus auratus*), Soprano pipistrelle (*Pipistrellus*

pygmaeus), and Whiskered bat (*Myotis mystacinus*) which utilise the wooded tracts along the Owennagearagh and Shournagh Rivers. The western margin of the site, with the dense treeline and the Dromin Stream along with the wet nature of the southern field, provides attractive foraging grounds for these species and good connectivity to the wooded tracts of the River Shournagh.

12.9.9. In relation to same, bats surveys were carried out on 19th to 24th July 2021. A survey of trees potential to be bat roosts was undertaken on the 19th July 2021. Two of the passive monitors erected were along the western boundary of the site. In relation to bats, 4 no. potential bat roosts have been identified on the site (as described in Section 9.3.3.1 of the EIAR), although none of these four potential bat roosts will be removed. These were of moderate suitability for roosting bats. The bat activity survey showed that bat activity was generally high on the site, with the most frequently recorded species being the common pipistrelle, followed by soprano pipistrelle then Leisler's bat. A list of species recorded is set out in Table 9.5 of the EIAR.

12.9.10. Habits on site include Improved Agricultural Grassland (GA1), Wet grassland (GS4), 9.3.1.3 Dry meadows and grassy verges (GS2), Eroding/Upland Stream, Drainage Ditch (FW4), Hedgerow (WL1), Treeline (WL2), Mixed Broadleaved Woodland (WD1), Wet Willow Alder-Ash woodland (WN6) and Scrub (WS1).

12.9.11. No signs of badger were recorded. No evidence of otter was recorded on the site or Dromin Stream (Greenleaf Ecology, 2021). There are no records for invasive plant species such as Japanese knotweed (*Fallopia japonica*), Himalayan balsam (*Impatiens glandulifera*) or Giant Hogweed (*Heracleum mantegazzianum*) within the site, or in the vicinity.

12.9.12. Bird species recorded are listed in Table 9.3 of the EIAR. The EIAR notes that, of particular interest, 6 Snipe were encountered within the wet grassland in November 2020, in addition to the Red-listed Grey wagtail also recorded within the site. It is set out that this highlights the importance of this habitat within the wider locality to local biodiversity. I would also note that Redwing was recorded, one of 2 no. red listed species recorded on the site (Grey wagtail being the other). No nesting habitat for snipe was recorded, noting that breeding snipes are red list species.

12.9.13. Potential impacts are set out in Section 9.4 of the EIAR.

Construction Phase

- 12.9.14. In terms of impacts on habitats, of note is that 25% of the wet grassland, and 75% of the broadleaved woodland, and a hedgerow will be removed during the construction phases. The loss of same is considered significant at site level only.
- 12.9.15. In terms of water quality, unmitigated run-off could enter the Dromin Stream and potentially cause sedimentation. The potential for groundwater contamination is low (see further discussion on water quality impacts in Section 12.11 of this report).
- 12.9.16. In terms of impacts on species, it is set out that the removal of habitats will have a significant negative impact to local bat and bird species (at a local level), and construction lighting could have temporary to short-term significant adverse impacts on bats. No signs of otter were recorded on site or on the Dromin Stream. It is unlikely that the Dromin Stream would be utilised by otter given its small size and the presence of a number of small culverts downstream of the site.

Operational Phase

- 12.9.17. Operational lighting could have a long term significant adverse impact on bats.
- 12.9.18. No other potentially significant impacts were identified.

Mitigation

- 12.9.19. Mitigation measures are set out in Section 9.5 of the EIAR. In particular those measures which are set out in the Construction and Environmental Management Plan (CEMP), which is included in the Appendix 2-2 of the EIAR, are referred to, and include protective measures for the habitats to be retained on site, as well as replacement planting. These measures will also serve to reduce potential impacts on bird species and bats. Appropriate timing of vegetation removal will limit impacts on birds. Further measures to reduce impact on bats including limiting construction works in hours of darkness and the use of directional lighting.
- 12.9.20. In terms of impacts on amphibians (such as Common Frog), it is noted that the primary potential breeding habitat that could be used by amphibians, such as Common Frog, on site is the central drain. This is to be protected as part of site works and as noted in the Landscape Design, a wetland complex is to be created in the centre of the site (refer to Landscape Drawing - Central Amenity, L110). This

includes for a large area of semi-natural habitat through the centre of the site which will compensate for loss of wet grassland elsewhere on site.

12.9.21. Other measures as set out the CEMP include water protection measures and biosecurity controls.

12.9.22. Operational phase mitigation includes the implementation of appropriate lighting to reduce impact on bats.

12.9.23. I note that enhancement measures are set out in Section 9.5.2 and includes native tree planting and planting of wildflower areas, and measures to enhance bat habitat included planting of species that attract nocturnal insects, and the use of integrated bat boxes.

12.9.24. Overall, the residual impacts of the proposed development on ecology are likely to be slight negative impact at a site level and of short-term duration . In the short to medium term, as vegetation on site matures, the residual impact would increase to slight positive impact at a local level.

12.9.25. No significant cumulative impacts are identified.

Assessment: Direct, Indirect, and Cumulative Effects

12.9.26. I have examined, analysed, and evaluated chapter 9 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of biodiversity. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on biodiversity, as a consequence of the proposed development, have been identified.

12.9.27. The Commission will note that the application documentation was prepared a number of years ago (all ecological surveys were undertaken between October 2020 and November 2021), given the application was originally submitted to the Board on 1st February 2022. As such, these raises the question of the continued validity of the ecological surveys carried out, in particular those surveys relating to bats. In order to further investigate same, a Technical Note has been prepared by the Commission's Ecologist, and has been placed on file, and I refer the Commission to same. In summary the Ecologist is satisfied that this chapter of the EIAR has been prepared with reference to best practice guidance (available at the time of submission of documents), noting also the surveys carried out were undertaken at the correct time

of year, and noting in particular the bat surveys undertaken were comprehensive. The note summarises that the ecological surveys can remain valid, given a number of factors, in particular, that there has been no significant change in habits since the surveys were undertaken. It was my view, following a site visit, that there was no indication of any development or activity on site, that would have resulted in the habitats on site being materially different than that described in the EIAR. The Technical Note also refers to the limited ecological significance of the site, and the site's limited value for roosting bats, and noting that this situation is unlikely to have changed in the interim period. It is concluded that the findings of the EIAR, in relation to impacts on bats, remain valid, and adequate for a robust assessment. An additional environmental condition relating to a pre-construction ecological survey is recommended however (over and above those mitigation measures as set out in the EIAR), noting that it is standard practice to propose and condition preconstruction surveys to confirm the validity of the baselines surveys regardless of the age of the data.

12.9.28. I note that the EIAR cites potential significant impacts on habitats, at a local levels, as a result of the removal of the wet grassland (25% of same), the broad leaved woodland (75% of same) and the removal of hedgerow. Mitigation measures related to same include replacement planting, and protective measures for those habitats to be retained. Enhancement measures are set out in Section 9.5.2 and includes native tree planting and planting of wild flower areas. Overall, no significant negative residual impacts, on habitats, are recorded in the EIAR.

12.9.29. I would note that a number of third party concerns have raised concerns in relation to the extent of tree and hedgerow removal, and it is stated that that trees should be retained if the development is approved, and the removal of same will impact on wildlife corridors. It is also set out that the proposed replacement trees may not survive.

12.9.30. In relation to the removal of trees on the site, I note that, with mitigation measures in place, which includes replacement planting, the EIAR does not identify any significant impacts on biodiversity resulting from the removal of same. I would drawing the Commission's attention in particular to Drawing L103 'Tree Retentions and Removals;' Drawing L104 – 'Arboricultural Impact Assessment. Tree Cluster Details' and Drawing L105 – 'Green Infrastructure', which detail those trees to be

removed, the impact of same, and the replacement planting proposed. The proposed development proposes to maintain key hedges and trees, such as the mature oak, along the western boundary of the site, which are to be retained as part of the landscaping strategy. This treeline on the western boundary, in particular, in conjunction with the replacement planting proposed, will continue to function as a wildlife corridor, with the development in place. I note the conclusions also of the Arboricultural Impact Assessment (Drg. L104) which concludes that the clusters of trees to be removed are primarily non-native, with only a modest degree of habitat value. It is noted also that 75% of the wet woodland is being retained. It is concluded that the proposals will have a low impact on existing tree habitat, which is improved once the landscaping scheme is implemented. In relation to the issue of tree removal, I would note that some removal of trees is to be expected, given the nature of the proposed development, and noting that the site is zoned for development.

12.9.31. In relation to hedgerow, I would note that the central hedgerow is retained and buffered by public open space, protecting tree root zones. The proposed road is aligned with a gap in the hedgerow. It is stated that of the 200 native hedgerow trees on site all are being retained (Drg. L1004 Rev A refers).

12.9.32. In relation to CCDP policies, policies in relation to hedgerow include Objective 6.9 Landscape and Objective 10.98 'Protection of Natural Landscape' which inter alia seeks to discourage proposals that result in the removal of extensive amount of tree and hedgerows. Objective 6.22 Natural Heritage and Biodiversity seeks to enhance the connectivity of hedgerows.

12.9.33. In relation to same, I would note that the development as proposed has sought to minimise hedgerow and tree removal, and the landscaping strategy for the wider site also seeks to improve and enhance the connectivity of same. As such I am satisfied that the proposal does not contravene policies of the Development Plan, as relates to hedgerows. I am satisfied also that the proposal does not contravene any other policies relating to biodiversity including those related to green infrastructure and preservation of ecological corridors.

12.9.34. Specifically in relation to bats, it is set out that the removal of habitats, in the absence of mitigation, will have a significant negative impact to bat species (at a local level), as result of loss of foraging and commuting habitat, with construction

lighting also having the potential to result in temporary to short-term significant negative impacts on bats, with operational lighting having the potential to have long term significant negative impacts on bats. Mitigation measures relating to same include those referenced above, i.e. replacement planting as well as appropriate lighting at construction and operational stages. Enhancement measures include measures to enhance bat habitat including planting of species that attract nocturnal insects, and the use of integrated bat boxes. Overall, no significant negative residual impacts on bats are recorded in the EIAR.

12.9.35. I am satisfied the EIAR has adequately considered potential impacts on bats, I am also satisfied that mitigation measures as described in the EIAR will reduce any impacts on same to less than significant, and I am satisfied that residual impacts on same are as described in the EIAR, subject to a condition requiring pre-construction surveys to be conducted prior to the commencement of development. This view is supported by the Technical Note on file.

12.9.36. In relation to birds, the EIAR notes that the removal of habitats, in the absence of mitigation, will have a significant negative impact to bird species (at a local level). Similar to those mitigation measures above, replacement planting, and protection of retained planting, as well as appropriate timing of vegetation removal, will reduce any residual impact to less than significant. I am satisfied that residual impacts on same are as described in the EIAR, subject to a condition requiring pre-construction surveys to be conducted prior to the commencement of development.

Impacts on other species including Frogs and Red Squirrel

12.9.37. The EIAR does not identify any potential significant impact on any other species, not considered above, including Frogs and Red Squirrel. In relation to the Common Frog, the ecological survey recorded an adult Common Frog in the wet grassland in the southern end of the site. It is also out that the drainage ditches on site were noted as potentially providing suitable habitat for Common frog. I would note that the Common Frog is a Protected Species, under the European Union Habitats Directive and by the Irish Wildlife Act. In relation to same, the EIAR notes that the primary potential breeding habitat that could be used by amphibians such as Common frog on site is the central drain running through the site, which is to be protected as part of site works with a wetland complex is to be created in the centre

of the site. This will serve to compensate for loss of wet grassland elsewhere on site. As such, while there may be some displacement of Common Frog, I am satisfied that there will be no residual significant negative effects on same.

- 12.9.38. In relation to Red Squirrel, a Protected Species under the Wildlife Acts, no records of same within a 10km grid square of the site were furnished to the applicant by the NPWS, following a request for same. Furthermore, no sign of Red Squirrel were noted during the course of the site visits or during the trail camera work. The EIAR concludes that no impact to Red Squirrel is predicted as a result of this proposed development, and I concur with this conclusion, in the absence of any evidence to the contrary.

Removal of Trees/Impact of Removal on Biodiversity

- 12.9.39. I am satisfied that the EIAR has considered all relevant potential impacts resulting from the removal of trees on the site, and the potential direct and indirect impacts of same on biodiversity, as considered above, and I am also satisfied that the mitigation measures as set out therein will reduce the impacts to less than significant, subject to the additional conditions requiring the pre-construction ecological surveys to be carried out.

Conclusion: Direct, Indirect, and Cumulative Effects (Biodiversity)

- 12.9.40. Having regard to my examination of environmental information in respect of biodiversity, in particular the EIAR provided by the applicant, the planning authority's Planning Reports, the submissions and observations received and the Commission's Ecologist Technical Note on file, I do not consider that there are any significant direct, indirect or cumulative residual effects on biodiversity, subject to an additional environmental condition requiring pre-construction ecological surveys to be carried out.

12.10. Land, Soil & Geology

Issues Raised

CE Report Comments

- 12.10.1. The PA have not made any comments in relation to the issue of land, soil and geology.

Third Party Comments

- 12.10.2. A third-party submission has raised concerns in relation to the impact of impact of importing and export of material (which I have also considered in my assessment of traffic and transport, and air quality impacts in the relevant sections of this report).

Prescribed Bodies

- 12.10.3. There are no comments from Prescribed Bodies of relevance to this section of the assessment.

Examination, Analysis, and Evaluation of the EIAR

- 12.10.4. Chapter 7 (Land, Soils and Geology) of the EIAR assesses and evaluates the potential impacts of the proposed development on these aspects of the site and surrounding area. Appendices 7.1 'Cloghroe Ground Investigation Report' to the EIAR is of relevance to this chapter. The chapter was prepared in accordance with European and national guidelines. The principal attributes that were assessed and the sources of data are outlined.
- 12.10.5. It is set out that the topography of the site generally falls from north to south. The ground level in the north of the site is generally c45m AOD, falling to c28m AD in centre of the site and falling further to 25m AOD to the south of the site. The dominant soil type underlying the site and surrounding area is well drained mineral soils. There are no karst features mapped within the Site or its environs. There are no geological heritage areas likely to be impacted by the proposed development.
- 12.10.6. It is set out that some reprofiling works will be required on the site. In this regard, the total volume of soil requiring excavation for the proposed development is expected to be 13,200 m³ with 34,300 m³ of fill required. Topsoil will be reused onsite for landscaping purposes. Excavated subsoil, where suitable, will be reused onsite. 24,600 m³ of fill will be required to be imported onto site.
- 12.10.7. Potential impacts on soils and bedrock, at construction phase are set out in the EIAR and include, but are not limited to, soil erosion and sediment laden run off, soil compaction soil contamination from hydrocarbons and other pollutants. Such potential impacts were considered to be moderate, negative on receiving soils, and would be short-term and localised. At operational stage, given the level of radon

exposure in the wider area, there is potential to be negative moderate long-term impacts from radon.

12.10.8. No significant cumulative impacts were considered likely.

12.10.9. Construction Phase mitigation measures are set out in Section 7.6 of the EIAR and include, but are not limited to, appropriate management of topsoil stripping, minimising cut and fill through the design of road levels and finished floor levels, dust suppression measures, appropriate storage of solid and general good construction management practice, in line with best practice guidance. The complete suite of mitigation measures is set out in the site-specific Construction and Environmental Management Plan (CEMP), which is included in the Appendix 2-2 of the EIAR.

12.10.10. Operational phase mitigation includes a radon barrier to be installed beneath all buildings, as well as the use of oil interceptors to mitigate against spillage of oil from vehicles.

12.10.11. No significant impacts on lands, soils and geology are identified.

Assessment: Direct, Indirect, and Cumulative Effects

12.10.12. I have examined, analysed, and evaluated Chapter 9 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of land and soil. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on land and soil, as a consequence of the proposed development, have been identified. I note that the subject site is zoned for development of the type proposed and it is consistent with the existing pattern of development in the vicinity.

12.10.13. In relation to the nature of the construction works proposed, and in relation to those issues raised by the in the third-party submission, (as relates to the export and import of soil), I would accept that the nature of the site is such that cut and fill will be required, but would also note that the applicant has sought to minimise the extent of same. I would note also that for sites such as this, where there are level differences through the site, such cut and fill works, are standard works, as there is a need to ensure that levels are sufficiently managed to facilitate finished levels of the development site (i.e. to construct DMURS compliant access routes for example). I

have considered other aspects of the cut and fill process (dust generation, noise for example) that could impact on the appellant or the appellant's property in other sections of this report.

- 12.10.14. In conclusion, I am satisfied that suitable mitigation measures have been proposed which I consider are sufficient to ensure that there would be no significant adverse impacts on land and soil. I am also satisfied that there would be no significant cumulative adverse impacts.

Conclusion: Direct, Indirect, and Cumulative Effects (Land and Soil)

- 12.10.15. Having regard to my examination of environmental information in respect of land and soil, in particular the EIAR provided by the applicant, the planning authority's Planning Reports, and the submissions received, I do not consider that there are any significant direct or indirect land and/or soil effects.

12.11. Water (Hydrology & Hydrogeology)

Issues Raised

CE Report Comments

- 12.11.1. The Drainage Report, as included in Appendix B of the CE Report, does not raise any specific concerns in relation to flooding, although the report is of the view that the applicant should coordinate flood works with adjacent site to the west. Of note is that the PA's Drainage Report raises concerns are raised in relation to the potential impact on the Dromin Stream, on the western boundary of the site and it is stated that the development as proposed is not in accordance with IFI guidelines. A buffer of 15m is recommended, as per (the then) Draft Cork City Development Plan. Topsoil stripping near the stream is raised as a concern. Reference is also made to an IFI submission in relation to the adjacent application (21/40620), in which it is stated that the stream supports populations of trout.

Third Party Comments

- 12.11.2. The majority of third-party submissions have raised concerns in relation to flooding issues, and I have set out a detailed summary of same in Section 7 above. I shall provide a brief summary here. Concerns relate to existing flooding in the general area, including the Senandale Estate, and surrounding roads, and it is stated

that the proposed development will worsen lead to increased flooding, as a result of the loss of flood plain and wetland

12.11.3. In relation to water quality, it is set out that the ecological status of the Shournagh River has dropped in recent years and the submission refers to Objective 9.5 of the then Draft City Development Plan. I note that the equivalent policy in the current CCDP is Objective 9.7 'Water Quality' which seeks to ensure the delivery of the relevant policies and objectives of The River Basin Management Plan for Ireland 2018 – 2021 and any subsequent plan and to implement the EU Water Framework Directive.

12.11.4. In relation to wastewater, it is set out that Blarney WWTP is exceeding allowable discharge limits. More specifically, impacts on existing septic tanks are raised as a concern by a third party, who has stated that continuation tanks are in the back gardens of proposed row of houses to the south of property

12.11.5. A third-party submission has raised concerns in relation to the removal of willows and sycamores located in the wet area to the east of the site and the impact of removal of same on the hydrology of the area.

Prescribed Bodies

12.11.6. Uisce Eireann (submission dated 28th February 2022) have not raised any objection in relation to the proposed development, nor have they raised any issues in relation to the capacity of the WWTP. I have considered the issue of waste water capacity in detail in the assessment below.

CCDP Policy

12.11.7. In relation to the issue of flooding, I noted that Section 10.297 of the CCDP states that Tower has experienced a number of recorded flood events. Flooding has occurred in Riverview Estate, Tower Bridge and at the junction of the R579 and R617 at Cloghroe which has recurred on a regular basis. Other areas of the settlement have been identified as being at risk of flooding. These are identified in the Strategic Flood Risk Assessment document, Appendix II maps. Development proposals in the southwest of the town and in all areas identified as being at risk of flooding must be accompanied by both area-based and site-specific flood risk assessments. I note that the SFRA mapping identifies the a small element of the

western portion of the site as within Flood Zone A/B and, of particular note is page 49 of the SFRA, which identifies Land Use Zoning that intersects with 'Indicative Flood Zones' on the western portion of the site, with said map indicating that the 'New Residential Zoning' intersects with the indicative Flood Zone on the site.

12.11.8. Objective 9.8 of the CCDP refers to protecting, enhancing and managing the City's floodplains. Objective 9.10 refers to restricting development in flood risk areas, in particular flood plains, and requires compliance with the Planning System and Flood Risk Management – Guidelines for Planning Authorities (2009).

12.11.9. In relation to water supply and wastewater, the CCDP notes that Tower is supplied from the Cork Harbour and City Water Supply Scheme at Inniscarra. Capacity is available to cater for the current planned level of development in Tower. The Tower Wastewater Treatment Plant serves Tower, Blarney, Cloghroe and Kerry Pike. The CCDP notes that there is capacity currently to serve Tier 1 zoned lands in Tower and Blarney.

Examination, Analysis, and Evaluation of the EIAR

12.11.10. Chapter 8 Water (Hydrology & Hydrogeology) of the EIAR assesses and evaluates the likely significant effects on the hydrological aspects of the site and surrounding area. I address each of the chapter elements in this subsection. The chapter was prepared in accordance with national guidelines. The principal attributes that were assessed and the sources of data are outlined. I would note that Appendices 8.1 'Site Specific Flood Risk Assessment' (SSFRA) and 8.2 'Topographical Survey' of Volume 3 of the EIAR are also of relevance to this topic.

12.11.11. The chapter makes reference and sources information from documentation submitted with the application included the Engineering Design Report prepared by MHL Consulting Engineers, the Site-Specific Flood Risk Assessment Report prepared by Irish Hydrodata Ltd, the Geotechnical Site Investigations Report prepared by OCB Geotechnical Ltd and the Topographic Survey drawings of the site by Precise Control Ltd.

12.11.12. The site location and description is set out and it is noted that the site is bounded to the west by a small stream and to the east by the R617. It is stated that this is not regularly maintained and is locally silted up. It frequently overflows both banks to the east and west. It enters a culvert system close to the southwestern

corner of the site. This culvert system runs along the rear of Senandale housing estate properties No. 5 to No.12. The culvert discharges to an open channel adjacent to No. 12 before passing through twin small-bore pipe culverts under the regional road R579. It then joins the Owennagearagh river which is located some 20m further to the south. shallow open drain is located on the southern boundary of the site adjacent to the Senandale housing estate. This conveys local land runoff including some from the R617. There are two other significant stream/drainage channels located within the centre of the site. These drains collect surface runoff and are also likely to receive inflow from groundwater. These surface water features are illustrated in Figure 8.4 of the EIAR.

12.11.13. In terms of surface water quality, the nearest WFD samples points are located to the east on the Shournagh River. The WDF (2013-2018) water quality classification status is described as 'Moderate' and the river risk status as 'At Risk'.

12.11.14. I note, having regard to data on Catchments.ie. the most recent data for same (SW 2019-2024) that this classification is currently 'Moderate' and 'At Risk'.¹³

12.11.15. In terms of river catchments, the EIAR describes the site as situated within the sub catchment Lee [Cork]_SC_060 as defined by the WFD and within the WFD River Sub Basins Shournagh_040 (EPA 2021).

12.11.16. In terms of groundwater, the underlying aquifer is classified as 'Locally Important Aquifer' that is generally only moderately productive in local zones. The ground water is classed as 'Extremely Vulnerable' due to shallow rock and permeable sub-soils. The EIAR sets out that, in relation to the application site, the presence of the near surface clay layer, which is evident in almost all excavations (Figure 8.7) and is thicker in the southern part of the site, suggests that overall surface water infiltration to ground is likely to be limited. Site investigation points are set out in Figure 8.7 of the EIAR. The groundwater body was classified under WFD (2013-2018) as having an overall 'Good' status.

12.11.17. I note that this groundwater body (Ballinghassig East), with regard to the most recent data on same¹⁴ has a current status of 'Good' and 'Not at risk'. (GW 2019-2024).

¹³ https://www.catchments.ie/data/#/waterbody/IE_SW_19S010500?_k=ykjhpl

¹⁴ https://www.catchments.ie/data/#/waterbody/IE_SW_G_004?_k=j3p138

12.11.18. Flooding and flood risk is considered in Section 8.3.9 of the EIAR. Indicative flood maps from the OPW PFRA (OPW 2012, Figure 8.9) show localised flooding on the western stream channel at the southern part of the site and along the Owennagearagh river channel. More detailed flood mapping produced for the OPW Lee CFRAM study (OPW 2012, Figure 8.10) and the Cork County Council MDLAP (CCC 2017, Figure 8.11) do not include the western stream and only indicate flooding along the Owennagearagh channel. Historic data indicates frequent flooding along the R579 and at the junction with the R617 (OPW 2021). There are no known records of flooding within the site itself. I note that, with reference to Floodinfo.ie, these flood maps remain the most up to date CFRAM mapping.

12.11.19. Reference is made to the Site-Specific Flood Risk Assessment (SSFRA), which is included in Appendix 8.1 of the EIAR. The current climate 1% AEP peak flow for the Owennagearagh river was calculated to be 36.7m³/s while that for the western stream was 1.4m³/s. Values for other return periods and climate change events (20% uplift) are included in Table 8.1 of EIAR.

12.11.20. While the CFRAM mapping places the site outside of Flood Zones A and B, site specific mapping shows that for the existing site terrain there is a local flood risk associated with high flows in the western stream. An extreme event in the western stream is seen to inundate the lower, southern part of the site (Figure 8.13a-c) and will also pose a risk to dwellings in the Senandale housing estate, and potentially result in flooding on the R617 to the junction with the R579. It is set out that this flooding will be primarily overland conveyance rather than flood plain storage. There is no risk of flooding on the site associated with high flows in the Owennagearagh river, as shown by Figure 8.12, though flood waters can back up into the drainage channel along the southern boundary. It is set out that the levels in the Owennagearagh river, together with the capacity limits of the culverts under the R579, impact the flood levels on the lands to the west of Senandale housing estate and adjacent to the southern part of the site.

12.11.21. Details of the proposed development, as relates to surface water management and flood risk, are set out in Section 8.4 of the EIAR. It is set out that existing channels within the site area will be maintained to facilitate local drainage, with these channels indicated in Figure 8.14 of the EIAR. It is also set out that ponds or drainage basins are included as part of the surface water drainage strategy. In

terms of flood water management, Section 8.4.4 of the EIAR sets out that parts of the proposed development will occupy areas at risk of flooding, as highlighted in the SSFRA. In order to compensate for same, it is proposed to provide flood water storage in the form of an underground storage tank (1200m³), within the south-west corner of the site, and via drainage basins or ponds that accommodate up to 300m³. The purpose of this storage is to limit peak flows in the western stream and allow retained waters to discharge at a reduced flow rate. The hydraulic modelling has shown that for the western stream extreme event, flood waters will be contained within the site storage and prevented from entering the Senandale housing estate and flowing onto the R617. This is illustrated in Figures 8.49(a to c) of the EIAR.

12.11.22. In terms of potential impacts, it is set out that the development has the potential to impact the local surface hydrology, groundwater and water quality during the construction period unless appropriate mitigation measures are effectively implemented. The EIAR sets out that construction works also have the potential to impact the water quality and WFD status of existing waterbodies which include the western stream, the Owennagearagh river and further downstream, the Shournagh river. Increased discharge to surface waters is also cited as a potential impact, as well as impacts on surface water quality as a result of increased silt levels or pollution. It is set out that groundwater quality could be impacted as a result of spills and leakages. Flood risk will remain for the southern part of the site, and for Senandale housing estate in the absence of mitigation.

12.11.23. At operational stage, no significant impacts are identified, noting that the design incorporates flood risk management and surface water management measures which reduces potential impacts on the hydrological regime and on water quality.

12.11.24. Mitigation measures are set out in Section 8.6 of the EIAR. Construction phase mitigation is as set out in the CEMP (Appendix 2-2 of the EIAR) and include, but are not limited to, the use of surface water settlement ponds where feasible, the use of silt fences and appropriate storage of materials on site. No additional mitigation is proposed at operational stage, over and above the design measures as cited above.

12.11.25. Monitoring measures are set out in Section 8.6.3 of the EIAR and include monitoring of run off from the site and monitoring sediment control measures. The flood water storage, control structures and adjacent stream channel will be maintained as part of the overall maintenance program for the development. No significant residual impacts are expected, with the impact at construction and operational being 'slight neutral'. No significant cumulative impacts are expected.

Assessment: Direct, Indirect, and Cumulative Effects

12.11.26. I have examined, analysed, and evaluated chapter 6 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of water. I am satisfied that the applicant's presented baseline environment is comprehensive and that key impacts in respect of likely effects on water, as a consequence of the proposed development, have been identified.

12.11.27. In relation to cited potential impacts on surface and groundwater bodies, at construction stage, I am satisfied that those mitigation measures as set out in the EIAR, which are standard best practice construction measures, will reduce any residual impacts on same to less than significant. At operational phase I am satisfied that no significant residual impacts will result on surface or ground water quality as a result of surface water run off from the development, noting that the design incorporates flood risk management and surface water management measures which reduces potential impacts to less than significant (see also discussion on flooding and waste water below).

Flood Risk

12.11.28. In relation to flood risk, in particular, as highlighted above, the majority of submissions on the file have raised concerns in relation to flooding. I would note, however, the applicants have carried out detailed site-specific modelling of flood risk, and have proposed suitable mitigation measures to alleviate risk from same. Of note is that the Planning Authority, and supporting technical reports submitted from same, have not raised any objection in principle in relation to flood risk. I concur with the view, as raised in the PA's Drainage Report, that while development within an identified flood plain (as identified in the applicant's modelling) is generally avoided, there are mitigating factors in this instance, including mitigation of the existing flood risk to the north of the Senandale Estate.

12.11.29. Of relevance in this instance are the Flood Risk Management Guidelines (2008), and these set out the key principles in relation to avoiding or minimising flood risk, and these are as follows:

- Avoid development in areas at risk of flooding.
- If this is not possible, consider substituting a land use that is less vulnerable to flooding. Only when both avoidance and substitution cannot take place should consideration be given to mitigation and management of risks.
- Inappropriate types of development that would create unacceptable risks from flooding should not be planned for or permitted.
- Exceptions to the restriction of development due to potential flood risks are provided for through the use of a Justification Test, where the planning need and the sustainable management of flood risk to an acceptable level must be demonstrated.

12.11.30. As such in the first instance, development on sites subject to flooding should be avoided. However, as noted above, the site is zoned for development, and as such the Planning Authority has accepted that some form of development is appropriate on this site. In relation to the zoning for the site, the uses proposed are acceptable, in principle, on this site, as discussed in Section 10.2 above. As such, I am of the view that avoiding development entirely on this site would not be in accordance with proper planning and development, noting that development on same is envisaged within the Development Plan (see further discussion below on other relevant Development Plan provisions), and is a key site in Tower that would make a contribution to the vitality and viability of same, as well as providing housing in a time of housing need.

12.11.31. Mitigation and management of risk have been considered within the SSFRA and I have considered same in this section of the report. The proposals will result in the loss of flood plain, and to compensate for same, it is proposed to provide flood water storage in the form of an underground storage tank (1200m³), within the south-west corner of the site, and via drainage basins or ponds that accommodate up to 300m³. In this regard, I note that same if underground storage tanks are provided under the commercial/retail car park element of the proposed development, and I

refer the Commission to Section 11.3 of this report, where I have considered same in the context of the acceptability, or otherwise, of the retail element proposed.

12.11.32. I am not of the view that the nature of the development proposed here is an inappropriate form of development, given considerations set out above, and I am satisfied that the proposal would not give rise to unacceptable risk of flooding, having regard to the mitigation measures as proposed by the applicant, as set out above (see also discussion below in relation to the 'Justification Test'). The modelling of the 'developed terrain' post development (as indicated in Figures 3.5a to 3.6c) indicates that flood waters will be confined to the basins to the north, and to the car parking area to the south-west (where storage of same is proposed)

12.11.33. In relation to the Justification Test, Figure 3.2 of the Flood Risk Management Guidelines, sets out where this is required to be applied. I would note that for 'Highly Vulnerable' development within Flood Zone A, a Justification Test is required. The residential use proposed is partly within Flood Zone A (See Figure 3.15 of the SFRA 'Flood Zone A areas as defined by the 1%AEP flood event in the stream'), and this is defined as a 'Highly Vulnerable' use.

12.11.34. I have considered the requirements of the 'Justification Test' below, and I note that the applicant has also carried out a Justification Test within the SSFRA, and I have regard to same in my assessment below.

Part 1 The subject lands have been zoned or otherwise designated for the particular use or form of development in an operative development plan, which has been adopted or varied taking account of these Guidelines

12.11.35. As set out in Section 10.2 of this report, the land is zoned for development of this nature in the Cork City Development Plan 2022-2028. The Development Plan itself has been prepared taking account of the Guidelines, noting the contents of Appendix 1 'Statement of Conformity: Section 28 Ministerial Guidelines' of the Development Plan, which states that the guidelines have been implemented in the relevant provisions of the Development Plan (i.e. within Chapter 9 Environmental Infrastructure and Management, Chapter 11 Placemaking and Managing Development and Appendix 4 Strategic Flood Risk Assessment). Section 11.262 of the Plan sets out that the Flood Zones identified by the Strategic Flood Risk Assessment should be used in line with the requirements provided for by the Flood

Guidelines for land uses in Flood Zones A and B. As noted above, the SSFRA mapping identifies that a small element of the western portion of the site lies within Flood Zone A. I would note that the Strategic Flood Risk Assessment contains mapping that places the site partly within Flood Zones A and B (with reference to Pages 41 to 49 of Appendix II 'SFRA Mapping' of the SFRA). As noted above, specific modelling carried out by the applicant places the site partly within Flood Zone A.

12.11.36. Notwithstanding that the land has been zoned for *inter alia* residential development, of relevance also is Objective 9.8 of the current Development Plan which seeks to protect, enhance and manage the City's floodplain. I would note also that Objective 9.10 seeks to restrict development in flood risk areas, in particular flood plains. This objective also seeks to ensure that development is in compliance with the Flood Risk Management Guidelines.

12.11.37. In relation to the above, and while I accept that there is development lying within an area of floodplain, I am satisfied that the measures as proposed by the applicant will ensure that there is not an increased risk of flooding either upstream or downstream of the site, as the volume of floodwater previously accommodated by the site, will still be accommodated post-development. As such, I am satisfied that Objective 9.8 is not contravened in this instance, as the flood risk has not been increased, and the floodplain has been sufficiently managed. In relation to Objective 9.10, there is some development located within the Floodplain. However, the risks associated with same have been managed in accordance with the provisions of the Flood Risk Management Guidelines (see discussion above, and continued discussion in relation to the remaining criteria of the Justification Test below), and as such I am not of the view that the proposal is contrary to the provisions of Objective 9.10.

12.11.38. However, the Commission may wish to consider if this issue has been adequately ventilated in light of the provisions of the current Development Plan, in particular Objectives 9.8 and 9.10 of the CCDP, noting that neither the PA, the applicant, Prescribed Bodies nor Third Parties have had the opportunity to consider the proposal in light of the requirements of same. Should the Commission be of the view that clarification on matters relating to compliance with Development Plan requirements in relation to Flooding is required, this may be addressed by way of a "limited agenda"

Oral Hearing. If a limited agenda oral hearing takes place, it will focus **only** on the issues contained within the limited agenda. I would direct the Commission 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.

12.11.39. In relation to the criteria as set out in Part 2 of the Justification Test, I would note the following:

Part 2 (i) The development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk.

12.11.40. In relation to the potential to increase flood risk elsewhere, of note is the conclusion within the SFRA that the lands to the west may experience a marginal increase (<20mm) in flood water, noting that said lands are and will remain within Flood Zone A. This impact is discussed and illustrated in Section 3.4 of the SSFRA, and peak flows for the relevant area 'Point X' are illustrated in Figure 3.8. I am satisfied that the increase in flood depths is marginal, noting that depths rise from 'existing' (pre-development) depth of 24.35m OD to 24.37m OD in the 0.1% scenario. This increase is highlighted by the owners of said lands in a submission on this application, and this submission sets out that the proposed development would fail the Justification Test as a result. In relation to same, I refer to the Technical Report of the PA, in which it is stated that this increase in flood water is minimal, and it is highlighted that the marginal increase will impact only areas that are earmarked as open space (having regard to PA application 2140620). I would note that since the lodging of this application, the planning application to the west (for 78 no. units) has been refused by the Planning Authority and by the Board on appeal, (ABP Ref 315029), for reasons of relating to flood risk and maintenance issues. With reference to the Inspector's Report on same, concern was raised in relation to the lack of coordination between this current site, and the site to the west. However, I would note the Board Order relating to same, refers only to concerns relating to the future maintenance of the flood risk mitigation measures on the site, rather than any concerns relating to co-ordination with the adjoining site (see Section 4 for detailed reason for refusal). Notwithstanding, I note that each application is considered on its own merits, and while ideally there would be joint approach to flooding issues, on these two sites, this is not what is before me to assess, and is not presented as an option for the Commission to assess. As such, I am assessing the flood risk

presented by the current scheme and the effectiveness of the measures as set out for this particular scheme. In relation to same, I would note that the area in question, where there is a marginal increase in the depth of flood waters in the 0.1% scenario, is already in Flood Zone A, and I am not of the view that the marginal increase in flood waters, accounting for less than 20mm in depth, would materially increase the risk to flooding to same. It is set out in the SSFRA that the main source of flood risk to the lands to the west and to the Senandale Estate remains from the Owennagearagh River to the south. In relation to reducing flood risk, I note that the properties to the north of Senandale are less at risk of flooding, with the development in place, than the current undeveloped situation. I have no evidence before me that the baseline situation has altered since the application has been lodged i.e. that additional flood defence works have taken place to reduce the risk of flooding to Senandale Estate. Overall then I am satisfied the proposed development satisfies this criterion of the Justification Test.

Part 2 (i) The development proposal includes measures to minimise flood risk to people, property, the economy and the environment as far as reasonably possible.

Part 2 (ii) The development proposed includes measures to ensure that residual risks to the area and/or development can be managed to an acceptable level as regards the adequacy of existing flood protection measures or the design, implementation and funding of any future flood risk management measures and provisions for emergency services access;

12.11.41. As noted above, it is proposed to provide flood water storage in the form of an underground storage tank (1200m³), within the south-west corner of the site, and via drainage basins or ponds that accommodate up to 300m³. In this manner, flood waters are contained within the flood storage on site, with the residential and commercial areas protected. In addition, I note that the proposed Finished Flood Levels (FFLs) of the residential units provide sufficient freeboard against predicted flood water levels. In relation to residual risk, the SFRA sets out that the proposed underground storage tanks will include a flow control structure on the drainage channel along the boundary with Senandale to ensure backflow from the stream does not occur which will ensure the continued protection of adjoining properties.

12.11.42. In relation to maintenance of the proposed flood mitigation measures, submissions have raised concerns in relation to the future maintenance of same. In

relation to same, Section 8.6.2 'Operational Phase Mitigation' of the EIAR sets out that the flood water storage and management system will be ensured as part of the overall maintenance program for the development. Inlet and outlet and flow structures will be designed and constructed to ensure that blockages do not occur, and waters can free flow at all times. In addition, Section 8.3.6.2 of the EIAR sets out 'Operational phase monitoring' and it is stated that the flood water storage, control structures and adjacent stream channel will be maintained as part of the overall maintenance program for the development, and inspection of the stream channel for debris build-up or siltation will be conducted at regular intervals. As such the Commission can be satisfied that the maintenance of the flood mitigation measures has been taken into account as part of the overall package of mitigation and monitoring measures as set out in the EIAR.

12.11.43. *The development proposed addresses the above in a manner that is also compatible with the achievement of wider planning objectives in relation to development of good urban design and vibrant and active streetscapes.*

12.11.44. I have considered same in Section 11.7 'Design' above, and I refer the Commission to same. In summary, I am of the view that this element of the Justification Test has been met, noting that the proposal has met Development Plan criteria in relation to design and placemaking, and has met the criteria as relates to same in the Compact Settlement Guidelines.

Waste Water/Foul Water

12.11.45. I note that third-parties have raised concern in relation to the capacity of the Blarney WWTP to accommodate this development.. While not set out in the application documentation, it is likely the Blarney WWTP discharges to the Shournagh River Waterbody, noting the location of the plant relative to same. As such, there is potential for the development to impact on the water quality of same, and to other water bodies downstream from same (i.e. the River Lee and the Lough Mahon transitional water body). ¹⁵

12.11.46. I note that the submission from Uisce Eireann does not raise concerns in relation to the capacity of the WWTP, noting however that the submission is dated

¹⁵ With reference to EPA mapping <https://gis.epa.ie/EPAMaps/>

28th February 2022, and so some caution may be warranted when considering the current capacity of the WWTP. I would also note that the Confirmation of Feasibility (COF) as included in Appendix A of the applicant's Engineering Report, is dated 18th October, 2020. Notwithstanding, the 'wastewater treatment capacity register' on the Uisce Eireann website¹⁶ indicates that the capacity of the Blarney WWTP is at 'green' status which would appear to indicate capacity is available. However, the Commission should be aware that, as per the disclaimer on the Uisce Eireann website, *the 'capacity register is provided for guidance only and cannot be taken as confirmation that capacity is available for a particular development'*. As such, the indication of capacity therein cannot be taken as confirmation of capacity, in and of itself.

12.11.47. However, also of relevance here is the most recent Annual Monitoring Report for Blarney WWTP (2024), which is a publically accessible document on the Uisce Eireann Website¹⁷. This notes that the Blarney WWTP has a capacity of PE 13,000. While the WWTP was found to be non-compliant with Emission Limit Values (ELVs) in relation to 'Ammonia-Total (as N) mg/l', the discharge from the WWTP was concluded to be not having an observable negative impact on the Water Framework Directive status. Therefore, it can be construed that the discharge from same would not be having an observable impact on the water quality of the surface waterbodies cited above. In relation to the capacity of the WWTP, Section 2.1.4.2 of the Annual Monitoring Report indicates that the treatment capacity of the WWTP will not be exceeded in the next three years. I am cognisant also of the scale of the development proposed, and the wastewater demand it would place on the WWTP, and I am of the view that the development, in and of itself, is likely to impact on the quality of discharge to such an extent so as to have an appreciable impact on the quality of the receiving waters. Should the application be approved, I would also note that the development is also required to ensure a connection agreement is made with Uisce Eireann, which will provide further reassurance to the Commission that there will be sufficient capacity to accommodate the development as proposed. Having regard to the same, I am satisfied that the wastewater generated by the

¹⁶ <https://www.water.ie/connections/developer-services/capacity-registers/wastewater-treatment-capacity-register/cork-city> (accessed 20/11/2025)

¹⁷ https://www.water.ie/sites/default/files/2025-07/D0043-01_2024_AER.pdf (accessed 20/11/2025)

proposed development will not then have a likely significant effect on the surface waterbodies cited above (i.e. the Shournagh River Waterbody, the River Lee and the Lough Mahon transitional water body).

Riparian Buffer Zone

12.11.48. I note that the PA's Drainage Report cites concerns in relation to the proximity of the proposed development to the Dromin Stream and states that there is a lack of detail in relation to same (i.e. cross sections for example). It is also stated that the (then) Draft Plan requires a 15m buffer zone from water courses. I refer the Commission to Section 8 of this report for a detailed summary of the PA's Drainage Report). I note however that the PA did not recommend refusal on this basis, however Recommended Condition No. 31 (As condition in Appendix C of the CE recommends) a minimum buffer of 15m from the stream.

12.11.49. In relation to the relevant provisions of the CCDP, I note that Sections 11.219 to 11.221 of same refer to 'Development Adjoining Watercourse Corridors'. I refer to the Commission to Section 6 above for the full text relating to same but it is stated that Development proposals shall protect watercourses in accordance with Inland Fisheries Ireland's guidance document , Planning for Urban Watercourses in the Urban Area, including the protection of the 'streamside zone', where possible, within 15m of riverbanks, Utilisation of outer riparian buffer zone (>8m) for treatment and reduction of stormflow runoff, Minimal disturbance of the corridor 15-30m from the river;, Explore opportunities for river corridors for access and use as local amenity; and Encourage riparian buffer strips on agricultural land.

12.11.50. In relation to the above, I would note that the applicant has referenced the above cited IFI guidance document within the EIAR (it is referenced in Chapter 9 Biodiversity). As such, I am satisfied that the document has been taken into account by the applicant, in considering potential impacts on the Dromin Stream, and mitigating any impacts on same. I noted that, in terms of mitigation, the EIAR also refers to the buffer to be maintained between the site and the neighbouring stream. This is illustrated on Drg. L108 Landscape Masterplan. I note that a 15m buffer is not illustrated, within same, and I note that some elements of the development are less than 15m from the site boundary (some elements such as the car parking and road element running to the north-west of the site come within 8m of the boundary).

However, the distance from the stream itself is not set out. Drg. No. L113 Sections – Southwest Drain indicates that the stream channel (or historic stream channel) runs close to the boundary, at least to the south-west of the site, although the EIAR describes this stream as ‘meandering across the property boundary line, at least to the south of the site’ (Section 8.3.4 of same refers).

12.11.51. In relation to compliance or otherwise with Development Plan requirements, I am of the view that the Development Plan requires that the IFI guidance is taken into account, which it has been in this instance. It is also stated that, where possible, there should be protection of the streamside zone (within 15m of a riverbank). While the development has not provided a 15m buffer from the stream (or at least has not illustrated same), the applicant has sought to protect the stream itself and the water quality within same, and the EIAR has concluded that, with mitigation in place, there will be no significant negative effects on same, and I have concurred with the conclusions within same. I would also note that the applicant has provided a riverside amenity walk that provides an amenity for future residents of the proposed development. I am not of the view that the development therefore would represent a material contravention, or indeed a contravention, of this element of the current CCDP.

12.11.52. In relation to the Planning Authority’s recommended condition No. 31, I would be of the view that same would necessitate a substantial redesign of the scheme, and the imposition of same would not be in line with the provisions of the Development Management Guidelines, nor, having regard to the discussion above, is this condition necessary, in my view.

12.11.53. Notwithstanding the above conclusion, the Commission may wish consider if this issue has been adequately ventilated in light of the provisions of the current Development Plan, in particular the specific requirements of Section 11.221 of the Development Plan. While the PA have provided comments on the Draft Plan, this was not the Plan in place at the time of submission of the application. As such neither the PA, the applicant, Prescribed Bodies nor Third Parties have had the opportunity to consider the proposal in light of the requirements the current *adopted* Plan. Should the Commission be of the view that clarification on matters relating to compliance with Development Plan requirements in relation to the ‘protection of the

streamside zone' is required, this may be addressed by way of a "limited agenda" Oral Hearing, as per the mechanisms as described elsewhere in this report.

Conclusions on Water

- 12.11.54. Having regard to the detailed considerations above, suitable mitigation measures have been proposed which I consider are sufficient to ensure that there would be no significant adverse impacts on water. I am also satisfied that there would be no significant cumulative adverse impacts.

Water Framework Directive (WFD)

- 12.11.55. With respect to objectives set out in Article 4 of the Water Framework Directive, I have outlined the baseline hydrological conditions of site / surrounds above, and I am satisfied that with the application of the proposed mitigation summarised in this report, the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment. This conclusion has been informed by the EIAR, in particular Chapter 8 of same.

Conclusion: Direct, Indirect, and Cumulative Effects (Water)

- 12.11.56. Having regard to my examination of environmental information in respect of water, in particular the EIAR provided by the applicant, the planning authority's Planning Reports, and the submissions received, I do not consider that there are any significant direct or indirect effects on water.
- 12.11.57. As per the assessment above. I am satisfied that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives.

12.12. Noise and Vibration

Issues Raised

CE Report Comments

- 12.12.1. The PA have not raised any specific concerns in relation to noise and vibration, although I note that the PA have recommended conditions in relation to noise and vibration levels at construction stage (Condition Nos. 37, 39 and 40 refer), and in relation to noise levels from the commercial element (Condition No. 41 refers).

Third Party Comments

- 12.12.2. A third-party submission has raised concerns in relation to the impact of deliveries and other noise sources emanating from the commercial element of the proposal. Other concerns raised include impacts of traffic noise from the development.

12.12.3. Prescribed Bodies

- 12.12.4. There are no comments from Prescribed Bodies of relevance to this section of the assessment.

Examination, Analysis, and Evaluation of the EIAR

- 12.12.5. Chapter 10 of the EIAR deals with noise and vibration. The methodology for assessment is described. A desk study was undertaken and included review of available published data. An environmental noise survey has been conducted at the site in order to quantify the existing noise environment. The surveys were conducted in general accordance with ISO 1996: 2017: 'Acoustics – Description, measurement and assessment of environmental noise'. 1 no. unattended location and 3 no. attended locations were chosen and are as illustrated in Figure 10.1 of the EIAR. The noise environment was found to consist of traffic noise from the R617 (dominant), residential noise, wind in trees and birdsong, as well as distant construction and agricultural traffic noise.
- 12.12.6. Appropriate criteria relating to permissible construction noise levels for a development of this scale may be found in best practice guidance.¹⁸ The approach adopted within the EIAR, designates a Noise Sensitive Location (NSL) into a specific category (A, B or C) based on existing ambient noise levels in the absence of construction noise (the ABC method described in BS 5228-1). This then sets a Construction Noise Threshold (CNT) that, if exceeded, indicates a potential

¹⁸ British Standard BS 5228 – 1: 2009+A1:2014: Code of practice for noise and vibration control on construction and open sites – Noise.

significant noise impact is associated with the construction activities, depending on context. These values are set out in Table 10.1 of the EIAR.

12.12.7. It is noted that the closest Noise Sensitive Locations (NSLs) to the proposed development are:

- Residential properties 15 m from the site boundary at the southern end (NSL-1);
- Residential properties 10 m from the site boundary at the north-eastern end (NSL-2).

12.12.8. These are illustrated in Figure 10.4 of the EIAR.

Construction Stage Effects and Mitigation/Monitoring

Noise

12.12.9. The construction noise threshold (CNT)s are set using Category A (see Table 10.1 of the EIAR) for the closest NSLs which sets the following threshold values:

- Daytime (07:00 – 19:00hrs weekdays) /Saturday AM: 65dB
- Evening and Weekends: 55dB dB
- Night-time (23:00 to 07:00) 45 dB

12.12.10. A 4-year construction programme was envisaged for both Phases 1, 2 and 3 and the EIAR considers the impacts of same. Main sources of noise include plant, excavation and site clearance. A worst-case scenario is assumed with works occurring simultaneously along the closest boundary, resulting in a total noise level of 86 DB at 10m. It is set out in the EIAR that the construction noise thresholds as set out above are exceeded at distances of up to 30m, and in the worst case scenario a noise level as high as 76 dB may be experienced at 10m. It is set out that mitigation will be necessary to prevent significant impacts at NSLs. In terms of the potential vibration impacts during the construction phase, site activities will be managed so as not to exceed the vibration limits set out in British Standard BS 5228-2 and summarised in Table 10.3 of this report. Notwithstanding, mitigation measures are set out in Section 10.7 of the EIAR will be employed to further reduce the likelihood of significant effects.

12.12.11. Noise from plant during the operational phase should not exceed the background noise levels by 5dB, noting that residential plant items will be selected

so as not to breach this threshold. Commercial plant has the potential for impact on the proposed residential blocks, and additional plant noise control measures are set out in Section 10.7.2 of the EIAR. It is set out the impact of additional traffic noise will be negligible.

12.12.12. Other operational noise impacts considered in the EIAR include potential noise from the commercial element, including deliveries and waste collections, and no significant impacts were expected. Noise from the creche element was not expected to generate a significant noise impact.

12.12.13. Mitigation measures are set out in Section 10.7 of the EIAR and include, but are not limited to, best practice noise and vibration control measures. Noise control measures include selection of quiet plant and where necessary, screens around noise sources, limiting the hours of work and noise monitoring. A 5dB to 10dB reduction in noise is considered to result from screening. Noise control measures in relation to commercial plant are set out in 10.7.2 and include the use of acoustic louvres or attenuated acoustic vents.

12.12.14. There are no committed developments within range of the proposed development that would result in a significant cumulative impact during the construction phase. In this regard, I would note that permission for 73 units was refused by the Board on 14th May 2024 (ABP reference 315209). There is, however some potential for this site to come forward for development. In relation to same, the EIAR identifies potential significant noise impacts to occur at NSLs to the south of the site, and has set out mitigation measures that account for the scenario that construction occurs simultaneously on the two sites, which includes, those measures set out in Section 10.7.1, as well as the construction of a noise barrier between the source and the receiver. In addition, any activity at the closest works boundary to NSL-1 will be kept to a minimum. Predicted cumulative residual impacts are considered to be temporary, negative and moderate to significant in the worst-case scenario.

12.12.15. Internal noise levels (Inward impacts) are considered in Section 10.10 of the EIAR. Based on the results of the baseline noise surveys, all locations of proposed development on site were found to have a negligible risk of inward impact with the exception of the two apartments facing the R617 on the first floor of the café building

at the southern end of the site. Additional assessment of these units concludes that a good acoustic design process (as set out in Section 10.10.3 of the EIAR), as well as appropriate glazing specification, will ensure that internal noise levels will be below recommended guidelines, as set in Table 10.5 of the EIAR.

Assessment: Direct, Indirect, and Cumulative Effects

- 12.12.16. I have examined, analysed, and evaluated Chapter 10 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of noise and vibration. I am satisfied that the applicant's presented baseline environment is comprehensive and that key impacts in respect of likely effects on the environment as a result of noise and vibration as a consequence of the proposed development, have been identified. I am satisfied that all potential effects have been highlighted.
- 12.12.17. I note the EIAR highlights the potential for significant cumulative construction noise impacts if the adjacent site came forward at the same time, and in the worst-case scenario such significant impacts could still remain, even with mitigation measures, such as screening, in place. However, the likelihood of this occurring is reduced since the drafting of the EIAR, noting that permission was refused on the site to the west, subsequent to the submission of this application, and there does not appear to be a current application on the site (with reference to the Commission's internal GIS mapping). However, it remains a possibility that the site could come forward for development, and adopting a precautionary approach, it would be reasonable to conclude that a significant residual impact could result if the two sites came forward simultaneously. This would be relatively short-term in duration, however. I am satisfied that such an impact can be justified having regard to the wider benefits that would result from the proposed development, including the provision of housing.
- 12.12.18. In relation to other issues raised by third parties, I note that potential noise impacts from the commercial element has been considered in the EIAR, and includes a consideration of plant noise, noting that such plant items will be selected, designed and locations so the so that the cumulative operation of any external or vented plant items does not exceed a value of 30 dB LAeq,15min external to the closest NSL. Impacts of deliveries and waste collections have also been considered in the EIAR. In relation to deliveries, the EIAR notes that such deliveries are generally expected to occur once each morning, noting also that the retail building is

located 50m from the nearest NSL, with waste collection following a similar pattern to existing waste collection frequencies in the area. No significant noise impacts are expected to result from same, and I am satisfied that this is a reasonable conclusion to make. I would note that the EIAR does not consider potential impacts from the car park area on the residential units to the south, and there is some potential for noise impacts to occur from this element. However, I am satisfied that the peak hours for the retail unit would be during daytime hours, and as such any noise from same would be limited to such hours.

Conclusion: Direct, Indirect, and Cumulative Effects (Noise and Vibration)

12.12.19. I consider that the main significant direct, indirect, and cumulative effect on noise and vibration is as follows:

- Likely, negative, significant, temporary, cumulative effects, resulting from noise impacts to properties bordering the site to the south, within the Senandale Estate, during the construction phase, if the adjacent site to the west comes forward for development at the same time as this subject site, notwithstanding the mitigation measures as proposed in the EIAR. However, I am satisfied the effects described can be considered 'worst-case', noting in particular that the subject site does not have planning permission for development at the current time.

12.13. Air Quality and Climate

Issues Raised

CE Report Comments

12.13.1. The PA have not raised any specific concerns relation to air quality and climate.

Third Party Comments

12.13.2. Third party submissions raise concerns in relation to the impact on air quality resulting from the traffic generated by proposed development.

Prescribed Bodies

12.13.3. There are no comments from Prescribed Bodies of relevance to this section of the assessment.

Examination, Analysis, and Evaluation of the EIAR

- 12.13.4. Chapter 12 (Air Quality & Climate) of the EIAR assesses the potential significant effects on air quality and on climate, associated with the proposed development. The chapter was prepared in accordance with European and national guidelines. The limit values for dust deposition, nitrogen dioxide (NO₂), NO_x, PM₁₀, and PM_{2.5} are relevant to this assessment, and these are set out in Table 12-1 of the EIAR.

Air Quality

- 12.13.5. The baseline environment is described in terms of meteorological data (wind data from Cork Airport) and air quality (the site is in Environmental Protection Agency (EPA) Zone D (Rural Ireland and towns with a population of less than 15,000), but it is in close proximity to Zone B (Cork City Area), and this has been taken in to account when determining appropriate background concentrations for the area.

Demolition, Construction and Operational Stage Effects and Mitigation/Monitoring

Construction

- 12.13.6. It is set out that the greatest potential impact on air quality during the construction phase is from construction dust emissions and the potential for nuisance dust. It is set out that the proposed development can be considered large in scale and there is therefore the potential for significant dust soiling 100m from the source, as per TII guidance. It is also set out that there are a number of high sensitivity residential receptors to the direct south and east of the site boundary, and in the absence of mitigation there is the potential for significant, negative, short-term impacts to nearby sensitive receptors as a result of dust emissions from the proposed development. Specifically in relation to impacts on human health, in the absence of mitigation there is the potential for slight, negative, short-term impacts to human health as a result of the proposed development.
- 12.13.7. It is set out that there is also the potential for traffic emissions to impact air quality in the short-term over the construction phase, particularly due to the increase in HGVs accessing the site. Notwithstanding, the construction stage traffic has been reviewed, and a detailed air quality assessment has been scoped out as none of the

road links impacted by the proposed development satisfy the DMRB assessment criteria as described in Section 12.2.2.1 of the EIAR. It is concluded that same will have an imperceptible, neutral and short-term impact on air quality.

Operational

12.13.8. It is set out that engine emissions from vehicles accessing the site have the potential to impact air quality during the operational phase of the development. Air quality modelling of operational phase traffic emissions on sensitive receptors was conducted as part of the assessment. 2 no. high sensitivity residential receptors (R1 and R2) were included in the modelling assessment. It is concluded that the potential impact of the proposed development on ambient air quality in the operational stage is considered long-term, localised, negative and imperceptible and therefore, no mitigation is required. It is further determined that the impact to human health during the operational stage is long-term, negative and imperceptible and therefore, no mitigation is required

12.13.9. In terms of cumulative impacts, it is set out that provided mitigation measures are in place for the duration of the construction phase cumulative, dust related impacts to nearby sensitive receptors are not predicted to be significant, noting the potential for coincidental development on the development site adjacent to this subject site.

Construction Phase Mitigation

12.13.10. Mitigation measures are set out in section 12.6.4.1 of the EIAR and includes adherence to a Dust Minimisation Plan as set out in Appendix 12.3 of the EIAR, and such measures contained therein are set out in the EIAR and include, but are not limited to, cleaning of surrounding roads, wheel washes, appropriate handling of materials and the use of screening.

Operation Stage Mitigation

12.13.11. No specific mitigation is required for the operational phase of the development, noting that the conclusions of the air quality modelling.

Other Effects

Residual

12.13.12. The EIAR concludes that, with mitigation in place, Residual impacts on air quality at construction stage are concluded to be imperceptible. Furthermore, no significant impacts on air quality at operational stage will result from increased traffic volumes associated with the development, nor will any significant cumulative impacts result, with mitigation in place.

Climate

12.13.13. In relation to the construction phase, the impact of greenhouse gas generating construction activities associated with the proposed development is considered. However, it is set out that site traffic and plant is unlikely to make a significant impact on climate, with such impacts considered to be neutral, imperceptible and short term. At operational phase, impact of traffic is considered. It is set out that, with reference to best practice guidance, one road link (R617) will experience a change in AADT of over 10% and therefore a detailed assessment of operational traffic on climate is required. Such an assessment was carried out and it is concluded that the potential climate impact of the proposed development was negative, long-term and imperceptible, contributing to a very small percentage of the EU 2024 and EU 2030 CO₂ emissions targets (As set out in Table 12.9 of the EIAR). Measures to reduce the operational impact of the development on climate, such energy efficient building materials, and renewable heating and power options, are set out in the EIAR. No significant residual impacts on climate are expected to result from the proposed development.

Assessment: Direct, Indirect, and Cumulative Effects

12.13.14. I have examined, analysed, and evaluated Chapter 13 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of air quality and climate. I am satisfied that the key impacts in respect of likely effects on air quality and climate, as a consequence of the proposed development, have been identified.

12.13.15. In relation to the issue of increased vehicle emissions, the EIAR has carried out a comprehensive assessment of same, carried out with regard to best practice guidance, and I am satisfied that the residual impacts of operational traffic on emissions will not be significant, and will be as described in the EIAR. I am satisfied also that the proposed cycle and pedestrian infrastructure proposed under this

application will also have a positive effect of reducing emissions, within subsequent reductions in background levels of vehicle emissions.

12.13.16. In relation to climate impacts, I am satisfied that climate impacts at construction stage will be as reported in the EIAR, i.e. negative, long-term and imperceptible. In relation to the operational stage, I would highlight that impacts of a changing climate on the proposed development itself have not been explicitly considered in this chapter of the EIAR. However, where relevant, climate factors have been considered in the relevant section of other chapter (such as water, in relation to attenuation volumes and flood risk, for example). As such, I am satisfied that such aspects of climate have been considered in the EIAR, albeit not explicitly in the Air Quality and Climate Chapter. I would note also that there is little discussion in relation to the embodied CO2 aspect i.e. embodied carbon emitted during the manufacture, transport, and construction of building materials, together with site activities. Notwithstanding, given the nature of the development, it is likely that such emissions would only account for a very small percentage of relevant current CO2 emissions targets i.e. Ireland's non-Emission Trading Scheme 2030 emissions target, and as such I am satisfied that it is likely that such impacts would not be significant, having regard to climate change.

Conclusion: Direct, Indirect, and Cumulative Effects (Air)

12.13.17. Having regard to my examination of environmental information in respect of air, in particular the EIAR provided by the applicant, the planning authority's Planning Reports, and the submissions and observations received, I do not consider that there are any significant direct or indirect air or climate effects.

12.14. Material Assets – Traffic

12.14.1. Material assets comprise three separate chapters in the EIAR. They are assessed below under the 2 no. headings i.e. Chapter 5 --Traffic and Transport and Chapter 6 -Services, Infrastructure & Utilities. This section considers Traffic.

Traffic

12.14.2. I would note to the Commission that the issue of Traffic and Transportation is also considered within the 'Planning Assessment' section of this report, and I refer

the Commission to Section 11.9 'Traffic and Transportation' of this report for a consideration of same.

Issues Raised

CE Report Comments

- 12.14.3. I have set out a detailed summary of the CE submission, and related internal reports, in Section 8 above. Of relevance to EIA, is the PA's view that short term works should be carried out to the junction of R617/579 to preserve the capacity of same.

Third Party Comments

- 12.14.4. I have set out a detailed summary of Third Party comments relating to traffic and transportation above, and I refer the Commission to same. I shall provide a brief summary here. A large number of submissions have raised concerns in relation to existing traffic congestion, and it is contended that the proposed development will result in increased traffic congestion. It is set out that the TTA has not considered existing afternoon traffic levels, cumulative impacts, and the results of the traffic surveys that inputted into same were skewed by the impact of Covid 19.

Prescribed Bodies

- 12.14.5. There are no comments from Prescribed Bodies of relevance to this section of the assessment.

Examination, Analysis, and Evaluation of the EIAR

- 12.14.6. Chapter 5 (Material Assets – Traffic & Transport) of the EIAR assesses the likely impact of the proposed development on the existing roads network around the site, during the construction and operational phases. Also relevant to this assessment is Appendix 5.1 of the EIAR which is the Traffic and Transport Assessment (TTA).
- 12.14.7. Reference is made to the Traffic and Transport Assessment (TTA) that has been submitted with the application, and the chapter utilises the data and conclusions from same. It is set out that a total of 3 no. turning count surveys were undertaken on Thursday 6th May 2024. A 'Covid' factor of 12.8% is added to the baseline traffic volumes, with reference to TII traffic data for Cork. Further traffic counts for the main R617/R579 junction were carried out on 30th November 2021. The following graph presents a comparison between the recorded turning count

movements during the peak periods for May 2021 and November 2021. The results between the two dates are negligible.

12.14.8. In terms of previous collisions, it is noted within the EIAR that there have been a number of road traffic incidents on the R617 and at Junction 1 over the 2005 to 2016 time period and that these incidents have been minor in nature.

12.14.9. The existing environment is set out and it is stated that the application site is located on the R617 Blarney Road in the village of Cloghroe within a 50kph speed limit zone. In terms of public transport provision, the site is served by the 215 and the 235 services. The EIAR sets out that the 215 currently operates on a half hour frequency and links to Mahon Point via Blarney and the City Centre. It is set out that this service is set to be improved as part of CMATS (Bus Connects) with an increased frequency and will depend on an increased demand along its corridor to ensure its continued viability. In relation to same, I refer the Commission to Section 11.9 'Traffic and Transportation' wherein I have considered the issue of future public transport provision in detail.

12.14.10. In terms of impacts on the surrounding road network resulting from the development; the key junction assessed within the study is the R617/R579 Cloghroe Junction (Junction 1). The proposed development will access onto the R617 by means of two proposed new Priority Controlled 'T' Junctions. These two new junctions were modelled using the Junction 9: Picady Software with development traffic. Junction 1 was modelled with/without development traffic.

Construction Stage Effects and Mitigation/Monitoring

12.14.11. It is stated that within the EIAR, that that the operational phase of the scheme will generate more traffic during the peak traffic periods than the construction stage. Operational phase junction models therefore present a worst-case scenario in terms of impact for the modelled network. Notwithstanding, and in relation to construction traffic, it is set out that a Construction Environmental Management Plan (CEMP) has been developed which includes a proposed Construction Stage Traffic Management Plan. This traffic management plan has identified the optimum route for construction access and quantifies the expected maximum daily HGV movements to and from site (ie, 15 no. HGV's 30 trips). In addition, allowance is made for a maximum of 20 workers/staff on-site, giving an overall construction phase traffic generation of 110

movements per day. Assuming a worst-case scenario with all development traffic arriving via the R617/R579 junction this would equate to an increase in the AADT of 1.47%. In terms of impacts of the cut and fill element of the proposal, it is set out that, over the 4-year construction stage, this would equate to approximately 1,000 HGV trips to the site for imported fill material. The developed CEMP proposes mitigation measures to minimise the impact of the increase in construction traffic volumes.

- 12.14.12. In terms of mitigation at construction stage, this is set out in Section 5.5.2.1 of the EIAR. It is noted therein that a Construction Traffic Management Plan has been developed and will be implemented when appropriate.

Operation Stage Effects and Mitigation/Monitoring

- 12.14.13. A modal shift of 20% (implying an anticipated increase in public transport or active travel in the immediate area of 15%) for future year models was selected when assessing traffic impacts. An allowance for transfer trips has been applied to the retail element of the scheme, taken as 40%, which the EIAR states is significantly less than the recommended 70% as outlined in the TRICS Research Report 14/1 – ‘Pass By & Diverted Traffic’.

- 12.14.14. In terms of impacts on capacity, the analysis indicates that, for Junction 1, both with and without the proposed development, there is a steady degradation in capacity at the junction with significant delays occurring. Other junctions analysed (Junction 2 - Retail Access onto the R617 and Junction 3 Residential Access onto the R617) are seen to operate within capacity for all future years considered.

- 12.14.15. The EIAR notes that, in relation to Junction 1, it will be necessary to carry out remedial works, such as the signalisation of the junction, in future years. Other interim measures are set out which include developing right turn lanes on approach roads or improving sight visibility at the junction.

Mitigation Measures

- 12.14.16. In relation to mitigation, it is set out that, as part of the proposed development, the R617 will be upgraded to include a 2.0m wide cycle track, a 1.0m wide planted verge, a 2.0m wide pedestrian footpath and a reservation of 3.25m for a future Bus

Lane as part of Bus Connects, with the upgrading of the existing bus stop. In addition, a pedestrian crossing is proposed to improve traffic safety.

Residual Impact

- 12.14.17. It is concluded that the residual operational stage impacts on the road network, with the mitigation measures in place, will be slight negative.

Cumulative Impacts

- 12.14.18. In terms of cumulative impacts, reference is made to the application to the west of the site, which had been lodged at the time of submission of this application. This has been subsequently refused by the PA and on appeal by the Board (ABP-315209-22/PA Reg Ref 2140620). Notwithstanding, the EIAR sets out that if both sites were to commence development at the same time, it would be expected that similar mitigation measures will be implemented on both and the expected level of construction traffic for both sites combined would have minimal impact on peak hour traffic flows. In relation to the operational stage, it is set out that this development is expected to contribute to an additional 2.9% to traffic flows on the local road network. As per the standalone impact of this subject application, works on the R617/R679 junction are required in order to mitigate against the capacity constraints highlighted above.

Assessment: Direct, Indirect, and Cumulative Effects

- 12.14.19. I have examined, analysed, and evaluated Chapter 5 (Material Assets – Traffic & Transport) of the EIAR and all of the associated documentation, submissions, and observations on file in respect of traffic issues. I am satisfied that the key impacts in respect of likely traffic effects, as a consequence of the proposed development, have been identified. I note the planning authority did not express any concern in relation to construction phase traffic, and were satisfied that any operational phase traffic impacts could be mitigated by way of the measures as described in the EIAR, and by way of a condition that would require short-term interim measures at Junction 1 (Condition No. 11 of the PA's Recommended Conditions refers).
- 12.14.20. I would note that, in relation to construction stage, no significant impacts from same were expected. However mitigation to reduce any effects are set out and includes the CEMP, which incorporates a Traffic Management Plan.

12.14.21. In relation to the operational phase effects (from Phase 1), the EIAR identifies potential significant delays at Junction 1, both with and without the development in place. The overall residual effect of the development is not set out, however. Notwithstanding, given that Junction 1 will have capacity issues either with or without the development in place, I am satisfied that the standalone impact could not be described as 'significant'. Notwithstanding, and as highlighted by the PA submission, short-term interim measures can serve to mitigate impacts of this proposed development on this junction. The exact interim measures can be agreed with the PA, as per Condition 11 of the PA's recommended conditions, should the Commission be minded to approve the development. I note also that the proposed development has proposed, *albeit* somewhat limited, measures to promote an increase modal shift by future occupiers of the development, such as the cycle path to the front, and an improved pedestrian environment. I would note also that the site is relatively close to local services and Cloghroe National School.

Conclusion: Direct, Indirect, and Cumulative Effects (Material Assets - Traffic)

12.14.22. Having regard to my examination of environmental information in respect of traffic, in particular the EIAR provided by the applicant, the planning authority's Planning Reports, and the submissions received, I accept that there will be some negative cumulative effects on the Junction of the R617/R579 (Junction 1). However, noting that this junction will reach capacity, with or without this development in place, I am satisfied that this effect cannot be described as significant, and I also note that interim measures can be put in place to reduce any impact of same. I am satisfied that no other significant negative residual impacts on the surrounding road network will occur as a result of the proposed development, either at construction or operational phases.

12.14.23. The Commission will note, as per Section 11.9 'Traffic and Transportation' of this report, I have considered the quantum of car parking, including EV parking and accessible parking, provided by the applicant, and have concluded that same is insufficient, for the reasons as set out in Section 11.9 of this report. The Commission will also note that, as per the recommendation below, I have recommended a refusal of permission on this basis (and on the basis of other concerns I have raised within this report). Notwithstanding, I am satisfied that this issue does not undermine the conclusions of the EIAR, in relation to the impacts of operational traffic on the

surrounding road network, and I am satisfied that impacts will be as reported in the EIAR, subject to an additional condition as discussed above.

12.15. Material Assets - Services, Infrastructure & Utilities

Issues Raised

CE Submission

- 12.15.1. No particular concerns were raised in relation to built services infrastructure, and any issues which are indirectly related to same (i.e. surface water, foul water etc) I have considered in the relevant sections of this report.

Third Party Submissions

- 12.15.2. No particular concerns were raised in relation to built services infrastructure, and any issues which are indirectly related to same (i.e. surface water, foul water etc) I have considered in the relevant sections of this report.

Prescribed Bodies

Uisce Éireann

- 12.15.3. In respect of Wastewater upgrade works are required at the Cloghroe Wastewater Pumping Station which will not require planning permission. Uisce Éireann does not currently have any plans to carry out the works required. The applicant will be required to provide a contribution of a relevant portion of the costs for the required upgrades as part of a connection agreement.

In respect of Water a new connection can be facilitated without infrastructure upgrade by Uisce Éireann.

Examination, Analysis, and Evaluation of the EIAR

- 12.15.4. Chapter 6 (Material Assets – Services, Infrastructure & Utilities) of the EIAR comprises an assessment of the likely impact of the proposed development on existing surface water, water supply, foul drainage, waste and utility services in the vicinity. The chapter is in accordance with EPA guidelines and advice notes.
- 12.15.5. It is set out that the applicant (Cloghroe Development Limited) is the owner of the site and that works along the R617 are under the control of Cork City Council.

12.15.6. The existing baseline environment is briefly described under subheadings of stormwater drainage, foul water network, water supply, electricity supply, public telecommunications and waste management,.

12.15.7. Construction Stage Effects and Mitigation/Monitoring

12.15.8. It is set out that the construction phase of the proposed development has the potential to result in slight and temporary impacts including during the construction of below-ground services such as watermain, storm and foul pipelines, telecommunication services which will require excavation works. The EIAR sets out that these activities have the potential introduce suspended solids to water run-off from the site. I have considered potential impacts on same in Section 12.11 of this report.

12.15.9. Slight short term impact on the capacity of the waste water and water supply networks are possible during the construction phase.

12.15.10. Surface water – In the absence of mitigation, potential impacts on the hydrological regime are as described in Section 12.11 of this report, i.e. the development has the potential to impact the local surface hydrology, groundwater and water quality during the construction period unless appropriate mitigation measures are effectively implemented. Until flood risk measures are put in place, flood risk will remain for some dwellings in the Senadale Housing estate. The significance of same is not stated.

12.15.11. No other potential significant impacts on built services are foreseen at construction stage.

12.15.12. In relation to mitigation, adherence to best practice measures, including those general mitigation measures include, but are not limited to, adherence to the CEMP, and to best practice guidelines, as well as quality control measures at construction stage.

Operation Stage Effects and Mitigation/Monitoring

12.15.13. Surface Water – Potential effects, in the absence of mitigation, are as described in Section 12.11 of this report.

12.15.14. Flood Risk - The proposed works involve the raising of low-lying lands and the management of the western stream flood waters. Hydraulic modelling contained in

the SSFRA shows that these works will remove the risk of extreme event flooding in the Senandale housing estate and on the R617 arising from the western stream.

12.15.15. No significant impacts on built services are foreseen at operational stage.

12.15.16. In terms of mitigation, the development proposals include storm water attenuation, hydrocarbon interception and flood water management. Parking areas and driveways will be paved. All new pipe infrastructures are to be installed, pressure tested and CCTV inspected to the relevant codes of practice and guidelines. No likely significant impacts to sensitive water features have been identified. No additional mitigation measures are considered to be necessary for the operational phase. The flood water storage and management system will be ensured as part of the overall maintenance program for the development. Inlet and outlet and flow structures will be designed and constructed to ensure that blockages do not occur, and waters can free flow at all times

Other Effects

Cumulative

The cumulative effects on material assets have been assessed taking into account other developments in the surrounding area. No significant cumulative effects are identified. The adjoining lands to the west, if developed at some future date, will be attenuated to greenfield rates. There will be no additional hydraulic impact on the western stream channel.

Assessment: Direct, Indirect, and Cumulative Effects

12.15.17. I have examined, analysed, and evaluated chapter 7 (Material Assets – Built Services) of the EIAR and all of the associated documentation, submissions, and observations on file in respect of services, infrastructure, and utilities. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on services, infrastructure, and utilities, as a consequence of the proposed development, have been identified.

12.15.18. I consider that, in conjunction with measures set out elsewhere in the EIAR, suitable mitigation measures have been proposed which are sufficient to ensure that there would be no significant adverse impacts on services, infrastructure, and utilities. I am also satisfied that there would be no significant cumulative adverse impacts.

Conclusion: Direct, Indirect, and Cumulative Effects (Material Assets – Services, Infrastructure, and Utilities)

12.15.19. Having regard to my examination of environmental information in respect of services, infrastructure, and utilities, in particular the EIAR provided by the applicant, the planning authority's CE Report, and the submissions and observations received, I do not consider that there are any significant direct or indirect services, infrastructure, and utilities effects.

12.16. Cultural Heritage

Issues Raised

12.16.1. There are no issues raised in any of the submissions in relation to potential impacts on archaeological, architectural and built heritage. I would note that third parties have raised concerns in relation to certain design aspects of the scheme which I have considered in Section 11.7 'Design' and Section 12.17 of this report.

Examination, Analysis, and Evaluation of the EIAR

12.16.2. Chapter 15 (Cultural Heritage) of the EIAR considers potential effects of the proposed development on archaeology, architecture and built heritage.

12.16.3. In terms of archaeology, there no recorded archaeological sites or designated architectural structures located within the proposed development site or immediately adjacent to its boundaries. It is set out that there are 7 recorded archaeological sites located within a 1km radius of the site (the Study Area) and details of same are set out in Table 11.5 and Figure 11.5 of the EIAR. There are no National Monuments within the study area.

12.16.4. In relation to Protected Structures, there is one such structure within 1km of the site (Road Bridge, RPS 00452) located 640m to the southwest. A further NIAH listed structure (House) is located 630m to the southwest.

12.16.5. The EIAR concludes that while no evidence for potential unrecorded archaeological sites within the proposed development boundary was identified during the desktop study and field surveys undertaken as part of this assessment, the potential does exist for the presence of unrecorded, sub-surface archaeological sites in the undisturbed greenfield areas within the boundary.

Demolition/Construction Stage Effects and Mitigation/Monitoring

- 12.16.6. Architectural and Cultural Heritage Resource – It is stated that the potential exists for the presence of unrecorded, sub-surface archaeological features in undisturbed greenfield lands, the potential significance of which is unknown.
- 12.16.7. No other potential impacts are identified.
- 12.16.8. In relation to mitigation, a programme of archaeological investigations will be carried out prior to the commencement of the construction phase. In the event that any sub-surface archaeological deposits, features or artefacts are identified during the test trenching investigations these will be recorded and left to remain in situ while the Planning Authority and the National Monuments Service are consulted to determine further appropriate mitigation measures, which may involve preservation in situ (avoidance) or preservation by record (archaeological excavation).

Operation Stage Effects and Mitigation/Monitoring

- 12.16.9. No operational stage impacts are predicted and therefore no mitigation is required.

Other Effects

Cumulative

- 12.16.10. The EIAR considers the potential cumulative impacts of a number of other projects in the area. No cumulative impacts are predicted.

Residual

- 12.16.11. No significant impacts are predicted upon cultural heritage at construction or operational stage.

Assessment: Direct, Indirect, and Cumulative Effects

- 12.16.12. I have examined, analysed, and evaluated chapter 14 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of architectural, archaeological, and cultural heritage. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on architectural, archaeological, and cultural heritage, as a consequence of the proposed development, have been identified.

12.16.13. I am satisfied that the closest protected Structure identified (Road Bridge) located 640m to the southwest, of the site, will not be impacted by the proposed development, and there are no National Monuments within a 1km of the site. As per the mitigation in the EIAR, there are contingences in place to ensure that any undiscovered archaeology with the site is handled in the appropriate manner.

Conclusion: Direct, Indirect, and Cumulative Effects (Architectural, Archaeological, and Cultural Heritage)

12.16.14. I am satisfied that there would be no significant adverse impacts on architectural, archaeological and cultural heritage. I am also satisfied that there would be no significant cumulative adverse impacts

12.17. Landscape and Visual

Issues Raised

CE Submission

12.17.1. No particular concerns were raised in relation to landscape and visual impacts.

Third Party Submissions

12.17.2. Third Party submissions have raised concerns in relation to the visual impact of the development and the height of same will be overbearing.

Examination, Analysis, and Evaluation of the EIAR

12.17.3. Chapter 4 (Landscape & Visual) of the EIAR assesses the potential landscape and visual impacts. Appendix 4.1 contains a 'Landscape Policy Analysis and Drawings'. This also includes an Arboricultural Impact Assessment (which is not referenced in the Appendix title). The chapter also includes a Verified Photomontages and CGI's document, which sets out a total of 5 no. views.

12.17.4. The baseline environment is set out in the EIAR and it is noted that the site is located on lower elevations (25m – 50m) in a landscape of undulating hills that reach 90-120m elevations. It is noted that the site lies within the 'Broad Fertile Lowland Valleys 6A' Landscape Character Area, which carried a Landscape Value of 'High', a

Landscape Sensitivity of 'High' and a Landscape Importance of 'County'¹⁹. A detailed description of the receiving environment is set out in Section 4.4 of the EIAR.

- 12.17.5. The EIAR sets out that mitigation measures were incorporated into the scheme at design stage and such measures included the retention of trees, and treelines, more notable at the northern part of the R617, the trees on the southwest corner as well as planting of trees to the frontage along the R617. Paving and landscape furniture to the R617 commercial frontage were designed enhance the character and definition of the village.
- 12.17.6. Predicted impacts are set out in Section 4.6 of the EIAR. It is set out that there is a lack of visibility from high-sensitivity receptors, with visibility generally limited to close range views (within 200m). 5 no. view receptors were selected to represent locations that might have the greatest potential visibility, with the locations of same illustrated in Figure 4.7a. For Receptor 1 (R617 at St. Senan's Church) and Receptor 2 (R617 Approaching from Tower), the predicted impact was considered moderate, positive. From Receptor 5 (Senandale Estate), the predicted impact was concluded to be negative at construction stage., with a slight neutral impact once built. From Receptor 3 (Kiely's Lane North of Site), the predicted impact was concluded to be negative at construction stage., with a moderate neutral impact once built out.
- 12.17.7. In terms of cumulative impacts, it is set out the recently permitted housing development directly west of the site, opposite the stream, (Cork City application no. 21/40620) has a significant cumulative impact, with the proposed scheme creates continuity between the village and permitted scheme, improving potential links and access to public amenities. I would note that this housing scheme was refused permission by the Board (ABP-315209-22/PA Reg Ref 2140620) subsequent to the submission of this SHD application. I would note also it was refused permission by the PA, prior to the first party appeal relating to same.

Residual

- 12.17.8. Section 4.9 sets out residual impacts. This section would appear to be unfinished. Notwithstanding, noting the commentary preceding same, no significant negative impacts are considered to occur.

¹⁹ According to the Cork County Draft Landscape Strategy 2007

Assessment: Direct, Indirect, and Cumulative Effects

12.17.9. I have examined, analysed, and evaluated chapter 10 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of landscape and visual impact. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely landscape and visual effects, as a consequence of the proposed development, have been identified.

12.17.10. I would accept the conclusions of the EIAR (in relation to standalone impacts) that no negative impacts on landscape, nor negative visual impacts would result from the proposed development, I would note accept that views are generally limited to close range views, and while the context of the site will inevitable change as a result of the proposed development, I accept the conclusions within the EIAR that no significant negative visual impacts will occur and that impacts, once built out, can be classed as moderate neutral. I note the the site is well screened from surrounding viewpoints, with the proposed retention of significant areas of woodland that bound the site, and note the replacement planting proposed, and I am satisfied that the standalone effects on visual and landscape are as described in the written commentary within the EIAR.

12.17.11. I would not accept that the height of the development could be classed as 'overbearing' from surrounding viewpoints, noting that the height is limited on the boundary with the R617.

12.17.12. In relation the significant cumulative impact as cited in the EIAR, as a result of the development on the adjoining site, I note that this is in fact not permitted, and as such there is no cumulative impacts (either positive or negative) that result from same (in the absence of a permitted development on the site). I have considered the issue of height and other design considerations in Section 11.7 above, and I would refer the Commission to same.

Conclusion: Direct, Indirect, and Cumulative Effects (Landscape and Visual Impact)

12.17.13. Having regard to the considerations above, I am satisfied that there would be no significant adverse impacts on Landscape and Visual. I am also satisfied that there would be no significant cumulative adverse impacts

12.18. Interactions Between the Foregoing

12.18.1. Though also referenced in the individual technical chapters, Chapter 14 (Interactions of the Foregoing) of the EIAR highlights the significant interactions between environmental factors. Table 14.1 outlines a matrix showing the factors that interact with each other and the EIAR provides a detailed commentary on same.

12.18.2. I have considered the interrelationships between the various environmental factors and whether these may as a whole affect the environment, even though the effects may be acceptable on an individual basis. Having considered both the embedded design and the mitigation measures to be put in place, I am satisfied that no residual risk of significant negative interaction between any of the environmental factors would arise and no further mitigation measures to those already provided for in the EIAR, or as conditions of the permission, would arise. I am satisfied that in general the various interactions were accurately described in the EIAR.

12.19. Reasoned Conclusion

12.19.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the applicant, and the submissions from the planning authority, prescribed bodies, and observers in the course of the application, it is considered that the main significant direct, indirect and cumulative effects of the proposed development on the environment, with the implementation of the proposed mitigation measures, are as follows:

- Population and Human Health - Significant direct, and cumulative positive effects on population, due to the increase in the housing stock during the operational phase, as a result of this proposed development;
- Noise and Vibration - Likely, negative, significant, temporary, cumulative effects, resulting from noise impacts to properties bordering the site to the south, within the Senandale Estate, during the construction phase, if the adjacent site to the west comes forward for development at the same time as this subject site, notwithstanding the mitigation measures as proposed in the EIAR. However, I am satisfied the effects described can be considered 'worst-case', noting in particular

that the subject site does not have planning permission for development at the current time.

- 12.19.2. Notwithstanding the conclusion reached in respect of the inability of the proposed measures to fully mitigate potential significant, negative, temporary cumulative impacts in relation to noise resulting from cumulative construction activities on adjacent sites, it is considered that the environmental effects would not justify a refusal of planning permission having regard to overall benefits of the proposed development, and noting that such effects can be considered 'worst-case' effects and are also temporary in nature.

13.0 Appropriate Assessment (AA)

- 13.1. Please refer to Appendix 1 (AA Screening) of this report which contains an AA Screening Report where I have concluded the following:

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended), and on the basis of objective information, I conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

- 13.2. This conclusion is based on:

- Standard pollution controls that would be employed regardless of proximity to a European site, and effectiveness of same (at construction and operational phases).
- Distance from European Sites.
- A determination that no likely significant impacts resulting from wastewater discharge would arise.

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

14.0 Recommendation

- 14.1. 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

Proposed Development:

The proposed development comprises of the following

The demolition of 2 no. existing agricultural structures (382sqm) and the construction of a mixed-use development comprising 198 no. residential units (117 no. houses and 81 no. apartment / duplex units), a creche, café and single storey retail food store. 79 no. apartment / duplex units are provided in 6 no. 3 storey apartment buildings and 2 no. units are provided at first floor level of a proposed café building.

The proposed retail development consists of a single storey retail food store with a net sales area of 1,315sqm which includes the sale of alcohol for consumption off premises, totem sign and ancillary building signage, servicing areas, surface car park and bicycle parking facilities.

Access to the proposed development is via 2 no. entrances from the R617 to the east of the site, 1 no. access would serve the proposed residential development and the other would serve the proposed retail and café use. An additional pedestrian entrance is proposed from the existing cul-de-sac at the sites northern boundary. The works include upgrades to the R617, including the installation of footpath / cycle infrastructure, signalised pedestrian crossing and the relocation of the existing public bus stop.

Ancillary site development works include flood defence works, public realm upgrades, amenity walks, public open spaces, an urban plaza to the east of the proposed retail unit and the undergrounding of existing overhead lines.

Decision

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

Matters Considered

In making its decision, An Coimisiún Pleanála 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. Objective 7.27 'Strategic Retail Objectives' of the Cork City Development Plan 2022-2028 seek to support and implement the Retail Hierarchy in defining the role of retail centres. Section 10.293 of the Development Plan sets out that Tower does not require additional retail floorspace during the Plan period. The Commission notes that the settlement of Tower is not listed within the Retail Hierarchy, as set out in Section 7.86 of the Plan, and neither is the site identified as a 'Neighbourhood/Local Centre or Village Centre'. As such, the nature and scale of element of the proposed development would serve to undermine the Retail Strategy as set out in the Plan, and would likely have an adverse impact on the vitality and viability on the nearby settlements of Blarney and Ballincollig (identified as a Level 3 – Small Urban Town Centre and a Level 2 – Larger Urban Town Centre within the Retail Hierarchy, respectively). The proposed provision of retail at this location would also be contrary to the Retail Planning Guidelines (2012) which require that the provision of retail floorspace be 'Plan-Led', which is not the case in this instance, and a sequential approach be adopted in relation to the location of same, which has not been carried out in this instance. The Commission is of the view, therefore, that the proposed development would represent a material contravention of Objective 7.27 'Strategic Retail Objectives' and Section 10.294 of the Cork City Development Plan 2022-2028 and would, therefore, be 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 set out clear unit mix requirements to be adhered to except in exceptional circumstances where justification is provided. The Commission is not satisfied that the proposed development meets the housing mix requirements as set out in the Development Plan and notes that insufficient justification for the proposed mix has been submitted with the application. Furthermore, the application is not supported by a 'Statement of Housing Mix', as required by Objective P01 of the Cork City and County Joint Housing Strategy and Housing Need Demand Assessment (HDNA) 2022-20228, of the Supporting Studies accompanying the adopted Cork City Development Plan 2022-2028, noting that Objective 3.6 'Housing Mix' of the Development Plan seeks to implement the provisions of the Joint Housing Strategy and HNDA as far as they relate to Cork City. The proposed development would, therefore, materially contravene the Cork City Development Plan 2022-2028 in relation to the provision of unit mix requirements, and would, therefore, be inconsistent with the proper planning and sustainable development of the area.

3. The proposed density of 35 dph is below the minimum density of 40 dph for an Outer Suburb such as Tower, as set out in Table 11.2 of the Cork City Development Plan 2022-2028. The proposed density is also below the minimum density in the density range of 50 dph to 150 dph for a 'Metropolitan Town (>1,500 population) – Centre and Urban Neighbourhood', as defined in table 3.3 of the Sustainable Residential Development and Compact Settlement Guidelines (2024). The proposed therefore is considered to materially contravene of Table 11.2 of the Plan and Section 11.72 of the Plan, as relates to residential density, and is contrary to guidance as relates to compact development as set out in the Residential Development and Compact Settlement Guidelines (2024) and would, therefore, be inconsistent with the proper planning and sustainable development of the area.

3. The proposed car parking provision would fall materially short of the maximum provision set out for this site (as set out in Table 11.13 of the Cork City Development Plan 2022-2028) and materially short of the recommended parking provision for 'peripheral locations' such as this one, having regard to the provisions of the Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024). The Cork City Development Plan 2022-2028 envisages that that parking standards within Parking Zone 3, wherein the site lies, will be

reduced to reflect the level of public transport services over time. In relation to same, the Commission is not view that the site is an accessible site, in terms of existing public transport provision, and the Commission does not sufficient evidence before it to demonstrate that the frequency of buses serving this will be increasing substantially as part of the proposed Bus Connects (Cork) programme. The Commission is, therefore, of the view that the shortfall in car parking cannot be justified, having regard to the provisions of the Cork City Development Plan 2022-2028, and the provisions of Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024). Furthermore, the proposed development does not provide a sufficient quantum of accessible parking spaces, nor has a sufficient quantum of EV car parking spaces been provided, contrary to Sections 11.244 and 11.245 of the Cork City Development Plan 2022-2028. The Commission is of the view, therefore, that the proposed car parking provision, including EV provision and accessible parking provision, represents material contraventions of Table 11.13 (Car Parking Standards), Section 11.244 (Disabled Parking) and Section 11.245 (EV Parking) of the Cork City Development Plan 2022-2028, and would, therefore, be inconsistent with the proper planning and sustainable development of the area.

4. Objective 11.4 'Daylight, Sunlight and Overshadowing' of the Cork City Development Plan 2022-2028 requires a scoping and agreement of a Daylight, Sunlight and Overshadowing Assessment with the Planning Authority prior to application. In addition, Section 11.97 requires *inter alia* a daylight analysis for all proposed developments of more than 50 units. The Commission notes that no such technical assessment has been submitted with the application, and there is no evidence of a scoping process in relation to same having been carried out. As such, the proposal is considered to materially contravene Objective 11.4 and Section 11.97 of the Cork City Development Plan 2022-2028, and would, therefore, be inconsistent with the proper planning and sustainable development of the area.

5. Objective 10.73 'Tower Education' of the Cork City Development Plan states that that all future planning applications for multiple housing units in Tower will be examined in the context of the current and future capacity of Cloghroe National School. In addition, Section 10.294 of the Development Plan states that the current and future capacity of this school will be a determining factor in the number and

phasing of all future housing developments. The Commission notes that no information in relation to the future demand on, or the existing capacity of, Cloghroe National School has been submitted with the application, and the requirements of the Development Plan are such that such information is required in order to determine planning applications for multiple housing units such as the one proposed here. As such, the Commission is of the view that the proposal materially contravenes Objective 10.73 and Section 11.97 of the Cork City Development Plan 2022-2028. and would, therefore, 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.

Rónán O'Connor

Senior Planning Inspector

28th November 2025

Appendix 1 Stage 1 AA Screening

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	<p>The proposed development is for 198 no. residential units (117 no. houses, 81 no. apartments) and associated site works. I have provided a detailed description of the proposed development in Section 3 of this report and, in the interests of avoiding repetition, I refer the Commission to same.</p> <p>Of particular relevance for the purposes of Appropriate Assessment, I note that at operational stage, it is set out that the proposed surface water drainage system is in accordance with Sustainable Urban Drainage Systems (SUDS) principles with surface water attenuated and discharged via flow control devices, ultimately discharging into the Owennagearagh River downstream of the Currabehe bridge, via the public storm sewer present on the R617.</p> <p>The application documentation sets out that wastewater will discharge to the Cloghroe Wastewater Pumping Station, and in turn this is pumped to the Blarney Waste Water Treatment Plant (WWTP). While not set out in the application documentation, it is likely the Blarney WWTP discharges to the Shournagh River Waterbody, noting the location of the plant relative to same.</p>
Brief description of development characteristics and potential impact mechanisms	<p>The subject site is located within the development boundary of Tower and is located approximately 700m southwest of the town centre. The surrounding area is characterised by low density suburban housing and agricultural fields and associated structures. To the west the site is bound by open fields and a</p>

stream (the Dromin Stream). The site is irregular in shape generally comprising 2 no. separate fields, which are divided by a man-made ditch which runs in an east west direction through the site. This ditch runs to the Dromin Stream along the site's western boundary. This stream flows southwards towards the Owennagearagh River to the south of the site. The topography of the site is undulating and generally falls from north to south. The sites boundaries generally comprise mature trees and hedgerows.

The Commission will note that the application is accompanied by a Natura Impact Statement. Section 4.2 of same sets out the habitats on site and these are as described in Section 12.9 'Biodiversity' of this report. In summary, the habitats on the site comprise of Habits on site include Improved Agricultural Grassland (GA1), Wet grassland (GS4), 9.3.1.3 Dry meadows and grassy verges (GS2), Eroding/Upland Stream, Drainage Ditch (FW4), Hedgerow (WL1), Treeline (WL2), Mixed Broadleaved Woodland (WD1), Wet Willow Alder-Ash woodland (WN6) and Scrub (WS1).

It is described that the nearest Natura 2000 sites to the proposed development are as follows:

- Cork Harbour SPA (004030)– 13.25 km to the east (17.65 km downstream).
- Great Island Channel SAC - (001058) c19 km east.

Potential Impact Mechanisms/Zone of Influence

Herein I will set out potential impact mechanisms that could result from the proposed development, and determine any Natura Sites that are within the Zone of Influence (Zol) of the project, having regard to the entirety of the documentation on file, including the NIS, the EIAR and other relevant documentation. I also draw the Commission's attention to the

internal Technical Note on file from the Commission's Ecologist (dated 20th October 2025), and I shall make reference to same, where appropriate.

Surface Water

The NIS sets out that there is a hydrological connection between the site and the Cork Harbour SPA, which is located 13.25km to the east (straight line distance) and 17.65 km downstream of the site. This connection is via the Dromin Stream to the western boundary of the site, and then subsequently via the Owennagearagh River, River Shournagh and River Lee. The same hydrological connection exists for the Great Island Channel SAC, albeit it at a greater distance, noting that this site lies c19km to the east of the site (the downstream distance is not stated in the NIS). The NIS is clear that these hydrological connections are distant and remote connections.

I have considered this hydrological connection in further screening below.

Groundwater

As described in the NIS, there is a groundwater connection to Cork Harbour SPA and Great Island Channel SAC, Groundwater Connections via Lough Mahon Transitional Water Body ground waterbody feeding Cork Harbour to the east.

I have considered this groundwater connection in further screening below.

Wastewater

While not set out in the application documentation, including the AA Screening Report or the NIS, there is an indirect hydrological link between the site and Cork Harbour SPA and Great Island Channel SAC, via wastewater discharge.

Wastewater from the proposed development is piped to the Cloghroe Wastewater Pumping Station, and in turn this is pumped to the Blarney Waste Water Treatment Plant (WWTP). It is likely the Blarney WWTP discharges to the Shournagh River Waterbody, noting the location of the plant relative to same. This river flows to the River Lee, which in turn flows into via Lough Mahon, and hence into Cork Harbour SPA and Great Island Channel SAC. I have considered this connection in greater detail below.

Ex-Situ Impacts

The NIS sets out that there is no evidence that the site is suitable for any wetland birds and there is no SPAs within the Zone of Influence (Zoi) of the project, resulting from ex-situ impacts. There is no evidence, then, that the site supports any *ex-situ* habitat for bird species associated with the nearest SPA to the site, Cork Harbour SPA, located 13.25km to the east of the site. As such I am satisfied that any likely significant impacts on any species associated with the Cork Harbour SPA can be ruled out.

Invasive Species

As noted with the application documentation, including the NIS and the EIAR, no invasive species were discovered on the site, during ecological surveys. Notwithstanding, Section 6 (Mitigation Measures) of the NIS has referred to 'good practice strict biosecurity measures' to be implemented on site. Such measures are also set out in the EIAR. However, I am of the view, which is supported by the Ecologist's Technical Note on file, that such measures are standard measures that would be employed at any well managed construction site, and do not relate to the protection of any European sites or their conservation objectives. As such, I am satisfied that likely

significant impacts resulting from the spread of Invasive Species, on any European Site, including Cork Harbour SPA and Great Island Channel SAC, can be ruled out, having regard to the Conservation Objectives of same.

Other Connections/Potential Mechanisms

There is no evidence of any other hydrological or other ecological connection to any other Natura 2000 site

Conclusion on Potential Impact Mechanism/Zone of Influence

In coming to a conclusion on this matter, I firstly note the comments of the Commission's Ecologist within the Technical Report, in relation to the surface water hydrological connection as identified within the applicant's AA Screening Report, in which it is stated that:

'[The] hydrological connection is long, and weak and considering the intervening habitats and ecological processes of dilution and dispersal including tidal influence, the consideration that these sites are within a meaningful zone of influence of the development site is extremely remote if not hypothetical'.

As such, the matter of whether the Cork Harbour SPA and the Great Island Channel SAC fall within the project's Zone of Influence (ZOI) is '*remote if not hypothetical*'. Notwithstanding, and adopting an extremely precautionary approach, I am satisfied that, given the connection exists, even if it is considered remote, Cork Harbour SPA and the Great Island Channel SAC can be considered to fall within ZOI of the project for the reasons as set out above (surface water, groundwater and wastewater connections) and therefore warrant further consideration which I have set out below.

	As such, and having regard to the considerations above, I am of the view that the only Natura 2000 sites within the ‘Zone of Influence’ of the proposed development are as follows: <ul style="list-style-type: none">• Cork Harbour SPA (004030)– 13.25 km to the east (17.65 km downstream)• Great Island Channel SAC - (001058) c19 km east.				
Screening report	Yes. AA Screening prepared by Atkins (Section 5 of the Natura Impact Statement (November 2021).				
Natura Impact Statement	Yes. A Natura Impact Statement prepared by Atkins (November 2021).				
Relevant submissions	The Planning Authority have not raised any specific concerns in relation to Appropriate Assessment. Third Parties have raised general concerns in relation to impacts biodiversity and local watercourses. It is also set out that the Blarney WWTP is exceeding allowable discharge limits. Uisce Eireann have not raised any concerns in relation to the capacity of the WWTP. (submission dated 28 th February 2022)				
Internal Technical Note (Ecology)	I draw the Commission’s attention to the Internal Technical Note (Ecology) on file (Dated 20/10/2025).				
Step 2. Identification of relevant European sites using the Source-pathway-receptor model					
European Site (code)	Qualifying interests ¹ Link conservation objectives (NPWS, date)	to	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N

Cork Harbour SPA (004030)	<p><u>Qualifying Interests</u></p> <p>Bird of Special Conservation Interest (SCI):</p> <p>Little Grebe (Tachybaptus ruficollis) [A004]</p> <p>Great Crested Grebe (Podiceps cristatus) [A005]</p> <p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Grey Heron (Ardea cinerea) [A028]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Wigeon (Anas penelope) [A050]</p> <p>Teal (Anas crecca) [A052]</p> <p>Pintail (Anas acuta) [A054]</p> <p>Shoveler (Anas clypeata) [A056]</p> <p>Red-breasted Merganser (Mergus serrator) [A069]</p> <p>Oystercatcher (Haematopus ostralegus) [A130]</p>	13.25 km to the east (17.65 km downstream)	<p>Yes.</p> <p>Surface Water Hydrological Connections via Dromin Stream, Owennagearagh River, River Shournagh and River Lee.</p> <p>Wastewater Hydrological Connection Via Blarney WWTP and onwards surface water connections.</p> <p>Groundwater Connections via Lough Mahon Transitional Water Body ground waterbody feeding Cork Harbour to the east.</p>	Yes. See discussion below.
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Golden Plover (Pluvialis apricaria) [A140]			
Grey Plover (Pluvialis squatarola) [A141]			
Lapwing (Vanellus vanellus) [A142]			
Dunlin (Calidris alpina) [A149]			
Black-tailed Godwit (Limosa limosa) [A156]			
Bar-tailed Godwit (Limosa lapponica) [A157]			
Curlew (Numenius arquata) [A160]			
Redshank (Tringa totanus) [A162]			
Black-headed Gull (Chroicocephalus ridibundus) [A179]			
Common Gull (Larus canus) [A182]			
Lesser Black- backed Gull (Larus fuscus) [A183]			
Common Tern (Sterna hirundo) [A193]			
Wetland and Waterbirds [A999]			

	<p>Conservation Objectives:</p> <p>To maintain favourable the conservation condition of the SCI species listed above.</p>			
Great Island Channel SAC (001058)	<p><u>Qualifying Interests</u></p> <p>1140 Mudflats and sandflats not covered by seawater at low tide.</p> <p>1330 Atlantic salt meadows (Glaucopuccinellietalia maritima).</p> <p><u>Conservation Objectives</u></p> <p>To maintain favourable conservation condition of the habitats listed above.</p>	c19 km east.	<p>Surface Water Hydrological Connections via Dromin Stream, Owennagearagh River, River Shournagh and River Lee.</p> <p>Wastewater Hydrological Connection Via Blarney WWTP and onwards surface water connections.</p> <p>Groundwater Connections via Lough Mahon Transitional Water Body ground waterbody feeding Cork Harbour to the east</p>	See discussion below.

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

Surface Water

I note that the AA Screening Report (Section 5 of the NIS) does not identify the potential significant impacts on either the Cork Harbour SPA nor on the Great Island Channel SAC, by

virtue of the hydrological connection identified in the AA Screening Report. Section 5.4 of the AA Screening Report merely concludes that:

'It cannot be excluded beyond reasonable scientific doubt, in view of best scientific knowledge, on the basis of objective information and in light of the conservation objectives of the relevant European sites, that the proposed development, individually or in combination with other plans and projects, would be likely to have a significant effect on the Great Island Channel SAC and the Cork Harbour SPA.'

I am of the view, which is supported by the Ecologist's Technical Note on file, that there is insufficient evidence within the AA Screening Report to support this assertion. As highlighted in the Ecologist's Technical Note, the Applicant's NIS itself sets out that *'it is not likely that any pollution event on the site could result in any significant impacts to Great Island Channel SAC'*. Indirect significant impacts on the Great Island Channel SAC via other sources (i.e. groundwater impacts, via wastewater discharge, via invasive species) are also ruled out with the applicant's NIS. In relation to the Cork Harbour SPA, direct impacts via habitat loss or modification is ruled out in the NIS, noting that the proposed site is distant from the SPA and will not affect species or habitats for which the SPA is designated, noting also that the qualifying interests of the SPA have not been recorded on the site. Furthermore, and in relation to the hydrological link identified at the applicant's AA Screening Stage, the NIS sets out that *'it not likely that the any pollution event at the site would result in significant impacts to Cork Harbour SPA or the habitats or bird species it supports'*. Indirect significant impacts on the Cork Harbour SPA via other sources (i.e. groundwater impacts, via wastewater discharge, via invasive species) are also ruled out with the applicant's NIS

I am of the view that the above would undermine the Applicant's conclusion that a Stage 2 Appropriate Assessment is required in this instance. Notwithstanding the above, I am of the view that a development such as the one proposed here would have the *potential*, albeit a remote possibility, to result in some impacts on the Cork Harbour SPA and the Great Island Channel SAC, given the surface water hydrological connections noted above, and given the groundwater and wastewater connections, and I have considered same in greater detail below.

Potential impact mechanisms from the project

I note the development site is not located in or immediately adjacent to a European site. The closest European sites are as detailed above. As noted above, I have concluded that the only sites within the zone of influence of the project are as follows:

Cork Harbour SPA (004030)– 13.25 km to the east (17.65 km downstream)

Great Island Channel SAC - (001058) c19 km east.

In considering potential impacts I am of the view that the elements of the proposed development that would potentially generate a source of impact are:

Construction Stage

- The construction of the residential development would involve *inter alia* excavation of soils with potential for same to enter the surface water network, and subsequently to the Cork Harbour SPA and the Great Island Channel SAC.
- Hydrocarbon and other potential spillages potential for same to enter the surface water network, and underlying groundwater, and subsequently to subsequently to the Cork Harbour SPA and the Great Island Channel SAC.

Operational Stage

- Soiled surface water/stormwater runoff from the site which could eventually discharge to the surface water network, and subsequently to the Cork Harbour SPA and the Great Island Channel SAC.
- Waste Water disposal which will be treated at the Blarney WWTP, with eventual discharge to Lough Mahnon and subsequently to the Cork Harbour SPA and the Great Island Channel SAC.

Surface Water/Storm Water

At construction stage it is possible that pollutants and sediments could enter the surface water network, and eventually to Cork Harbour SPA and the Great Island Channel SAC, via the surface water network.

In relation to same, I am of the view that, at construction stage, standard best practice construction measures will prevent pollutants and sediments entering the surface water network. I would note that these best practice measures are set out in detail in Section 1.4.2 of the applicant's NIS report (this section precedes the actual NIS, which is set out in Section 6 of

the report) and are set out in detail in the Construction and Environmental Management Plan (CEMP) [Appendix 2 of the EIAR refers] which accompanies the application, and include, but are not limited to, measures to control surface water runoff such as the use of settlement ponds, silt fences, use of bund structures, appropriate storage and removal of material from the site as well as good site management. I would note that Section 6.2 of the NIS sets out Mitigation Measures, which are drawn directly from the CEMP. However, I am of the view that same can be construed as standard construction measures, that would be put in place regardless of any identified hydrological connection to a Natura 2000 site, as such I am not of the view that same can be regarded as mitigation measures for the purposes of preventing likely significant impacts on a Natura 2000 site, noting also that the applicant's AA Screening Report has not identified any likely significant impacts on any Natura 2000 site in any case. This assertion is supported by the conclusions of the Ecologist's Technical Note on file.

Even if these standard construction measures should not be implemented or should they fail to work as intended, and pollutants/waste material enter this drainage network will be subject to dilution and dispersion, rendering any significant impacts on water quality within Cork Harbour SPA and the Great Island Channel SAC. In this regard, I note the downstream distance to Cork Harbour SPA, which is 17.65km, with the downstream distance to Great Island Channel being at least 19km (this distance is not stated within the application documentation). I would note that the best practice measures that would be adhered to at construction stage are not mitigation measures intended to reduce or avoid any harmful effect on any Natura 2000 site and would be employed by any competent operator, notwithstanding any proximity to any Natura 2000 site.

At operational stage, pollutants and sediments could enter the surface water network, and eventually into the Cork Harbour SPA and the Great Island Channel SAC. In relation to same, I note that the proposed surface water drainage system is designed to divert surface water from the site to eventual discharge to the existing public storm sewer on the R617. In this manner surface water will be prevented from entering the adjacent stream directly.

The proposed surface water network presents an indirect connection to the Cork Harbour SPA and the Great Island Channel SAC, noting that the public sewer to which it connects eventually discharges to the Owennagearagh River, which would eventually discharge to Cork Harbour SPA and the Great Island Channel SAC via the river network as described above. I note that number of SUDs measures will be utilised at operational stage. These measures include

attenuation, as well as a petrol interceptor and hydrobrake flow control device. As such, the storm water system is designed as to prevent contaminants and sediments entering the surface water drainage network, as well as limiting the quantity of water discharged. Such standard measures will ensure that the quality and quantity of surface water/stormwater discharged from the proposed development will be such that no likely significant impacts on water quality are likely. The design of this drainage system is a standard pollution control measure and would be included within any development of this nature, notwithstanding any proximity to, or any hydrological connections to, a Natura 2000 site, and is not a mitigation measure that is designed specifically to avoid impacts on any Natura 2000 site. This assertion is supported by the conclusions of the Ecologist's Technical Note on file.

Even if such measures were to fail, I am satisfied that any contaminants that do enter the storm sewer system would be diluted and dispersed to such an extent as to render any significant impacts on water quality within Cork Harbour SPA and the Great Island Channel SAC, unlikely, given the distance from the site to these 2 no. Natura Sites, as considered above.

Waste Water/Foul Water

I note that third-parties have raised concerns in relation to the capacity of the Blarney WWTP to accommodate this development.

Section 6.1.2.3 of the NIS considers foul effluent and it is set out that therein that operational discharge of foul to the existing network will not result in any adverse effects on any Natura 2000 site. In relation to same, it is noted that, subject to upgrading of the pump at Cloghroe Pumping Station, which then pumps foul water to Blarney WWTP, the proposed discharge from the development is within the license parameters of the Blarney WWTP. While not set out in the application documentation, it is likely the Blarney WWTP discharges to the Shournagh River Waterbody, noting the location of the plant relative to same. The discharge from same would eventually make its way to the Cork Harbour SPA and the Great Island Channel SAC, via the surface water network (via the Shournagh River Waterbody, then the River Lee, then into Lough Mahon transitional water body).²⁰

I note that the submission from Uisce Eireann does not raise concerns in relation to the capacity of the WWTP, noting however that the submission was made on 28th February 2022, and so some caution may be warranted when considering the current capacity of the WWTP.

²⁰ As per EPA mapping <https://gis.epa.ie/EPAMaps/>

I would also note that the Confirmation of Feasibility (COF) as included in Appendix A of the applicant's Engineering Report, is dated 18th October, 2020. Notwithstanding, the 'wastewater treatment capacity register' on the Uisce Eireann website²¹ indicates that the capacity of the Blarney WWTP is at 'green' status which would appear to indicate capacity is available. However, the Commission should be aware that, as per the disclaimer on the Uisce Eireann website. *the 'capacity register is provided for guidance only and cannot be taken as confirmation that capacity is available for a particular development'*. As such, the indication of capacity therein cannot be taken as confirmation of capacity, in and of itself.

However, also of relevance here is the most recent Annual Monitoring Report for Blarney WWTP (2024), which is a publically accessible document on the Uisce Eireann Website²². This notes that the WWTP has a capacity of PE 13000. While the WWTP was found to be non-compliant with Emission Limit Values (ELVs) in relation to 'Ammonia-Total (as N) mg/l', the discharge from the WWTP was concluded to be not having an observable negative impact on the Water Framework Directive status. Therefore, it can be construed that the discharge from same would not have a likely significant impact on Cork Harbour SPA and the Great Island Channel SAC, having regard to the conservation objectives for these sites. In relation to the capacity of the WWTP, Section 2.1.4.2 of the Annual Monitoring Report indicates that the treatment capacity of the WWTP will not be exceeded in the next three years. I am cognisant also of the scale of the development proposed, and the wastewater demand it would place on the WWTP, and I am of the view that the development, in and of itself, is likely to impact on the quality of discharge to such an extent so as to have an appreciable impact on the quality of the received waters, so as to render a significant impact on the Cork Harbour SPA and the Great Island Channel SAC, likely. Should the application be approved, I would also note that the development is also required to ensure a connection agreement is made with Uisce Eireann, which will provide further reassurance to the Commission that there will be sufficient capacity to accommodate the development as proposed.

Having regard to the same, I am satisfied that the wastewater generated by the proposed development will not then have a likely significant effect on the Cork Harbour SPA and the Great Island Channel SAC, having regard to the conservation objectives for these sites.

²¹ <https://www.water.ie/connections/developer-services/capacity-registers/wastewater-treatment-capacity-register/cork-city> (accessed 20/11/2025)

²² https://www.water.ie/sites/default/files/2025-07/D0043-01_2024_AER.pdf (accessed 20/11/2025)

Groundwater

Potential groundwater impacts are only discussed within the applicant's NIS, rather than at the AA Screening Stage. The consideration of same concludes that the development will not negatively impact on water quality within Great Island Channel SAC or within the Cork Harbour SPA, as a result of groundwater. It is my view that this is a matter for consideration at AA Screening Stage. Notwithstanding, there is sufficient detail in the applicant's documentation, including the NIS, to carry out an assessment of groundwater impacts on relevant Natura 2000 sites. It is set out that excavation works on site can interact with groundwater and have the potential to expose groundwater to contamination by concrete, hydrocarbons and other chemicals used in construction. Vulnerability of groundwater at the southern side of the site is described as High; while that along the eastern and northern portion of the site is defined as Extremely vulnerable. It is set out that some construction activities may occur below the natural water table, such as the surface water attenuation tanks. However, it is set out that where this is the case, an impermeable membrane will be used around the storage chambers to prevent interference between collected water and groundwater. It is also set out that once any dewatering ceases, groundwater will recover to its original level. It is concluded that the temporary alteration of groundwater levels on site will be minor and will not have a significant impact on the Lough Mahon Transitional Water Body ground waterbody feeding Cork Harbour to the east.

At operational stage, groundwater infiltration will occur within landscaped areas with all other waters being captured by the surface water management system.

As per the discussion in relation to surface water above, I am satisfied that the measures cited the NIS can be construed as standard construction measures, that would be put in place regardless of any identified hydrological connection to a Natura 2000 site, as such I am not of the view that same can be regarded as mitigation measures for the purposes of preventing likely significant impacts on a Natura 2000 site, noting also that the applicant's AA Screening Report has not identified any likely significant impacts on any Natura 2000 site in any case. This assertion is supported by the conclusions of the Ecologist's Technical Note on file.

Even if these standard construction and operational measures should not be implemented or should they fail to work as intended, pollutants/waste material enter the groundwater body this will be subject to dilution and dispersion, rendering any significant impacts on water quality within Cork Harbour SPA and the Great Island Channel SAC. In this regard, I note the distance

to Cork Harbour SPA, as cited above. These measures are not mitigation measures intended to reduce or avoid any harmful effect on any Natura 2000 site and would be employed by any competent operator, notwithstanding any proximity to any Natura 2000 site.

Conclusion on standalone impacts

Having regard to the discussion above, I conclude that the proposed development would have no likely significant effect 'alone' on any qualifying features of Cork Harbour SPA, nor of the Great Island Channel SAC. Further AA screening in-combination with other plans and projects is required.

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

There is no evidence on file of any plans or projects that are proposed or permitted that could impact in combination with the proposed development and as such no in-combination issues arise.

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

Overall Conclusion- Screening Determination

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

This conclusion is based on:

- Standard pollution controls that would be employed regardless of proximity to a European site, and effectiveness of same (at construction and operational phases).
- Distance from European Sites.

- A determination that no likely significant impacts resulting from wastewater discharge would arise.

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

Appendix 2 – List of submissions

1. Billy and Margo Kelleher
2. Catherine and Ted Riordan
3. Cathy Kennedy
4. Colm Madeleine and O'Sullivan
5. David Gwynn Morgan
6. David O'Dwyer
7. Declan Egan
8. Denis McCarthy
9. Denis Sexton
10. Dolores O'Sullivan
11. Donal Coffey
12. Edmond Wall
13. Fairways Residents Association
14. Finbarr Bastible
15. Fiona Egan
16. Frank and Nora Forbes
17. Gerard Riordan
18. James Donovan
19. James Murphy
20. Kevin Curran
21. Máire and Ken Lee
22. Máire Lee
23. Michael and Marian Nugent
24. Michael O'Regan
25. Michael Wall
26. Michelle O Sullivan
27. Michelle Ryan
28. Nicholas and Helen Jones

- 29. Paddy O'Leary (RKA)
- 30. Patrick Nolan
- 31. Patrick Ring
- 32. Paul Coburn
- 33. Paul Herlihy
- 34. Rosalind Crowley
- 35. Senandale Residents Association
- 36. Sinead Huskisson
- 37. Sinead McSweeney