



An
Bord
Pleanála

Inspector's Report

ABP-320563-24

Development

The proposed construction of 54. no. dwelling units, comprising 22 no. one-bedroom units, 27 no. two-bedroom units and 5 no. three-bedroom units

Location

Scairt Cross, Douglas, Cork.

Planning Authority

Cork City Council

Applicant(s)

Michael Dineen, Dia Silverstein,
Maura Deasy and Niamh O'Flynn.

Type of Application

Environmental Impact Assessment
(EIA) Screening Determination
(Application under Article 120(3)(b) of
the Planning and Development
Regulations, 2001 (as amended)).

Date of Site Inspection

24th October 2024.

Inspector

Paul Kelly

Contents

1.0 Introduction	3
2.0 Site Location and Description	3
3.0 Proposed Development	4
4.0 Planning History.....	7
5.0 Policy Context.....	8
6.0 Legislation and Guidelines.....	11
7.0 Request for Determination.....	13
8.0 Assessment	16
9.0 Recommendation.....	35
10.0 Reasons and Considerations.....	35

1.0 Introduction

Under the provisions of Article 120(3)(b) of the Planning and Development Regulations, 2001 (as amended) an application for an Environmental Impact Assessment (EIA) Screening Determination was made to An Bord Pleanála (the Board) as to whether or not a proposed development comprising the proposed construction of 54no. dwelling units, consisting of 22no. one-bedroom units, 27 no two-bedroom units and 5no. three-bedroom units at Scairt Cross, Douglas, Co. Cork would be likely to give rise to significant effects on the environment, and thereby require the preparation of an Environmental Impact Assessment Report ("EIAR").

Four parties: Michael Dineen, Dia Silverstein, Maura Deasy and Niamh O'Flynn made an application under the provisions of Article 120 (3)(b) requesting the Board to make an EIA Screening Determination.

Cork City Council is of the opinion that the works do not require an EIAR and has initiated the process set out in Part XI of the Planning and Development Act, 2000 (as amended) and Part 8 of the Planning and Development Regulations, 2001 (as amended).

2.0 Site Location and Description

- 2.1. The subject site is located in the southern Cork City residential suburb of Douglas, approx. 1.5km south of Douglas Village. Travelling in a southern direction from Douglas Village the character of the area transitions from the commercial and mixed-use environment of the Village to a predominantly suburban residential character at the location of the subject site. The site itself is a small infill site with an area of 08. ha and is roughly triangular with the northern vertex situated at the junction of the Scairt Road with the Donnybrook Hill Road. The site is then bounded to the west by the Scairt Road and to the east by the Donnybrook Hill Road. To the south the site is adjoined by the Springbrook residential development on Donnybrook Hill Road and older private individual dwellings on Scairt Road. The wider environment is residential in character, with many multiple residential developments opposing, adjoining or in the vicinity of the site including the Bracken Court, Greenvally, Westgrove and Hollygarth developments. The College Corinthians AFC sports grounds and facilities are located approx. 400m south of the site on the Scairt Road.

The area has relatively easy accessibility via the South Douglas, Douglas and Grange Regional Roads and the N40 South Ring Road, and is serviced by an urban bus service, with a bus stop at the site.

- 2.2. There are no existing buildings or structures located on the site, which consists primarily of scrub vegetation and some loose aggregate surface dressing in the central area of the site. There are a number of unmanaged trees located in the southern area of the subject site and the site boundaries are otherwise largely open and unenclosed save with a limited length of low stone walling and hedgerow to the southern end of the Scairt Road boundary. This stone walling is of limited extent and is breached in several places by lampposts, telegraph poles and Heras style fencing at the location of current invasive species management. The topography of the site consists of a gentle grade slope from the Scairt Road to the Donnybrook Hill Road consistent with the general topography at this location.

3.0 Proposed Development

3.1. Overview

The proposed development consists of the construction of a local authority housing project consisting of 54no. dwelling units comprising:

- 5no. 3 bedroom two-storey dwellinghouses;
 - 3no. 2 bedroom single storey dwellinghouses;
 - 2no. apartment blocks ranging in height from 2-3 storeys and containing 24no. 2 bedroom apartments and 22no. 1 bedroom apartments;
 - together with 44no. car parking spaces, 94no. bicycle parking spaces and all ancillary site works and signage;
- at Scairt Cross, Douglas, Cork.

It is noted that the scheme has been prepared in response to a period of public consultation and seeks to achieve a balanced design with existing neighbouring developments. The scheme comprises two apartment blocks and eight houses and includes 13no. universal design standard units. Block B is described as a small apartment block which steps in plan and section with the topography of the site to

reduce massing towards Scairt Hill. Block A fronts onto Donnybrook Hill Road and proposes own door units at street level. The two blocks frame the proposed open space that faces west and established older private dwellings on Scairt Road. The dwellinghouses are located to the south of the site, with rear elevations opposing the rear elevations of established residential properties. The schedule of proposed accommodation includes:

- Block A - 10no. 1 bed units (@ 48.1 sq.m) and 13no. 2 bed units (ranging from 68.8-86.8sq.m);
- Block B – 12no. 1 bed units (@ 47.3 sq.m) and 11no. 2 bed units (ranging from 67.1 – 75.6 sq.m);
- 5no. (two-storey) 3-bed houses (@ 94 sq.m); and
- 3no. (single-storey) 2-bed houses (@ 70.1 sq.m).

The site will be accessed via the Scairt Road and is served by public transport, with a bus stop adjoining the site. The development will be connected to public water, storm and foul services and the wastewater generated by the proposed development will be treated in the Carrigrennan WWTP located at Little Island.

3.2. The Part 8 Application

The Planning Authority has confirmed that the development is intended to be subject to the process set out at Part XI of the Act and Part 8 of the Regulations and that this process had commenced but has been paused pending determination of the subject matter.

In order to ascertain whether the proposed development required Appropriate Assessment (“AA”) the Local Authority carried out a screening of same in accordance with Article 250(1) of the Planning and Development Regulations, 2001 (as amended). The Local Authority made a determination that the proposed development would not be likely to have a significant effect on a European Site in view of the site’s conservation objectives (*Cork Harbour Special Protection Area (SPA Site Code: 004030) and Great Island Channel Special Area of Conservation (SAC Site Code: 001058)*) and that Appropriate Assessment is not required. This

determination is supported by an 'Appropriate Assessment Screening Report' prepared by McCutcheon Halley, Chartered Planning Consultants. (April 2024).

The Local Authority deemed the proposed development to be sub-threshold for the purposes of EIA. In accordance with Article 120(1B) of the Planning and Development Regulations, 2001 (as amended), the Local Authority carried out an examination of at least the nature, size and location of the development and made a screening determination that there will be no real likelihood of significant effects on the environment arising from the proposed development and that an EIA was not required. This determination is supported by an 'EIA Screening Report' prepared by McCutcheon Halley, Chartered Planning Consultants. (April 2024).

3.3. Documents supporting the Proposed Development

The following documents formed part of the Part VIII application and are available on the CCC consultation portal (consult.corkcity.ie) under Ref: 'Part 8 Planning Notice - Scairt Cross Development':

- Construction Environmental Management Plan
- Fire Safety Comparison & Assessment
- Infrastructure Report
- Road Safety Audit
- Traffic and Transport Assessment
- Visual Impact Assessment
- Planning Report
- EIAR Screening Report & Determination
- AA Screening Report & Determination
- Design Statement
- Plans, drawings and particulars.

4.0 Planning History

- 4.1. A review of the Cork City Council planning portal and the Boards case files was carried out to consider the planning history of the site, and the wider area. It is noted that there is a detailed record of planning applications on the subject site, the majority of which were deemed to be invalid. The following valid planning history on or at the general location of the site is noted:

5/99/6778 (*general location of site*) – Demolition of poultry units and construction of 88 townhouses, 12 apartments and creche at Scairt Hill, Castletreasure, Douglas, Cork. This application was granted by the Local Authority. A first party appeal was made against a condition of the permission. The appeal was subsequently withdrawn.

Plan.Reg.No. 06/9186 – application on the subject site for permission for the construction of 54no. apartments in 3no. three-storey buildings comprising 17no, 15no and 22no. apartments respectively together with all associated site works including 2no. attenuation tanks. This application was withdrawn.

Plan.Reg.No. 07/9964 – application on the subject site for permission for construction of a residential development of 3no. apartment buildings comprising of: Block A 17no. apartments, Block B 9no. apartments and Block C 17no. apartments together with surface car parking, underground basement car parking, landscaping and site development works. Permission was granted by the Local Authority but refused on appeal to the Board for residential amenity reasons relating to poor levels of natural light, inadequate separation distances, inadequate size of apartments, lack of storage space and insufficient public and private open space. (ABP Ref. **PL.04.225876** refers).

Plan.Reg.No. 16/5738 – application on the subject site for permission for a mixed-use development comprising the construction of 14no. dwellinghouses, 2no. apartments and convenience retail unit and all associated ancillary development works. Permission was granted for this development subject to conditions.

Plan.Reg.No. 17/6616 – application on the subject site for permission for a standalone convenience retail unit and 2no. semi-detached dwellings and all

ancillary development works (to replace a mixed use block previously permitted under Plan.Reg.No. 16/5738). Permission was granted subject to conditions.

- 4.2. Otherwise, it is noted, given the established residential character of the area, that there are many residential and domestic developments in the wider vicinity of the site which are of a modest scale and nature. A number of other Local Authority Part 8 developments together with developments of more significant scale in the wider environment are also noted, including the construction of a new Educate Together school and the adjoining development of 472no. houses on lands approx. 1km to the east of the site. These developments have been taken into consideration in the assessment of cumulative impacts which follows.

5.0 Policy Context

5.1. Cork City Development Plan, 2022-2028 (“CCDP”)

The relevant statutory plan is the Cork City Development Plan, 2022-2028 (“CCDP”) which was adopted on 10th June 2022 and took effect on 8th August 2022. The CCDP sets out nine Strategic Objectives to guide the future development of Cork City.

- 5.2. The Core Strategy (Chapter 2) focuses on Compact Liveable Growth and **Strategic Objective SO1** to:

“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.”

The **Core Strategy** of the CCDP is set out in Chapter 2 and includes a land use strategy for ‘*Compact Liveable Growth*’. It is based on a growth strategy which includes the ‘*consolidation and expansion of seven strategic areas as new neighbourhoods, within and adjoining the existing city*’ and including ‘*Douglas (Castletreasure)*’ (Section 2.47 & 2.55 refer). It is supported by a Core Strategy Map (Fig. 2.20. of Chapter 2 refers) which spatially illustrates strategic expansion areas within the city and which identifies the ‘Castletreasure’ area as a ‘City Regeneration & Expansion Area’.

Chapter 10 of the Pan sets out the objectives for the City Suburbs and **Objective 10.84(a)** ‘Castletreasure Expansion Area’ provides that it is an objective of the CCDP to:

“support the compact growth and development of Castletreasure Expansion Area as a Strategic City consolidation and expansion area, as identified in the Core Strategy. All development shall be designed, planned and delivered in a co-ordinated and planned manner, using a layout and mix of uses that form part of an emerging neighbourhood integrated with the wider area.”

5.2.1. **Chapter 3** focuses on ‘Delivering Homes & Communities’ with the **Strategic Objective SO2** to:

“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.”

Chapter 3 sets out objectives aimed at creating and maintaining sustainable neighbourhoods and the community infrastructure needed to ensure that diverse communities all benefit from a good quality of life. It also sets out the objectives for delivering housing to achieve the ambitious targets for Cork City and housing choice. Amongst the key challenges it proposes to tackle within the lifetime of the CCDP include a shift to gentle density across the city and an increase in the proportion of homes that are apartments and duplexes. In relation to density the CCDP includes a ‘Cork City Urban Density, Building Height and Tall Building Study’, which reflects national planning guidance and international best practice in setting out an ambitious density strategy for different locations based on 8 different ‘suitabilities’. A step change in the density of schemes being proposed is required to optimise the density of land being developed and as a general rule a minimum density of 35 dwelling per hectare (nett) applies. This is discussed in further detail in the summary of Chapter 11 of the CCDP below.

The following Objectives of Chapter 3 are considered to be relevant:

Objective 3.5 Residential Density – Cork City Council will seek to (inter alia) :

(a) 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;

(b) ensure that urban density is achieved by development proposals providing for high quality sustainable residential development, ensure a balance between the protection of the established character of the surrounding area and existing residential amenities;

(c) ensure that urban density is closely linked to creating successful neighbourhoods and ensuring that neighbourhoods are integrated and permeable to ensure short trips are possible to urban centres, local services and amenities;

Objective 3.6. Housing Mix – Cork City Council will seek to (inter alia):

(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.”

- 5.2.2. **Chapter 11** provides guidance on development in Cork City and sets out the qualitative and quantitative standards against which development proposals will be assessed.

This chapter sets out a combined building height and density spatial strategy, illustrated conceptually in *Fig. 11.1*. Within the location of the subject site the strategy acknowledges that the prevailing no. of storeys is 2 to 3 and targets a lower and upper range of 2 to 4 storeys in new development proposals. For the outer suburbs the strategy targets a density range of 40-60 dwellings per hectare and a ‘Floor Area Ratio’ or ‘FAR’ target of 0.2 to 1.5. (*Figs 11. & 11.2 and Tables 11.1 & 11.2 refer*).

- 5.2.3. **Chapter 12** of the CCDP sets out the land use zoning objectives of the plan, which are based on the principles of compact growth, sustainable communities and neighbourhoods, placemaking and climate resilience. The CCDP clarifies (in Chapter 12, sub-paragraph 4) that whilst the primary objective of each land use zoning is

clearly stated, the various uses listed as being open for consideration are intended as a general guide and are not an exhaustive list.

The site is located on lands zoned as **‘ZO 1’ – ‘Sustainable Residential Neighbourhoods’** in the CCDP with the associated zoning objective to “*protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.*”

Sub-paragraph ZO 1.1 confirms that the central objective of this zoning is the *‘provision and protection of residential uses and residential amenity’* and sub-paragraph ZO 1.2 provides that *‘development in this zone should generally respect the character and scale of the neighbourhood in which it is situated’* and that *‘development that does not support the primary objective of this zone will be resisted.’*

5.3. Natural Heritage Designations

The site is not located within any National or European designated sites. The following sites are in closest proximity to the site:

- Proposed Natural Heritage Area (pNHA) Douglas River Estuary (Site Code: 001046) approx. 2km north of the site,
- Special Protection Area (SPA) Cork Harbour (Site Code: 004030) approx. 2km north of the site, and
- Proposed Natural Heritage Area (pNHA) Cork Lough (Site Code: 001081) approx. 4.4km northeast of the site.

6.0 Legislation and Guidelines

6.1. Introduction

Annex I to Directive 2011/92/EU as amended by Directive 2014/52/EU requires as mandatory the preparation of an EIA for all projects listed therein. Projects listed in Annex II to the Directive are not automatically subjected to EIA and Member States can decide to subject them to an assessment on a case-by-case basis or according to thresholds and/or criteria (for example size, location, sensitive ecological areas and potential impact).

The European Union (Planning and Development) (EIA) Regulations 018 (S.I. No. 96/2018) amended the Planning and Development Act, 2000 (as amended) (“the Act”) and the Planning and Development Regulations, 2001 (as amended) (“the Regulations”) in order to transpose into Irish Law the provisions of Directive 2014/52/EU.

In Ireland, Schedule 5 (Part 1 and Part 2) of the Regulations, transposes Annex I and Annex II of the amended EIA Directive. Schedule 7 of the Regulations sets out the criteria for determining whether a development would or would not be likely to have significant effects on the environment.

Screening is the term used to describe the process for determining whether a proposed development requires an EIA by reference to mandatory classes of development and legislative threshold requirements or by reference to the type and scale of the proposed development and the significance or the environmental sensitivity of the receiving baseline environment set out in Schedule 7.

6.2. Planning and Development Act, 2000 (as amended)

6.2.1. **Section 172(1)** states that an EIA shall be carried out (by the planning authority or the Board, as the case may be) in respect of certain applications for consent for proposed development. This includes applications for ‘sub-threshold’ development, namely those which are of a Class specified in Part 2 of Schedule 5 of the Regulations, but do not equal or exceed the relevant quantity, area or other limit specified and the competent authority determines that the proposed development would be likely to have significant effects on the environment.

6.2.2. **Section 172(1A)** specifies that ‘proposed development’ includes development that may be carried out by a local authority under Part XI.

6.3. Planning and Development Regulations, 2001 (as amended)

6.3.1. **Article 120(3)(b)** states that any person, at anytime, before the expiration of 4 weeks beginning on the date of publication of Article 81 notice of the proposed development by the local authority, may apply to the Board for a screening determination as to whether a development proposed to be carried out by a local authority would be likely to have significant effects on the environment.

- 6.3.2. **Article 120(3)(c)** indicates that such applications for screening determination shall state the reasons for the forming of the view that the development would be likely to have significant effects on the environment and shall indicate the class in Schedule 5 within which the development is considered to fall.
- 6.3.3. **Schedule 5** of the Regulations sets out the classes of development where EIA is required. **Part 1** – sets out the development classes which are subject to mandatory EIA. **Part 2** – sets out the development classes which are subject to EIA where they equal or exceed a certain threshold in terms of scale, or where the development would give rise to significant effects on the environment.
- 6.3.4. **Schedule 7** of the Regulations sets out the criteria for determining whether a development would, or would not be likely to have significant effects on the environment, under three headings:
1. Characteristics of the proposed development
 2. Location of the proposed development
 3. Types and characteristics of potential impacts

7.0 Request for Determination

7.1. Applicants' Requests

- 7.1.1. Thirteen (13no.) submissions were initially received requesting the Board to exercise its powers under article 120(3)(b) of the Regulations to require the local authority to prepare an EIA in respect of the proposed development. All correspondents were required to submit further information within a 2-week period stating to which class of development they considered the proposed development to belong together with a statement of reasons as to why they considered that the proposed development would be likely to have significant effects on the environment. Four correspondents subsequently provided a compliant response to the further information request, and it was confirmed that their submission would be taken into consideration in the determination of the matter.
- 7.1.2. Accordingly, four requests have been received seeking a determination by the Board as to whether Environmental Impact Assessment (EIA) would be required for the

proposed development. These requests were received from Michael Dineen, Dia Silverstein, Maura Deasy and Niamh O'Flynn. The requests raised similar issues which can be summarised as follows:

- 7.1.3. In a letter received by the Board on 29th August, 2024, Mr. Michael Dineen states that the site is home to several species of bat (which may be protected); believes that the site is home to very many species of bird ranging from common garden birds through to scarce species and including curlews and corncrakes and may be home to other species protected under the Habitat Directive, and that all of this needs to be assessed and investigated. Mr Dineen states that there is a very significant Japanese Knotweed infestation throughout the site and is concerned about disturbance and spread. Mr. Dineen also raises flooding concerns on the basis that the natural environment of the site serves to attenuate heavy rain and its replacement with a built environment could lead to dangerous and damaging water flows.
- 7.1.4. In an email dated 4th September 2024 Dia Silverstein raised concerns in relation to: operational and construction traffic impacts and the failure to identify the measures to mitigate impacts which are relied on in the Screening Report; inadequate car parking; suitability of the site for active travel due to the adverse uphill gradient to the site; existing traffic congestion, lack of capacity in the road network to cater for the associated additional traffic and the sub-optimum timing of the data in the Traffic Assessment Report (June 2022); management of construction traffic and impacts on congestion, the bus stop and the safety of pedestrians and cyclists; the scale and density of development proposed which is considered to be out of character with established residential development at this location; potential impacts on bats including the 'Lesser Horseshoe Bat'; potential impacts on birds including the Corncrake and Curlew; potential impacts on the rich biodiversity of plants and animals otherwise housed on the site; potential impacts on the Douglas River and Mangala/Ballybrack Woods from construction runoff.
- 7.1.5. In an email dated 4th September 2024, Maura Deasy raised concerns in relation to the population of the proposed development and the lack of recreational facilities in the area. Concerns are also raised in relation to inadequate car parking, unreliable bus service and the viability of cycling is questioned due to the gradient to the site.

7.1.6. In an email dated 10th September 2024 Niamh O'Flynn raised concerns in relation to the presence of Provence hedgerow within the site (Hawthorn/Whitethorn) which is threatened nationally and references Teagasc and Dept. Agriculture stipulation regarding the re-establishment of ancient nature forests. It is submitted that there are the remains of native plants and herbs within the site which are important for wildlife, including butterflies and moths and it is opined that the site could be a communal meeting place for the community as a 'designer casual wildlife community area.' Concerns are also raised in relation to the protection of bats and the preservation of a local stone wall within the site.

7.2. Schedule 7A Information (EIA)

7.2.1. Schedule 7A of the Regulations relates to the information to be provided for the purposes of screening sub-threshold development for Environmental Impact Assessment. In this regard, the PA was requested in accordance with Article 120(3)(b) of the Regulations to submit the information set out in Schedule 7A and to make any submission or observations it may have in relation to the matter.

7.2.2. In response to the request, the PA submitted Schedule 7A information and opined that the applicants request for an EIA determination was without reference to the substance or analysis of the AA and EIA Screenings prepared for the proposed development. This response was accompanied by the following documentation:

- 'Ecology Note: High Level Assessment' prepared by Dr. Katherine Kelleher, Kelleher Ecology Services (17/09/2024);
- EIA Screening Report prepared by McCutcheon Halley Chartered Planning Consultants (April 2024);
- EIA Screening Report and Determination by Cork City Council (04/06/2024);
- Appropriate Assessment Screening Report prepared by McCutcheon Halley Chartered Planning Consultants (April 2024); and
- Appropriate Assessment Screening Report and Determination by Cork City Council (04/06/2024);
- Correspondence from O'Donovan Agri-environmental services, Invasive Species Consultant (11th September 2024);

- A copy of the Part 8 public notice for the proposed development dated 29th July 2024; and
- Drawings (plans) of the proposed development.

8.0 **Assessment**

8.1. **Introduction**

Under the provisions of Article 120 (3)(b) of the Regulations, the Board is required to provide a screening determination as to whether the proposed development comprising the construction of 54. no. dwelling units comprising 22 no. one-bedroom apartments, 24 no. two-bedroom apartments, 5 no. three-bedroom dwellinghouses and 3no. two-bedroom dwellinghouses, would be likely to have significant effects on the environment.

I consider that the following matters are relevant in the assessment of whether the proposed development would be likely to have significant effects on the environment:

- Assessment of project type/class of development under Schedule 5 of the Regulations,
- Assessment of the relevant thresholds under Part 2 of Schedule 5 of the Regulations, and
- Assessment of the proposed development under the criteria set out in Schedule 7 of the Regulations.

An assessment of the proposed development against the above is carried out in the sections that follow.

8.2. **Relevant Project Types/Class of Development**

- 8.2.1. Two of the referrers indicate that they consider the proposed development to fall within Class 10(b)(i) of Schedule 5 of the Regulations (Construction of dwelling units). The other two referrers' do not indicate a Class in Schedule 5 of the Regulations within which the proposed development is considered to fall.
- 8.2.2. I consider that the proposed development is a 'project' within the definition of the EIA Directive (2011/92/EU) and that the project type is 'infrastructure' comprising the

construction of dwelling units and is an urban development. I consider that the project type in this case also includes 'urban development' having regard to the guidance available in the European Commission document '*Interpretation of definitions of project categories of annex I and II of the EIA Directive*' which provides that the 'urban development' project category should include a project that is urban in nature regardless of its location and that consideration of this project category should take account of '*construction projects such as housing developments.*' The relevant classes of development applicable to the proposed project which is the subject of this referral are therefore, as follows:

- **Class 10(b)(i)** of Part 2 of the Fifth Schedule of the Regulations – Construction of dwelling units;
- **Class 10(b)(iv)** of Part 2 of the Fifth Schedule of the Regulations – Urban Development.

8.2.3. It is therefore my opinion that the proposed project involves development that is of a class for the purposes of Environmental Impact Assessment.

8.3. **Relevant thresholds under Part 2 of Schedule 5 of the Planning and Development Regulations, 2001 (as amended)**

8.3.1. The threshold cited under Class 10(b)(i) in the Regulations is the '*construction of more than 500 dwelling units*'. The proposed development comprises the construction of 54no. dwelling units. Therefore, whilst the proposed development is listed in Part 2 of the Fifth Schedule and is of a Class, it is sub-threshold for the purposes of mandatory EIA as it comprises fewer than 500 dwelling units.

8.3.2. The threshold cited under Class 10(b)(iv) in the Regulations is '*urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere*', and where '*business district*' means a '*district within a city or town in which the predominant land use is retail or commercial use.*' The proposed development would be accommodated on a site of 0.8ha. Therefore, whilst the proposed development is of a Class listed in Part 2 of the Fifth Schedule, it is sub-threshold for mandatory EIA.

8.3.3. An assessment as to whether the sub-threshold project would be subject to EIA having regard to the criteria set out in Schedule 7 of the Regulations, is set out below.

8.4. Assessment of the development under the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001 (as amended)

The criteria for determining whether a development would or would not be likely to have significant effects on the environment are under the following headings:

1. Characteristics of Proposed Development
2. Location of proposed development
3. Types and characteristics of potential impacts.

Each of these criteria is assessed below.

8.4.1. Characteristics of proposed development

- **Size & Design**

The proposed development comprises the construction of a residential development of 54no. dwelling units on residential zoned lands having a site area of 0.8ha. A mix of dwellings is proposed including 22no. one-bedroom units, 27no. two-bedroom units and 5no. three-bedroom units accommodated in a range of single and two-storey dwellinghouses and two and three-storey apartments. It comprises an infill development in a suburban location on zoned lands, which will be connected to existing infrastructure. The site is surrounded by medium density residential developments which are predominantly two-storey in scale. The proposal will introduce a higher density development into the site in terms of dwellings per hectare (dph) and height. The maximum target density for the subject lands in the CCDP is 60 dph and the scheme proposes a density of 67.5 dph. I consider however that this higher density is consistent with the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities which recommends a density range of 40-80 dph in the suburban and urban extension areas of Cork, with densities at or above the mid-range encouraged in the most accessible urban locations, including within 500m of urban bus services. In addition, the FAR of 0.57:1 is within the target range of 0.2-1.5 for the outer suburbs as per the CCDP and

therefore I am satisfied that a material issue does not arise. In terms of building heights, I note that the established character of the area includes some single-storey development but is predominantly two-storey. The target building height for the location of the subject site in the CCDP is 2- 4 floors (storeys) and I note that the main three-storey elements proposed in the development, present either to Donnybrook Hill Road or internal open space. The elements of the development which present to the more modest single storey and storey and a half dwellings on Scairt Road, are stepped down to two-storey in height. To the southern boundary where the development opposes the rear gardens and elevations of established residential development within Springbrook, is the location where the two-storey and single-storey dwellings are proposed. Accordingly, I am satisfied that the design responds appropriately to the context of the site and its environs in accordance with the applicable zoning, policy and guidance and that the site and environment has the capacity to accommodate the development which would not be significantly at variance with the established pattern of development in this suburban area.

Having regard to the nature and size/scale of the proposed development, which is significantly below the thresholds set out in Part 2 of the 5th Schedule of the Regulations, I do not consider that significant effects on the environment will arise as a result of size or design criteria.

- **Potential for Cumulative Impacts with other Existing and/or Approved Projects**

The subject site is a small infill site located within a suburban environment, with lands in the vicinity zoned for a range of uses within the CCDP. There is an extensive planning history within the wider area of the subject site, however the character of the area is one of an established and largely developed suburb and most of the active developments witnessed on inspection relate to small or minor residential and domestic type developments. Of note within the vicinity of the site are two planning permissions granted to Corinthians Association Football Club CLG, namely **Plan.Reg.No.19/38774** and **23/41701** and which are also accessed from Scairt Hill Road approx. 400m south of the proposed development site entrance.

Plan.Reg.No. 19/38774 refers to a small residential permission for 6no. 4-bed detached dwellinghouses and the benefit of this permission has been taken.

Plan.Reg.No. 23/41701 refers to a permission for an all-weather 'astro' playing pitch

with fencing and floodlights and for the re-orientation and extension of existing grass playing pitch at the existing premises. Having regard to the modest scale of the residential development and the fact that the benefit of this permission has been taken, and to the modest nature of the additional playing facilities at the existing premises of the football club, I do not consider that there is potential for significant cumulative impacts.

Also within the vicinity of the site is a recent approval for a Local Authority Part 8 '**Greenvalley Housing Development**' consisting of the erection of 25no. dwellings comprising 9no. two-storey and 8no. three-storey duplex units, located to the east of the site and accessed via Scairt Road. This Part 8 scheme was approved on 11th October 2022, and I note from the particulars of the case that both the need for AA and EIA was screened out. Having regard to the modest scale and nature of this development with an established residential development and the outcome of the EIA and AA screening determinations, I do not consider that there is potential for significant cumulative impacts.

In respect of the development permitted under **Plan.Reg.No. 23/41701** and the approved Part 8 Scheme '**Greenvalley Housing Development**', it is accepted, given the proximity of these sites to the subject site and use of Scairt Road, that should construction occur in tandem with the proposed development then there is potential for cumulative impacts to arise relating to traffic, noise and dust. However, given the modest scale and nature of the respective developments, I am satisfied that these impacts are capable of effective mitigation, and they would in any event be temporary and short term and therefore unlikely to be of a magnitude that would generate the need for EIA.

In terms of Local Authority Part 8 developments, I also note the '**Donnybrook Hill Pedestrian Enhancement Scheme**' to the north of the site which proposed enhanced pedestrian connectivity, improved access to bus stops and improved safety for road users encouraging modal shift on Donnybrook Hill Road. This development is substantially complete and having regard to the limited scale and nature of same I do not consider that there is potential for significant cumulative impacts.

A number of permissions for developments of significant scale are otherwise noted within the wider vicinity of the site as cited by the applicant in their Schedule 7A information, specifically: **ABP-302924-18** and **ABP-304367-19** which refers to adjoining sites located on the Carrigaline Road approx. 1km east of the subject site. **ABP-302924-18** refers to the development of a new Educate Together National School and I note from the particulars of this case that the need for EIA was excluded at preliminary examination stage and it was determined that a screening determination was not required. I further note that in granting planning permission, the Board completed an AA screening and determined that no AA issues arose, and the development would not be likely to have a significant effect individually, or in combination with other plans or projects on a European Site. The benefit of this permission was taken, and the development is complete.

ABP-304367-19 refers to a grant of permission for the erection of 472no. residential units on lands adjoining the aforesaid Educate Together school. I note from the particulars of this case that the application included a Natura Impact Statement and an Environmental Impact Assessment Report and that the consideration of the case included an Oral Hearing. In granting planning permission, the Board carried out an EIA and determined that subject to implementation of the mitigation measures set out in the EIAR and compliance with the conditions of permission, the effects of the development on the environment, in combination with other development in the vicinity, would be acceptable. The Board also carried out an AA and determined that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of a European Site in view of the site's conservation objectives.

I accept the significant scale of these two particular developments as a cumulative consideration, however having regard to the fact that the benefit of these permissions has been taken, that they are accessed via a different local road network to the subject site and are at a remove of approx. 1km (linear distance) to the east, are located on positively zoned educational and residential zoned lands in the CCDP which itself was subject to SEA, and to the respective EIA and AA determinations in respect of each case, I do not consider that there is potential for significant cumulative effects to occur on the environment.

- **Nature of any Demolitions Works**

There are no buildings/structures on site that require demolition.

- **Use of Natural Resources**

The nature and scale of the development, which comprises a medium scale residential scheme, will not result in a significant use of natural resources. I note from the submitted '*Construction & Environmental Management Plan ("CEMP")*' prepared by 'DOSA, Consulting Engineers', that limited excavation of the site will be required, with materials largely being re-used on site and that movements of earthworks vehicles out of the site will be limited. While the construction phase will require some use of natural resources, including stone, gravel, aggregates and water, having regard to the limited size and scale of the proposed development, any such usage will not be significant and would not be expected to exceed that normally associated with the construction of a development of the scale proposed. Although the works will result in the loss of some non-renewable elements of the natural environment, including assorted vegetation and planting, having regard to the limited ecological value of the application site as per the '*Ecology Note: High Level Assessment*' prepared by Kelleher Ecology Services, the nature and scale of the works proposed, the small footprint of the development site and limited land take involved, and to the implementation of best practice construction measures, I am satisfied that no significant impacts will occur on the environment as a result of the use of natural resources.

Operational demands on natural resources, such as would be required for energy generation and water supply, will be commensurate with normal domestic use and will not be significant.

- **Production of Waste**

The production of waste will arise during the construction process as a result of earthworks and general construction processes. I note that generated materials, will largely be re-used on site and that all waste streams will be managed by way of a Construction and Demolition Waste Management Plan (as referenced in the CEMP) and the volume generated is not considered to be significant. In particular I note the arrangements for segregation, re-use and re-cycling with controlled disposal only by a Contractor holding a Waste Collection Permit to facilities which hold either a Waste Facility Permit or a Waste Licence. Domestic waste generated during the

subsequent occupation of the housing will be small in scale and proportionate to the domestic use.

I do not consider that the levels of waste production likely attributable to the construction and occupation of the proposed development will result in significant environmental effects.

- **Pollution and Nuisances**

The potential for pollution and nuisance arising from an urban and residential development of this scale is limited. The construction phase will result in noise, dust and traffic related impacts with the potential to cause nuisance and impact on the amenities of residential development(s), including from vibration. However, these impacts will be temporary and short lived and will be controlled as part of the CEMP standard and best practice construction measures, and in this regard, I note the specific measures proposed to control and mitigate potential impacts on air quality,

Foul water from the proposed development will be discharged to the existing public sewerage network via an upgrade to 150mm of the existing network within Bracken Court, an adjoining residential development. Foul water will then discharge to the Carrigrennan Wastewater Treatment Plant ("WWTP"). The Annual Environmental Report ("AER") for this WWTP identified that it will not exceed organic capacity within the next 3 years and that whilst the discharge was not compliant with the ELV's set in the discharge licence, this did not have an observable impact on water quality or an observable negative impact on the Water Framework Directive (WFD) status of the receiving waters. I note specifically from the AER that the remaining PE of this treatment plant is 182,200 and that it was not considered necessary to advise the EPA of a need to consider a technical amendment or review of the Licence. I note that the proposed development will have a negligible impact on this WWTP with a discharge less than 0.03% of its PE and that Uisce Eireann have confirmed the acceptability of a connection in principle.

Water supply will be via 1 new 100mm connection to the existing public watermain located on Scairt Hill.

Storm water will discharge to the mains system on Donnybrook Hill via an attenuation system fitted with flow control devices and interceptors to ensure no increase in peak flows and removal of hydrocarbons (from road surfaces).

Having regard to the limited scale and infill nature of the proposed development on residential zoned lands within an established residential suburb, the proposal to connect to mains services, the negligible loadings and controlled discharges, I do not consider that there is potential for significant environmental effects as a result of pollution or nuisances.

- **Risk of Major Accidents and/or Disasters including those caused by Climate Change**

I note that a risk of flooding was a particular concern raised by one of the referrers in this case, however the site is not located in a flood zone and there are no watercourses, streams, open drains or other water bodies within the vicinity of the site. The site has been designed on the basis of 'Sustainable Urban Drainage Systems' (SUDS) and includes an attenuation system with flow control devices to ensure no increase in peak flows within the public system.

Having regard to the characteristics of the proposed residential development, including its small size and infill suburban location outside of a flood zone and at a remove from watercourses or waterbodies, it is considered unlikely that there is a risk of major accidents and/or disasters including those caused by climate change.

- **Risk to Human Health**

The provisions of the CEMP in respect of Health & Safety, Environmental Risk Assessment & Management, and Project Construction and Traffic Management Policy are noted, including the assigned roles. There are no significant risks to human health associated with the proposed development and its connection to mains services. Potential risks to human health arising from water contamination, air pollution, noise etc, are considered to be negligible and not of a magnitude to generate a requirement for environmental impact assessment.

8.4.2. **Location of Proposed Development**

- **Existing and Approved Land Use**

The site is currently undeveloped but is zoned '**Z01 Sustainable Residential Neighbourhoods**' in the CCDP with the associated zoning objective to "*protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.*" This is the designated zoning adjoining and

within vicinity of the site. The site is largely open and unenclosed, consisting primarily of scrub vegetation and some loose aggregate surface dressing in a central area. There are some unmanaged trees to the southern end of the site and the general character of the site reads as an undeveloped infill site in an unmanaged and overgrown condition. The proposed development would complement and consolidate the established pattern of residential development in the area and would not result in any significant adverse impacts on land use.

- **Relative abundance, availability, quality and regenerative capacity of natural resources**

The site is not located within, adjoining, or in the vicinity of a National or European designated site.

In its existing state, the site is a potential resource in that it is an undeveloped area within the built environment that is potential habitat for flora and fauna, and this has been identified in the requests for a screening determination. All vegetation on site will be removed to make way for the development, which will result in habitat loss and disturbance/displacement of any wildlife that currently uses the site.

An 'Ecology Note: High Level Assessment' was prepared for the site by Dr. Katherine Kelleher, Kelleher Ecology Services and which was based on a desk top study and a site walkover. This survey categorised the site as being dominated by '*scrub/rank grassland*' and noted that there are no overground active water features present. The survey conducted on site found that the habitats are of low ecological value and the survey also confirmed that there were no signs or sightings of mammal species during the site walkover and that the relatively limited extent of the site reduces its significance for mammals in general.

The survey opined that the scrub/rank grass habitat of the site would support passerine bird species typically found in peri-urban/urban environments, and this includes feeding and nesting opportunities, although again the extent is limited. Otherwise, the scrub/rank grassland habitat of the site is considered to generally support butterflies and bees to a limited extent, but only in respect of species of least concern.

There will be a loss of vegetation consequent on the proposed development with an associated loss of habitat and the potential disturbance/displacement of any wildlife

currently using the site. These impacts are limited and will be mitigated in part by a variety of measures including the inclusion of open space within the development itself and the proposed landscaping scheme. Also, notwithstanding the location of the site within the built-up suburbs of Cork City, there is undisturbed habitat in the vicinity, such as the habitats adjoining watercourses (approx. 400m) to the east and west of the site and the designated City Hinterland which is not far removed to the south of the subject site.

The presence of invasive plant species at the site is noted. Of these neither *Buddleia* nor *Winter Heliotrope* are high impact. The high impact species *Japanese Knotweed* is noted and is subject to an ongoing treatment plan by *O'Donovan Agri Environmental Services* which was commissioned over three years ago and this is both evidenced and confirmed in the particulars of the application.

Given the limited size of the site in the context of surrounding land uses and noting that it is of a low ecological value with no indication that it serves as a habitat for any protected or rare species, it is not considered that the site forms an important habitat of the type or scale that would warrant environmental impact assessment.

The nature of the development is such that the natural resources used in the proposed development are limited and there would be minimal ongoing use of natural resources from the proposed use of the site for residential purposes. It is considered that there is no potential for significant effects arising from the proposed development.

- **The absorption capacity of the existing natural environment**

The site is located within the built suburbs of Cork City and is surrounded by residential development. It is not located proximate to any sensitive area including riparian zones, wetlands, mountain and forest areas, coastal areas, the marine environment, nature reserves or park etc. The ecological value of existing habitats within the site is assessed as low and consists predominantly of scrub/rank grassland. There is no indication that the site is a habitat for any protected or rare species of flora or fauna.

The proposal has been screened for the purposes of appropriate assessment by the local authority (as set out in more detail in the Appropriate Assessment Screening Report prepared by McCutcheon Halley, Chartered Planning Consultants (April

2024)). Due to the urban location of the site and its limited scale and extent, this assessment determined that the zone of influence is likely limited to the immediate vicinity of the site. The assessment noted that whilst direct impacts were unlikely on Cork Harbour Special Protection Area (SPA Site Code: 004030) approx. 1.9km to the northeast of the subject site, the Donnybrook Stream which flows approx. 420m to the west of the site discharges to the Douglas River Estuary (a part of the Cork Harbour SPA). Accordingly, the assessment carried Cork Harbour SPA forward for further consideration. The assessment also carried the Great Island Channel Special Area of Conservation (SAC Site Code: 001058) forward for further consideration on the basis that the proposed development will connect to the Carrigrennan WWTP which discharges to Lough Mahon, a part of the Great Island Channel SAC.

This assessment subsequently determined that the proposed development will not result in any direct impacts to Cork Harbour SPA or Great Island Channel SAC as it is too distant at 1.9km. The assessment also determined that the proposed development would not result in any indirect impacts to the said SPA or SAC as there was no hydrological connection between the sites and no means through which pollutants could be transmitted, the site was too distant to cause disturbance to, or displacement of, bird species of conservation interest with the SPA, and the proposed development will connect to mains services. In terms of cumulative effects, the assessment determined that given the distance between the subject site and the Natura 2000 sites, the minor increase in loading to the WWTP as a result of the proposed development, and the absence of potential impacts, that there was no pathway for other plans or projects to act in combination giving rise to cumulative impacts.

The landscape and location of the site is otherwise not one of historical, cultural or archaeological significance and it is not environmentally sensitive. I consider that the environment has the capacity to absorb the proposed development without the generation of significant effects.

8.4.3. Types and Characteristics of the Potential Impact

- **Nature, magnitude and extent of impact**
 - *Population*

The extent of the impact in terms of geographical area impacted and the size of the population likely to be affected is limited to the immediate area of Scairt and Donnybrook Hill Road and the residential developments within the vicinity of the site. There will be construction related impacts, but these will be localised, of short duration and capable of effective management and mitigation by good construction practices and effective traffic management. The arrangements for mitigation measures, community liaison and management are set out in the submitted CEMP and I consider that they are proportionate with the negligible and minor construction impacts likely to arise.

- *Biodiversity*

I note in that the biodiversity value of the site was of particular interest to the referrers in this case, particularly the potential of site habitat to support protected bats and specialist bird species together with other flora and fauna considerations.

An '*Ecology Note: High Level Assessment*' was prepared for the site by Dr. Katherine Kelleher, Kelleher Ecology Services and was based on a desk top study and a site walkover. This survey categorised the site as being dominated by 'scrub/rank grassland' and noted that there are no overground active water features present. The survey conducted on site found that the habitats are of low ecological value and there are no known floral/bryophyte species protected under the Flora Protection Order 2022 or listed in the red list of Irish Plants. The survey also confirmed that there were no signs or sightings of mammal species during the site walkover and that the relatively limited extent of the site reduces its significance for mammals in general. The site is deemed as being of moderate resource value for bats in general, but excluding *Nathusius Pipistrelle* and the Lesser Horseshoe Bat as the site is outside their primary national range. The survey confirmed that the site does not support roosting features for bats but has some potential to support foraging/commuting bat species of least concern as a result of the scrub/rank grass habitat, but this is of a limited extent. In terms of Fauna it is also noted that there is an historical record (2018) for the protected mammal 'Red Squirrel' c. 700m to the southwest of the site associated with riparian woodland known locally as Doman's Woods or Shelly's Woods, but that the study site does not support woodland habitat for this species.

The survey opined that the scrub/rank grass habitat of the site would support passerine bird species typically found in peri-urban/urban environments, and this includes feeding and nesting opportunities, although again the extent is limited. The survey confirmed that the site does not support habitat features for waterbirds or farmland specialist bird species, such as curlew or corncrake as suggested by the referrers. Otherwise the scrub/rank grassland habitat of the site is considered to generally support butterflies and bees to a limited extent, but only in respect of species of least concern.

Accordingly, the potential loss and disturbance impacts are not considered to be significant having regard to the low ecological value of existing habitats and the species of birds and other fauna that may use the site.

- *Land, Soil, Water, Air and Climate*

The proposed development will result in limited impacts on land, soil and water which will be negligible having regard to the limited size of the site. No overground active watercourses were identified within the site and there are no drains, streams or watercourses within the vicinity of the site. It is considered that there is no significant risk to ground or surface water quality. There is potential for impacts on air and climate from noise and vibration during the construction phase, but these impacts would be short term and capable of effective mitigation. Subject to standard and best practice construction measures it is considered unlikely that significant impacts will arise on land, soil, water, air and climate.

- *Material Assets, Cultural Heritage and the Landscape*

The site is within a built-up residential suburb and is removed from any protected structures, the Douglas Village Architectural Conservation Area (ACA), archaeology or recorded monuments. The nearest recorded monument is approx. 500m southeast of the development site - CO086-012002 (Souterrain). No potential significant impacts on cultural heritage are identified.

The Visual Impact Assessment for the proposed development examined six viewpoints. The VIA determined that the predicted impact on three of the viewpoints would be low-moderate to moderate and on the remaining three would be imperceptible and neutral. On this basis the VIA concludes that the merits of the proposed development including high quality architecture, the development of a

vacant and infill site and the provision of landscaping will significantly outweigh the relatively limited visual impacts of the proposal, and I concur with this assessment. Arising from these limited impacts, the nature and scale of the development and its relationship with the surrounding land uses, I do not consider that there will be significant effects on material assets, cultural heritage or the landscape.

- *Traffic and Transport*

A Traffic and Transport Assessment (July 2024) (TTA) was prepared by MHL & Associates Ltd, Consulting Engineers in accordance with Transport Infrastructure Ireland (TII) Document, Traffic and Transport Assessment Guidelines, 2014 to assess how the proposed development will impact the surrounding road network. The TTA addressed a range of key issues including: a review of the baseline, analysis of road safety data, accessibility critique, forecast multi-modal trip rates and generation, traffic modelling, junction assessment in a with/without development scenario, and, inter alia, an assessment of the significance of development generated traffic upon the surrounding transport infrastructure.

In the interests of clarity I note that traffic survey data was collated in the morning and evening peak periods and avoided school holidays or dates of low traffic volumes. Therefore, I do not consider the timing of the traffic survey data collected in the TTA to be sub-optimum as raised in the referral(s).

The TTA found that the overall impact of the development on the adjoining local road is to increase traffic flows entering/exiting the development by 44no. trips in the morning peak and by 41no. trips in the evening peak in the Opening Year 2026. This assumes that all traffic generated is new to the network, which is unlikely. It also assumes 'no modal shift' for the purposes of assessment ensuring that a conservative or worst-case analysis has been conducted. The TTA otherwise finds that: the traffic impact from the application site is negligible on the adjoining road network junctions, as the % junction traffic flows attributable to the site are low relative to mainline traffic (for the design years (opening year, opening year +5, and Opening year +15)); the development entrance will operate within capacity up to and including design year 2041; the proposed new access arrangements are safe and suitable in accordance with Design Manual for Roads & Bridges (DMRB) and the Design Manual for Urban Roads & Streets (DMURS); Junctions assessed will not

need any improvements from a capacity point-of-view within the design year scenarios and are within junction capacity thresholds.

Although the proposed development has been assessed by the TTA as a car dominant and dependent development, and although the predicted impacts are negligible, future public transport improvements will encourage modal shift reducing the modelled impact of this development on the surrounding network.

In terms of construction traffic, it is noted that the TTA envisages that traffic associated with construction personnel will predominantly take place outside of peak hours, and that HGV's will be restricted to movement during off-peak periods as part of a Construction Stage Traffic Management Plan. The TTA finds that the surrounding network is suitable to accommodate the construction traffic associated with the proposed development.

Having regard to the aforesaid it is considered that the impact of construction traffic will be temporary in nature and will be less significant than the development operational traffic. It is considered that the impacts of the development operational traffic will be negligible on the network, decreasing over time with a move towards modal shift. I note that the referrers were concerned in relation to the potential impacts of construction traffic and the viability of the site to facilitate a modal shift towards more sustainable transport options, but I am satisfied that the potential impacts of construction traffic can be effectively managed, controlled and mitigated and that the proposed development is adequately serviced by public transport.

I note that the subject site is served by the Route 207 'Donnybrook to Glenheights' urban bus service via St. Patrick Street and that there are regular services within the hour. I also note that that the Cork Metropolitan Area Transport Strategy 2040 (CMATS) proposes significant improvements to public transport facilities and that the Local Authority Part 8 Planning Statement confirms that the site is located on a proposed bus connects route.

In summary, having regard to the findings of the TTA and the characteristics and location of the proposed development, I consider that it is unlikely that significant impacts will arise in relation to traffic and transport.

- Major Accidents or Disasters

As discussed above it is considered that the proposed development does not present significant risks to human health or risk of major accidents or disasters including those related to climate change. Having regard to the characteristics and location of the proposed development, it is considered unlikely that significant impacts will arise in relation to major accidents and disasters.

- **Interaction between the factors**

There is potential for interactions between the various environmental factors, notably between traffic and transport, biodiversity and population. Noting the nature and scale of the proposed development, and the negligible or non-significant impacts predicted within each respective environmental factor, I consider it unlikely that significant impacts will arise from the interaction between the factors.

- **Transboundary nature of impact**

There will be no transboundary impacts associated with the proposed development.

- **Probability, intensity and complexity of impacts**

The proposed development will result in the loss of a small area of low ecological value habitat. Temporary noise, dust, vibration and traffic impacts are likely during construction works, but these are capable of effective control and mitigation in accordance with standard best practice construction measures. Having regard to the limited scale of the development on a vacant infill site within an established residential suburb, the nature of the environmental impacts are not complex or intense.

- **Expected onset, duration, frequency and reversibility of the impact**

Having regard to the residential nature of the proposed development, it is expected that the construction phase impacts will be short term and temporary, estimated at being a 1- 2 year period. The operational impacts will be on-going, long term and only reversible if the housing scheme is removed and the site is reinstated to its pre-development state.

- **Cumulation of Impact**

Having regard to the consideration of cumulative impacts with other plans and projects as set out above, and the consideration of a range of other environmental

factors including pollution, nuisance, waste and biodiversity, which excluded significant impacts and effects, it is not considered that the proposed development will result in a significant effect as a result of cumulative impacts. The proposed development is located within an urban context and is of a limited nature and scale. The existing environment is largely established and developed and consists of zoned land within the statutory provisions of the CCDP. It is the case that other developments will be subject to compliance with the provisions of the CCDP which itself was subject to SEA, SFRA and AA and will be subject to their own AA and EIA assessment procedures as a part of the normal and statutory development consent processes. I therefore consider it unlikely that significant cumulative impacts will arise.

- **Possibility of effectively reducing Impact**

I am satisfied that the implementation of standard best practice methodologies during the construction phase of the proposed development will result in a reasonable probability of effectively reducing potential impacts.

8.4.4. Other Relevant Information

Article 120(3)(cb)(i) of the Regulations provides that where a local authority is submitting Schedule 7A Information to the Board it shall be accompanied by any further relevant information on the characteristics of the proposed development and its likely significant effects on the environment, including, how the results of other relevant assessments of effects on the environment carried out pursuant to European Union Legislation (other than the EIA Directive), have been taken into account.

In respect of the subject application the LA has submitted an Appropriate Assessment Screening Report and Determination in accordance with the Habitats Directive which determines that the proposed development will not impact on identified European Designated Sites within the zone of influence of the proposed development either alone or in combination with other plans or projects. The LA has also had regard to the Annual Environmental Report (AER) for the Carrigrennan WWTP and the finding that the discharge did not have an observable negative impact on the Water Framework Directive (WFD) status of the receiving waters.

Otherwise, the information submitted by the LA, which accompanies the Schedule 7A information, is set out in Section 7.2.2 of this report.

I note the AA Screening Report and Determination and the findings of the AER in respect of the Carrigrennan WWTP and consider both to be satisfactory.

8.4.5. Measures to Mitigate

Article 120(3)(cb)(ii) of the Regulations provides that where a local authority is submitting Schedule 7A information to the Board it may describe the features, if any, of the proposed development and the measures, if any, envisaged to avoid or prevent what might otherwise have been a significant adverse effects on the environment of the development.

The position of the LA as set out in the information submitted, including the Schedule 7A information, is that the proposed development will not have significant adverse effects on the environment of the development.

The LA position is that the most likely negative effects on the environment, without appropriate mitigation measures, are: increased demand on community, recreation and amenity services; construction and operational traffic congestion; population growth; increased foul and storm water discharges to public and municipal infrastructure; increased water usage and potential impacts on the amenities of adjoining residents. The applicant describes a range of measures developed to avoid, reduce or mitigate these impacts so that they do not result in significant adverse effects including: landscape design to incorporate recreation and amenity services; Construction Environmental and Waste Management Plans including standard best practice measures to mitigate construction related impacts, screening to protect the amenities of adjoining properties; limited car parking and generous cycle parking to encourage sustainable modes of transport. Otherwise, the additional loadings on the WWTP are considered to be negligible, the release of storm waters will be attenuated and controlled to ensure no increase in peak flows and Uisce Éireann have confirmed capacity in the public water supply.

I am satisfied that the proposed mitigation measures to avoid or reduce likely negative effects on the environment are satisfactory and reasonable and that significant adverse effects on the environment will not occur as a result of the development.

9.0 Recommendation

Having regard to the above assessment, it is considered that the proposed development would not be likely to have significant effects on the environment, and accordingly, an Environmental Impact Assessment is not required.

It is therefore recommended that Cork City Council be advised that the preparation and submission of an Environmental Impact Assessment Report is not required in respect of the proposed development.

10.0 Reasons and Considerations

Having regard to the following:

- The criteria set out in Schedule 7 and the information provided in Schedule 7A of the Planning and Development Regulations, 2001 (as amended),
- The nature and scale of the proposed development which is significantly under the threshold in respect of Class 10(b)(i) (Infrastructure – Dwellings Units) and Class 10(b)(iv) (Infrastructure - Urban Development) of Part 2 of Schedule 5 of the Planning and Development Regulations, 2001 (as amended),
- The location of the site on lands that are zoned as 'Z01 –Sustainable Residential Neighbourhoods' under the provisions of the Cork City Development Plan, 2022-2028, and the results of the strategic environmental assessment of this Plan undertaken in accordance with the SEA Directive (2001/42/EC),
- The limited scale of the proposed development on an infill site served by public transport and public infrastructure,
- The pattern of residential development in the vicinity,
- The submissions made by the applicants requesting a determination
- The submission made by the local authority, and
- The report and recommendation of the Inspector,

It is considered that the proposed development would not be likely to have significant effects on the environment and accordingly, that the preparation and submission of an Environmental Impact Assessment Report is not therefore required.

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.

Paul Kelly
Senior Planning Inspector

13th January 2025