



Inspector's Report

ABP-320648-24.

Development

Proposed construction of 138 residential units and all associated works.

Location

Spa Glen, Mallow, Co. Cork.

Local Authority

Cork County Council

Type of Application

Application for approval made under Section 177(AE) of the Planning and Development Act, 2000 (local authority development requiring appropriate assessment)

Prescribed Bodies

Department of Housing, Local Government and Heritage

Transport Infrastructure Ireland

Health and Safety Authority

Uisce Eireánn

Observer(s)

Catherine Nyhan

Mark Patterson on behalf of the residents of St. Joseph's Road

Date of Site Inspection

24th October 2024.

Inspector

Paul Kelly.

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1.0 Introduction

Cork County Council is seeking approval from An Coimisiún Pleanála to undertake the proposed construction of 138 residential units and all associated site works at Spa Glen, Mallow, Co. Cork. The site is located approx. 900km north of the Blackwater River (Cork Waterford) Special Area of Conservation (SAC (Site Code: 002170)) which is a designated European site (see further analysis below). A Natura Impact Statement (NIS) and application under Section 177AE was lodged by the Local Authority on the basis of the proposed development's likely significant effect on a European site.

Section 177AE of the Planning and Development act 2000 (as amended) requires that where an appropriate assessment is required in respect of development by a local authority, the authority shall prepare an NIS and the development shall not be carried out unless the Board has approved the development with or without modifications. Furthermore, Section 177V of the Planning and Development Act 2000 (as amended) requires that the appropriate assessment shall include a determination by the Board as to whether or not the proposed development would adversely affect the integrity of a European site and the appropriate assessment shall be carried out by the Board before consent is given for the proposed development.

2.0 Proposed Development

2.1. The proposed development consists of:

- The construction of 138 residential units comprising:
 - 4 no. four-bed semi-detached houses;
 - 14 no. three bed semi-detached houses;
 - 20 no. three-bed townhouses;
 - 36 no. two-bed town houses;
 - 32 no. two-bed apartments; and
 - 32 no. one-bed apartments and 1no. creche.

- 183 no. car parking spaces including nine designated spaces for limited mobility use and eight spaces for designated visitor parking;
- All associated ancillary development including vehicular entrance, the provision of landscaping and amenity areas, footpaths, cycle paths, lighting, drainage, boundary treatments, bike and bin storage.

2.2. Accompanying documents:

This application for approval is accompanied by the following documents:

- Cover Letter
- Public Notices (Newspaper, Site)
- Notice to Statutory Bodies
- Letter of Consent (from Housing and Sustainable Communities Agency)
- Planning Statement
- Environmental Impact Assessment (EIA) Screening Report
- Appropriate Assessment (AA) Screening and Natura Impact Statement (NIS) Report
- Ecological Impact Assessment (EcIA)
- Architectural Design Statement
- Universal Design Statement
- Housing Quality Assessment & Schedule of Accommodation
- Building Life-Cycle Report
- Site Location Maps
- Architectural Drawings (Site layout, site sections, floor plans, elevations and sections, boundary treatments, boundary details, creche plans, sections and elevations)
- Engineering Drawings
- Civil Engineering Report
- Planning Stage Construction Environmental Management Plan (CEMP)
- Archaeological Testing Report
- Archaeological Assessment
- Geophysical Investigation
- Landscape Development Package
- Outdoor Lighting Report
- Outdoor Lighting Drawings
- EV Charging Services Drawing

- Traffic and Transport Assessment (TTA)
- Residential Travel Plan
- Signed Road Safety Audit (RSA)
- Photo Montage & 3D Images

On 23rd October 2025, the applicant submitted further information in response to a request by the Commission. This included:

- A further information response cover letter
- Third party letters of consent and documents relating to legal interest
- Dwg.No. 22052-XX-XX-XX-XX-DR-WGD-CE-006 (Site layout development entrance)
- St. Joseph's Road, junction Improvement Works tender drawings, including Dwg.No. SJ-RL-T01 (Road Layout)
- DMURS compliance statement
- Stage 1 Quality Audit
- Stage 1 Road Safety Audit (RSA) for the proposed residential development
- Stage 2 RSA for the St. Joseph's Road Junction Improvement Works
- Statement of Housing Mix
- Landscape Design Response and revised landscape drawing Dwg. No L107 (Northeast Amenity)
- Lighting design response and revised outdoor lighting report
- Confirmation of Feasibility (of connection) from Irish Water
- Response to Submissions Report.

3.0 Site and Location

The subject site has a stated area of 4.52ha and is located within an established residential area approx. 900m northeast of Mallow town centre. Access is proposed from St. Josephs Road via the existing entrance serving the Aldworth Heights (residential) development. The site is zoned as 'residential' (MW-R-08) in the Cork County Development Plan, 2022 -2028.

The site is bounded by the existing Aldworth Heights residential development to the south and the residential developments in close proximity to the southeast and southwest respectively. To the north and east the site is adjoined by undeveloped

lands which are zoned residential reserve (MW-RR-01). To the west the site is adjoined by undeveloped lands which are zoned as 'green infrastructure' and which fall steeply to the Spa Glen and N72.

The site is characterised as a greenfield with residential, community, educational, sporting and agricultural uses in the wider environs of the site. Mallow National School is located approx. 250m to the south of the site and Mallow RFC and GAA sportsgrounds are located further to the east of the site.

4.0 Planning History

A review of the Cork County Council's Planning Portal and the Commission's case files was carried out (most recently on 13th November 2025) to collate the relevant planning history for the site.

There is no recently recorded planning history on the subject site. There are numerous historical planning applications in the surrounding area of the site which relate to the established residential development at this location. These are noted and considered in the context of the assessment below. It is also noted from an examination of the planning history that there are a number of significant applications within the environs of the site, including LRD's, SHD's and S177AE applications. The following cases are considered noteworthy:

Case Ref.No.	Development Location & Description	Status
ABP-321927-25	This case relates to an Appeal on lands approx. 200m to the south and on the opposite side of St. Joseph's Road. The case consisted of the construction of 99 residential units and all associated site works. A Natura Impact Statement was submitted with the application. The case was located at Castlepark, Castlelands (Townland), St. Joseph's Road, Mallow, Co. Cork.	Permission Granted with revised conditions. 24/06/2025
ABP-322540-25	This case relates to an Appeal of an LRD on lands approx. 200m to the south and on the opposite side of St. Joseph's Road. The LRD consisted of: 469 residential units and Creche with ancillary services and associated works. An EIAR and NIS was submitted with application. The LRD was located at Castlepark, Castlelands (Townland), St. Joseph's Road, Mallow, Co. Cork.	Permission Granted with revised conditions. 28/08/2025
ABP-310354-21	This case relates to a S.177AE local authority development on lands approx. 800m to the south. The case consisted of Improvement works to the existing town park including new entrances, new footpaths and all associated site development and landscaping works.	Approve with Conditions. 17/11/2021.

	The case was located at Mallow Town Park, Park Road/N72, Mallow, Co.Cork.	
ABP-301221-18	This case relates to an Appeal on lands approx. 700m to the northeast of the subject site and north of the N72. The case consisted of the construction of 108 no. dwellinghouses and all associated site works. The case was located at Clonmore, Ballyvinter Lower, Mallow, Co. Cork.	Permission Granted with Conditions. 14/09/2018.
ABP-301429-18	This case relates to an application for a Strategic Housing Development on lands approx. 430m northeast of the subject site and north of the N72. The case consisted of 149 no. residential units, crèche, realignment and improvement of the Spa Road junction and associated works. The case was located at Hazel Brooke, Spa Glen, Mallow, Co. Cork.	Permission Granted with Conditions. 20/07/2018.
ABP-307385-20	This case relates to an Appeal on lands approx. 380m to the north of the subject site and north of the N72. The case consisted of the construction of 95 no. dwelling units and all associated site development works. A Natura Impact Statement (NIS) was submitted with this application. The case was located at Old Course, Spaglen, Mallow, Co. Cork.	Permission Granted with Conditions. 14/09/2020.
ABP-307414-20	This case relates to an Appeal on lands approx. 500m to the northwest of the subject site and northwest of the N72. The case consisted of the construction of 44 no. dwelling units and all associated site development works. A Natura Impact Statement (NIS) was submitted with this application. The case was located at Old Course, Spaglen, Mallow, Co. Cork.	Permission was Granted with Conditions. 14/09/2020.
P.A. Ref. No. 22/4676	This case relates to an application for the construction of 96 no. dwelling units and all associated site works on a site located approx. 450m to the northwest of the subject site and northwest of the N72. A Natura Impact Statement was submitted with this application. A third-party appeal to the Commission in relation to this development was withdrawn on 22 nd March 2024 (ABP-315283-22 refers).	Permission Granted with Conditions. 11/04/2024.
P.A. Ref. No. 24/4243	This case relates to an application for an LRD consisting of 186 no. residential units, 1 no. crèche and all associated ancillary site development works on a site located approx. 380m north of the subject site and north of the N72. A Natura Impact Statement was submitted with this application. A third-party appeal to the Commission in relation to this LRD was withdrawn on 1st October 2024 (ABP-320525-24 refers). An invalid appeal was also received in relation to this LRD (ABP-320507-24 refers).	Permission Granted with Conditions. 10/10/2024.

The Commission will note that the proposed development and the residential developments permitted under ABP-321927-25 and ABP-322540-25 are located in close proximity to each other and include vehicular access arrangements onto St. Joseph's Road. All of these developments are also located in a position with

accessibility to Mallow Town Park and the pedestrian and cyclist infrastructure therein which connects with the town centre (ABP-310354-21 refers).

5.0 National Legislative and Policy Context

5.1. Directive 2011/92/EU (The EIA Directive) as amended by Directive 2014/52/EU as implemented by Article 94 and Schedule 6 (paragraphs 1 and 2) of the Planning Regulations as amended.

5.2. Directive 2000/60/EC, the Water Framework Directive and the requirement to exercise its functions in a manner which is consistent with the provisions of the Directive and which achieves or promotes compliance with the requirements of the Directive.

5.3. The EU Habitats Directive (92/43/EEC): This Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) and 6(4) require an appropriate assessment of the likely significant effects of a proposed development on its own and in combination with other plans and projects which may have an effect on a European Site (SAC or SPA).

5.4. European Communities (Birds and Natural Habitats) Regulations 2011: These Regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in CJEU judgements. The Regulations in particular require in Reg 42(21) that where an appropriate assessment has already been carried out by a 'first' public authority for the same project (under a separate code of legislation) then a 'second' public authority considering that project for appropriate assessment under its own code of legislation is required to take account of the appropriate assessment of the first authority.

5.5. National nature conservation designations: The Department of Culture, Heritage and the Gaeltacht and the National Parks and Wildlife Service are responsible for the designation of conservation sites throughout the country. The three main types of designation are Natural Heritage Areas (NHA), Special

Areas of Conservation (SACs) and Special Protection Areas (SPAs) and the latter two form part of the European Natura 2000 Network.

European sites located in proximity to the subject site include:

Site Name	Location relative to Subject Site
Blackwater River (Cork Waterford) Special Area of Conservation (SAC) (Site Code: 002170)	c. 900m (to the south)
Kilcolman Bog Special Protection Area (SPA) (Site Code: 004095)	c. 11.3km (to the north)

There are no Natural Heritage Areas located in proximity to the subject site.

5.6. Planning and Development Acts 2000 (as amended):

Part XAB of the Planning and Development Acts 2000-2017 sets out the requirements for the appropriate assessment of developments which could have an effect on a European site or its conservation objectives.

- 177(AE) sets out the requirements for the appropriate assessment of developments carried out by or on behalf of local authorities.
- Section 177(AE) (1) requires a local authority to prepare, or cause to be prepared, a Natura impact statement in respect of the proposed development.
- Section 177(AE) (2) states that a proposed development in respect of which an appropriate assessment is required shall not be carried out unless the Board has approved it with or without modifications.
- Section 177(AE) (3) states that where a Natura impact assessment has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the provisions of Part XAB shall apply to the carrying out of the appropriate assessment.
- Section 177(V) (3) states that a competent authority shall give consent for a proposed development only after having determined that the proposed development shall not adversely affect the integrity of a European site.
- Section 177AE (6) (a) states that before making a decision in respect of a proposed development the Board shall consider the NIS, any submissions or observations received and any other information relating to:
 - The likely effects on the environment.

- The likely consequences for the proper planning and sustainable development of the area.
- The likely significant effects on a European site.

5.7. Climate Action and Low Carbon Development Act, 2015, as amended:

The Act commits Ireland to the objective of becoming a carbon-neutral economy by 2050, reducing emissions by 51% by the end of the decade. Section 17 of the Climate Action and Low Carbon Development (Amendment) Act, 2021 amends the principle act such that Section 15(1) requires:

“(1) A relevant body shall, in so far as practicable, perform its functions in a manner consistent with—

- a) *the most recent approved climate action plan,*
- b) *the most recent approved national long term climate action strategy,*
- c) *the most recent approved national adaptation framework and approved sectoral adaptation plans,*
- d) *the furtherance of the national climate objective, and*
- e) *the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State”.*

“Relevant body” means a prescribed body or a public body.

5.8. Climate Action Plan 2024 (“CAP24”) and 2025 (“CAP25”)

Under the Climate Action and Low Carbon Development Act, 2015, as amended, Irelands national climate objective requires the State to transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy by no later than the end of 2050. This national climate objective meets Irelands obligations under EU and international treaties, including the Paris Agreement (2015), the European Green Deal and the EU’s objective to reduce GHG emissions by at least 51% by 2030 (compared to 2018) and achieve climate neutrality by 2050. To meet its targets and obligations CAP 24 sets a course for Ireland to halve emissions by 2030 and reach net-zero no later than 2050. In terms of the residential sector 2023 marked the third continuous year of emissions reductions.

CAP 2025 was published on 15th April, 2025. It re-affirms that the residential sector is on track to meet its 2021-2025 sectoral emissions ceiling and is ahead of its 2025 indicate reduction target of -20%.

5.9. The National Adaptation Framework; Planning for a Climate Resilient Ireland (June 2024)

The most recent approved national adaptation framework, the National Adaptation Framework; Planning for a Climate Resilient Ireland June 2024 (NAF) is Ireland's second statutory National Adaptation Framework (NAF) and was published on 5th of June 2024. The NAF and its successors do not identify specific locations or propose adaptation measures or projects in individual sectors, but sets out the context to ensure local authorities, regions and key sectors can assess the key risks and vulnerabilities of climate change, implement climate resilience actions and ensure climate adaptation considerations are mainstreamed into all local, regional and national policy making. The NAF identifies 13 (previously 12) priority sectors under 7 lead Departments that are required to prepare sectoral adaptation plans under the Climate Act in accordance with the Sectoral Planning Guidelines for Climate Change Adaptation which were published in 2018 and updated in 2024. The original 12 sectoral Plans prepared in 2019 were updated, and a new sectoral Plan for tourism was published, in November 2025. For the built environment, including the residential sector, this is currently captured in the EPA National Climate Change Risk Assessment, 2025.

5.10. National Climate Change Risk Assessment (EPA 2025)

Ireland's first National Climate Change Risk Assessment (NCCRA) provides a comprehensive national overview of the potential risks and opportunities posed by climate change for Ireland. It will play a critical role in meeting national policy objectives and supporting sectoral and local authority climate adaptation planning processes. The NCCRA assesses risks across nine systems that represent nationally important functions that support human activity in Ireland. The systems include Built Environment and the residential sector. A total of nine risks were identified as priority risks, four of which were classified as requiring urgent action within the next five years to offset substantial impacts in the short

term and potentially critical impacts in the long term. For the built environment and the residential sector this included the risk of damage or loss of buildings due to sea level rise, coastal erosion and flooding and there is a need for the sector and the planning processes to adapt and transition to mitigate this risk.

5.11. National Biodiversity Action Plan

Ireland's 4th NBAP sets the biodiversity agenda for the period 2023 – 2030.

The NBAP has a list of Objectives which promotes biodiversity as follows,

Objective 1 Adopt a whole of government, whole of society approach to biodiversity; Objective 2 Meet urgent conservation and restoration needs; Objective 3 Secure nature's contribution to people; Objective 4 Enhance the evidence base for action on biodiversity; Objective 5 Strengthen Irelands contribution to international biodiversity initiatives.

5.12. National Planning Framework (“NPF”) and First Revision of the NPF

The NPF is the Government's high-level strategic plan for shaping the future growth and development of the country out to the year 2040. The first revision of the NPF has been approved by both Houses of the Oireachtas, following the decision of the Government to approve the final revised NPF on 8th April, 2025.

The 'First Revision' introduces revised figures of 50,000 residential units per annum in the years to 2040. The NPF was revised to allow planning for an additional 950,000 people in Ireland between 2022 and 2040.

Chapter 2 sets out 'A New Way Forward' and includes the following National Policy Objectives:

National Policy Objective 7 - Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.

National Policy Objective 9 - Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints and ensure compact and sequential patterns of growth.

Chapter 6 of the NPF is entitled ‘People, Homes and Communities’ and it sets out that place is intrinsic to achieving a good quality of life. A number of key policy objectives are noted as follows:

National Policy Objective 37 seeks to ‘*Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages*’.

National Policy Objective 43 seeks to ‘*Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location*’.

5.13. Delivering Homes, Building Communities 2025-2030

Delivering Homes, Building Communities aims to build on this recent progress to further accelerate the delivery of new homes, to deliver 300,000 by the end of 2030. To build the number of homes needed in this timeframe, an estimated €20 billion in development finance will be required each year. To reach this level of delivery, the State will continue to commit significant funds towards the provision of social and affordable homes.

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

Delivering an average of 12,000 new social homes every year over the lifetime of the Plan, promoting affordable homeownership, protect renters and make buying and renting homes more affordable, and Investing in the built environment of towns, villages and cities across the country to enhance community well-being.

6.0 Regional & Local Policy Context and S.28 Guidance

6.1 Spatial & Economic Strategy (RSES) for the Southern Region.

The RSES for the Southern Region came into effect on 31st January 2020. It seeks to achieve balanced regional development and full implementation of the NPF. Under the RSES Mallow is identified as a 'Key Town' having a 'large population scale and urban centre functioning as a self-sustaining regional driver' and as a 'transport hub.' The frequency of inter-city rail services to Cork City, Dublin and Tralee and inter-regional strategic road connectivity to the Cork and Limerick-Shannon metropolitan areas is noted as a particular attribute, together with (inter alia) infrastructure-led phased expansion in the North East and North West Urban expansion areas. Amongst the key infrastructural requirements identified is the need to relieve traffic congestion through the 'Northern Relief Road' and other transport measures through a Local Transport Plan.

The following key Regional Policy Objectives (RPO's) are noted:

RPO11(a) – Local Authorities are supported in targeting growth of more than 30% for each Key Town subject to capacity analysis and sustainable criteria with the appropriate level of growth is to be determined by the Core Strategy of Development Plans.

RPO 19 is specific to the Key Town of Mallow and places an emphasis on employment led growth and town centre led regeneration of Mallow as regional economic driver together with 'steady state' investment in existing and improved rail infrastructure and investment support for enhanced inter-regional (transport and digital) connectivity. Specifically, **RPO19(d)** states that: *'future growth of the town should be planned for on a phased basis in consultation with the Local Authority and Irish Water to ensure that sufficient wastewater capacity is accounted for and that further growth avoids negative impacts on the nutrient sensitive River Blackwater.'*

6.2 Cork County Development Plan, 2022-2028 (CCDP)

The relevant statutory plan is the Cork County Development Plan, 2022-2028 (CCDP) which was adopted on 25th April 2022 and came into effect on Monday 6th June 2022.

6.2.1. Core Strategy, Chapter 2, Volume 1.

The Core Strategy identifies four ‘Strategic Planning Areas’ and Mallow is identified as a ‘Key Town’ in the Core Strategy within the Greater Cork Ring (GCR) Strategic Planning Area.

The Core Strategy aims to support and implement the compact growth theme of the NPF providing for more consolidated urban cores and plans for projected population growth (*13,250 within the GCR Strategic Planning Area*) including on greenfield sites zoned for residential development contiguous to the town centre.

It is a Core Strategy Objective of the CCDP for the Greater Cork Ring Strategic Planning Area to: **CS 2-4(a):** *Recognise the importance of the role to be played by Mallow as a ‘Key’ town in the implementation of the National Planning Framework and RSES for the Southern Region to focus growth in North Cork and; to promote its development as a major centre of employment and population where there is a high standard of access to educational and cultural facilities; and to provide the necessary infrastructure to ensure that the expansion of Mallow can be achieved without having adverse impacts on the receiving environment.*

It is considered that the main policy provisions of the CCDP which apply to the proposed development concern Housing, Transport and Mobility and the specific policies and objectives for the Kanturk Mallow Municipal District (and the settlements within it) which are set out in Vol.3 of the CCDP. The main policy context is summarised below. Other relevant policies of note are further summarised in Table 1 below.

6.2.2. Housing, Chapter 4, Volume 1

Cork County Council (CCC) prepared a joint Housing Strategy and Housing Needs Demand Assessment (HNDA) with Cork City Council, which informs the housing policy in the CCDP.

The following Housing Objectives are considered to be relevant:

HOU 4-3	Encourage the provision of housing suitable for older people in all residential schemes of 10 units or more.
HOU 4-6:(a)	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 across all age groups in accordance with the guidance set out in the Joint Housing Strategy and the Guidelines on Sustainable Residential Development in Urban Areas.
HOU 4-6(b):	Require 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. The Statement of Housing Mix should include proposals for the provision of suitable housing for older people and the disabled in the area.
HOU 4-7	Sets out the applicable density categories in the Plan and Table 4.1 sets out a recommended tiered approach to density which responds to the diverse settlement scales within the County's Hierarchy. The applicable density for the subject site is Medium A or 30-50 units/ha.

6.2.3. Transport and Mobility, Chapter 12, Volume 1

The following Transport and Mobility Objectives are considered to be relevant:

Integration of Land Use and Transport	
TM 12-1	Support and facilitate the integration of land use with transportation infrastructure, through the development of diverse, sustainable, compact settlements, to achieve sustainable transport outcomes, with the pattern, location and design of new development in the County to support existing and planned well-functioning, integrated public transport, walking and cycling transport modes.
Active Travel	
TM 12-1(b):	Residential development will, where possible, be carried out sequentially, whereby lands which are within or contiguous with the existing urban areas, and which are, or will be, most accessible by walking, cycling or public transport – including infill and brownfield sites – are prioritised.
TM 12-2-1	Deliver a high level of priority and permeability for walking and cycling to promote accessible, attractive, liveable, vibrant and safe settlements to work, live, shop and engage in community life, within a ten minute walk of one's home. Prioritise development in our settlements that is well connected and designed to facilitate walking, cycling and public transport trips. Promote equal access for all through the adherence to universal design in the external built environment to facilitate greater use of public transport, walking and cycling.
TM 12-2-1 (b)	All new developments are to be designed to latest DMURS standards, unless precluded by space or other constraints, to be accessible and permeable for pedestrians, cyclists and those of reduced mobility.
TM 12-2-1(c)	Applications for all new developments are to be accompanied by a statement of how enhanced and inclusive permeability will be achieved, to include a statement of compliance with DMURS (2020 or later revision) and a quality audit (as referred to in DMURS).
Bus Transport	
TM 12-5-1	Large scale development proposals (over 100 residential units or employment related development likely to give rise to over 50 jobs) will be

	<p>required to include a comprehensive public transport assessment, as part of a Mobility Management Plan, to include:</p> <ul style="list-style-type: none"> (a) Assessment of how the proposal will ensure effective links to potential future bus transport; (b) Demonstration of options for connection to existing and future transport facilities; (c) Where appropriate, examination of the potential for bus connectivity through the development; (d) Determination of where additional infrastructure e.g. lay-bys/bus stops may be required.
Traffic/Mobility Management and Road Safety	
TM 12-8(a):	Where traffic movements associated with a development proposal have the potential to have a material impact on the safety and free flow of traffic on National, Regional or other Local Routes, the submission of a Traffic and Transport Assessment (TTA) and Road Safety Audit (RSA) will be required as part of the proposal. Where a Local Transport Plan exists, it will inform any TTA.
TM 12-8(c):	For developments of 50 employees or more, residential developments over 100 units, all education facilities, community facilities, health facilities, as well as major extensions to existing such uses, developers will be required to prepare Mobility Management Plans (travel plans), with a strong emphasis on sustainable travel modes consistent with published NTA guidance to promote safe, attractive and convenient, alternative sustainable modes of transport as part of the proposal. Where a Local Transport Plan exists, it will inform any Mobility Management Plan.
TM 12-8(d)	Ensure that all new vehicular accesses are designed to appropriate standards of visibility to ensure the safety other road users.
Parking & EV Charging	
TM 12-9	<p>Secure the appropriate delivery of car parking and bicycle spaces and facilities in line with the Standards set out in Section 12.24 of this document:</p> <ul style="list-style-type: none"> (b) All residential development proposals, in Metropolitan Cork, in areas within walking distance of town centres and public transport services, will be subject to maximum parking standards as a limitation to restrict parking provision to achieve greater modal shift. (c) Cycle parking will be appropriately designed into the urban realm and new developments at an early stage to ensure that adequate cycle parking facilities are located and designed in accordance with cycle parking design guidelines; The National Cycle Manual (NTA, 2011), and the Standards for Cycle Parking and Associated Cycling Facilities for New Developments document (Dun Laoghaire Rathdown County Council, 2018). (g) Car parking provision is to comply with Sustainable Urban Drainage practices and other climate change adaptation and mitigation measures are to be considered, including considering the potential for landscaping to provide shade, shelter and enhancement of biodiversity. (i) The provision of multimodal facilities including carpooling spaces, secure bicycle lockers, public bicycle sharing etc. are to be considered in the provision of parking for all non-residential developments or multi-unit residential developments where appropriate.
TM 12-2(c)	All residential development should be constructed to be capable of accommodating future charging points as required within the curtilage of the dwelling where possible.

The relevant car parking standards of the CCDP are summarised in the extracts from Table 12.6, 12.8 and 12.9 of the CCDP below.

Table 12.6 (Car Parking Requirements for New Developments) (maximum per sq.m)		
Dwelling Houses	2 spaces per dwelling unit	
Apartments	1.25 spaces per apartment unit.	
Creche	1 space per 3 staff + 1 space per 10 children	
Table 12.8 (Cycle parking for residential development) (minimum)		
Apartments	1 long stay space per 1 bedroom	2 short stay space per 2 units
Houses	1 long stay space per 1 unit	1 short stay space per 5 units
Table 12.9 (Cycle parking for non- residential development) (minimum)		
Childcare Service	1 long stay space per 5 staff	1 short stay space per 10 children

6.2.4 Volume 3 - North Cork (Fermoy and Kanturk – Mallow Municipal Districts)

This Section of the Plan sets out the specific policies and objectives for the Kanturk Mallow Municipal District and the settlements within it. Mallow is the largest town in the Municipal District with a population of 12,459 in 2016 and has been allocated a population target of 15,351 in the CCDP requiring an additional 1,105 housing units within the life of the Plan to 2028. It is proposed that these new units will be delivered primarily on Residential, Mixed-Use and Compact Growth Sites including the subject site which is zoned **MW-R-08 (Residential)** with the specific development objective of achieving a ‘Medium A Density Residential Development’ on a site area of 5.0ha.

It is a general objective within the development boundary of Mallow to:

MW-GO-01: Deliver on the vision set out for Mallow as a Key Town in the RSES. To sustainably strengthen the employment-led growth and town centre-led regeneration of Mallow as a regional economic driver, leverage its strategic location and accessibility on inter-regional road and rail networks to build upon inherent strengths, in particular food production and tourism potential, while protecting and enhancing the natural environment of the Blackwater Valley. Plan

for development to enable Mallow to achieve its target population to 15,531 persons. Provide a balance between the provision of housing and employment uses in the town, to support Mallow's development as an integrated live/work destination.

6.2.5 Other Policies of note:

Table 1 – CCDP – Other Policies of Note	
Volume 1, Chapter 3 – Settlements and Placemaking	
Objective PL 3-3	Chapter 3 generally seeks to improve quality of life and wellbeing through the delivery of healthy placemaking underpinned by good urban design. In particular the focus on safety and accessibility is noted together with Objective PL 3-3 'Delivering Quality & Inclusive Places' and the ' <i>Placemaking Design Standards Checklist</i> ' set out in Table 3.2.
Volume 1, Chapter 6 – Social and Community	
Objective SC 6-4	Supports the provision of childcare facilities at appropriate locations concurrent with development having regard to the Childcare Facilities Guidelines for Local Authorities (2001) and the Universal Design Guidelines for Early Learning and Care Centres 2019.
Volume 1, Chapter 11 – Water Management	
Objective WM 11-10 (a - e)	In relation to surface water management this objective requires new development to incorporate SuDS, to consider nature-based solutions and pollution control measures and to maximise green infrastructure corridors or assets.
Volume 1, Chapter 14 – Green Infrastructure	
Objective GI 14-3	Requires larger developments (including multiple residential developments) to submit a Landscape Infrastructure Plan including a Landscape Design Rationale.
Objective GI 14-6	Requires Public Open Space within residential development to be provided in accordance with the Council's Interim Recreation & Amenity Policy (2019) or any successor or policy, the Guidelines on Sustainable Residential Development in Urban Areas and the Council's Planning Guidance and Standards Series Number 2.
Volume 1, Chapter 15 – Biodiversity and Environment	
Objective BE 15-2	Protection of Sites, habitats and species.
Objective BE 15-4	Requires local authority development and projects to ensure the protection of biodiversity, compliance with nature conservation legislation and full AA, EIA and Ecological Impact Assessment as appropriate.
Objective BE 15-5 – 8 (inc)	In relation to: biodiversity on council owned land and property; new development; control of invasive and alien species and trees and woodland.
Volume 1, Chapter 16 – Built and Cultural Heritage	

Objective HE 16-2	In relation to securing the preservation of all archaeological monuments and their setting included in the SMR and RMP and of archaeological and historical interest generally.
Objective HE 16-10	Requires archaeological sites within a development to be conserved and protected with suitable buffer zones and a management plan to be agreed with the County Archaeologist.
Volume 1, Chapter 17 – Climate Action	
Objective CA 17-2	In order to support the transition to a low carbon, competitive, climate resilient and environmentally sustainable economy by 2050, requires implementation of the policies of the Plan that seek to deliver: compact growth; integrated landuse and transport; sustainable transport choices; liveable settlements, reduced energy consumption; enhanced ecological biodiversity and climate adaptation measures including flood risk management, SuDS and high quality placemaking.
Volume 3	
Objective MW-GC-01 (Green Infrastructure)	Seeks to strengthen and protect the Spa Glen Amenity Corridor. (Zoning adjoins the subject site).

6.3 Sustainable Residential and Compact Settlement Guidelines for Planning Authorities, 2024

These Guidelines set out national planning policy and guidance in relation to the creation of settlements that are compact, attractive, liveable and well designed. There is a focus on the renewal of settlements and on the interaction between residential density, housing standards and placemaking to support the sustainable and compact growth of settlements.

Development Standards for housing are set out in Chapter 5, including SPPR 1 in relation to separation distances (16m between opposing windows serving habitable rooms above ground floor level), SPPR 2 in relation to private open space (2-bed 30 sq.m, 3-bed 40 sq.m and 4+bed 50 sq.m), SPPR 3 in relation to car parking and SPPR 4 in relation to cycle parking and storage.

Policy and Objective 5.1 relates to public open space provision and requires development plans to make provision for not less than 10% of the net site area and not more than a min. of 15% of the net site area save in exceptional circumstances.

6.4 Other Section 28 Guidance

The following Section 28 Ministerial Guidelines have also been considered as relevant to the proposed development:

- Guidelines for Planning Authorities on Childcare Facilities, 2001;
- Design Manual for Urban Roads and Streets, 2019 (DMURS);
- The Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009 (Flood Risk Guidelines);
- Sustainable Urban Housing Design Standards for New Apartments - Guidelines for Planning Authorities (2023)*
- NPF Implementation: Housing Growth Requirements – Guidelines for Planning Authorities (2025)

**Whilst I note the introduction of the new Design Standards for Apartments – Guidelines for Planning Authorities (2025) I note that they do not apply to applications that were subject to consideration within the planning system on or before the 8th July 2025. The subject application was received by the Commission on 23/08/2024, and therefore the applicable Guidelines are the 2023 Guidelines as set out above.*

7.0 Consultations

7.1. Consultees Circulated

The application was circulated to the following bodies:

- Department of Communications, Climate Action and Environment
- Department of Housing, Local Government and Heritage
- Department of Tourism, Culture, Arts & Gaeltacht
- Department of Transport
- Department of Education
- Inland Fisheries Ireland
- National Monuments, DHLGH
- The Heritage Council
- Fáilte Ireland
- An Taisce

- National Transport Authority
- Transport Infrastructure Ireland
- Bat Conservation Ireland
- Bord Gais
- Environmental Protection Agency
- ESB Networks
- Health & Safety Authority
- Health Service Executive
- Office of Public Works
- Uisce Eireann

7.2. Responses Received from Consultees

Department of Housing, Local Government and Heritage (DHLGH) Development Applications Unit (Nature Conservation)

- The submission requests that the Board, in carrying out Appropriate Assessment, ensure that the proposal would not have adverse impacts on the SAC through water quality effects and that it is compatible with the Conservation Objectives for the Qualifying Interest (QI) habitats and species in the Blackwater (Cork/Waterford) SAC.
- Notes that the existing Uisce Eireann 'Confirmation of Feasibility' Letter appears to be out of date.
- Requires clarification in the form of modelling of the expected light spill onto sensitive woodland and hedgerow foraging areas for bats directly adjoining the western side of the site.

Health and Safety Authority

- The application is outside the scope of the Regulations (*Control of Major Accident Hazards Involving Dangerous Substances Regulations (S.I. 209 of 2015)*), therefore the HSA has no observations to forward.

Transport Infrastructure Ireland

- No specific observations to make on the proposed development.

- Requests that the Council has regard to the provisions of Chapter 3 of the DoECLG Spatial Planning and National Roads Guidelines in the assessment and determination of the subject planning application especially with respect of the impact of any proposed wastewater and watermains requirements/works which may impact the national road network.

Uisce Éireann

- Notes a Confirmation of Feasibility (COF) letter was previously issued for the site in June 2023.
- Given the passage of time UE requires the applicant to submit a new Pre-Connection Enquiry (PCE) for an updated assessment in respect of both public water and wastewater infrastructure and that the outcome of the PCE be submitted as further information.

7.3. Public Submissions

2no. third party submissions are on file. These submissions are comprehensive and raise a number of issues which can be summarised as follows:

Table 2: Summary of Themes Raised in the Public Submissions & Applicant Response		
Submission of Catherine Nyhan (02/10/2024)		
Theme	Comments	Applicants Response (23/10/2025)
Aldworth Heights road network.	<ul style="list-style-type: none"> The applicant proposes to use the Aldworth Heights private road network to access the site, however this information is withheld as it would prove the road is not capable of servicing the size of development proposed. The use of the Aldworth Heights road network will lead to endangerment of both pedestrians and vehicles. 	<p>The access arrangements to the proposed development including Aldworth Heights have been clearly indicated including the specific reference in Section 10.1 'Traffic and Access' of the Planning Statement.</p> <p>The TTA confirms that Aldworth Heights service road and the surrounding road infrastructure can cater for the traffic associated with the proposed development and there will be no significant negative impacts.</p>
Junction A Aldworth Heights (<i>shown on map accompanying submission</i>)	This existing junction within the estate is dangerous and sight lines are not available to standard. There are no plans to address this in the application and both construction and post-construction traffic will endanger residents by reason of a traffic hazard.	A separate Part 8 planning consent exists for upgrades to this junction and St. Josephs Rd. This Part 8 provides for upgraded visibility splays to standard in accordance with DMURS and will be completed prior to the commencement of the proposed development.
Junction B Aldworth Heights (<i>shown on accompanying map</i>)	Visibility is poor at this existing junction. It will also become dangerous.	This Item has been identified by the Stage 1 RSA and the Design Team have accepted the remedial recommendations. Appropriate road signs and markings will be provided.
Visitor Parking	The current situation in Aldworth Heights is problematic and results in roadside parking. This which reduces the service road to single carriageway. It does not have capacity to facilitate the additional traffic associated with the proposed development.	An RSA has been undertaken. All recommendations have been accepted by the Design Team. The width of the carriageway measures 6m which complies with DMURS. It is considered that informal roadside car parking will act as a traffic calming measure by reducing the usable width and that this is consistent with DMURS.

Safety of Children	Children play at the location of the existing cul-de-sac. Development access at this location, particularly at construction stage, is a major safety concern for children and risk to public safety.	Construction Traffic Management will be controlled by the applicant in accordance with the CEMP. Public Safety will be prioritised. Delivery times will be off-peak and liaison with residents will be facilitated to minimise disruption. There are alternative play areas for recreational activity, including at Mallow Park, that provide safe environments. The open space areas of the proposed development will be available to local residents.
Construction related Impacts	<ul style="list-style-type: none"> ▪ Noise from construction activities and vehicles is a concern. ▪ There is a concern that the existing road network will be soiled. ▪ There is a concern of damage to property from construction works as a result of major ground works and vibrations. It is said that subsidence is a known issue in the area which has required remedial foundation works. 	<p>The CEMP includes best practice measures for the control of noise.</p> <p>The CEMP will ensure good site management practice. This will include a wheel wash station and power washer to ensure no debris leaves the site on vehicles.</p> <p>The CEMP includes best practice measures for the control of vibration. The proposed development does not include piling or any groundbreaking or demolition activities. Significant effects are not therefore anticipated.</p>
Privacy & Property Values	<ul style="list-style-type: none"> ▪ There is a concern in relation to overlooking, particularly from two-storey houses to the north and the observer's private rear amenity space. ▪ There is a concern in relation to property devaluation, particularly as a result of the duration of the build period. 	The separation distances exceed the minimum separation distances set out in the SRDCSGs to prevent material overlooking. All year round mitigation screening is provided in the Landscape Plan.
Legal Interest.	Aldworth Heights is a private owned and operated development of 26 owner occupied homes which has not been taken in charge by the Council. At the time of purchase, there was no Masterplan showing the further development of agricultural lands to the north. The Right of Way in place was for agricultural use.	The subject land has been subject to a residential use zoning for a minimum of 20 years, therefore it could reasonably have been expected that the lands would be developed in the near to mid-term future.
Submission of Mark Patterson, (Patterson Design, Architectural & Design Services) on behalf of the local residents of St. Joseph's Road and Aldworth Heights, Mallow, Co. Cork (24/09/2024)		
St. Josephs Road	<ul style="list-style-type: none"> ▪ St. Josephs Road is already at capacity, particularly at peak times carrying significant traffic to/from Fermoy and Mitchelstown. This is exacerbated 	The TTA assessed the capacity of the local road network and the degree of saturation at main junctions, including in the town centre and confirmed, with mitigation measures at signal controlled

	<p>during local events (social, sporting etc). It does not have capacity to facilitate the traffic associated with the proposed development (during or post construction).</p> <ul style="list-style-type: none"> ▪ There is significant traffic congestion at the town end of St. Joseph's Road where near grid lock exists at peak times. ▪ The development does not account for the other proposed and potential additional LRD's on zoned lands at St. Josephs' Rd and Spa Glen. 	<p>junctions, capacity to accommodate the volume of traffic likely to be generated by the proposed development.</p> <p>Together with modal shift, the proposed development will not have a significant impact on the capacity of St. Josephs Road.</p>
Active Travel, Residential Travel Plan and Community Neighbourhood Facilities	<ul style="list-style-type: none"> ▪ There is a general lack of accessibility and connectivity for pedestrians and cyclists in the St. Joseph's Road area. The road is a danger to pedestrians and cyclists and the steep gradient prevents walking or cycling. Improvements are needed. ▪ St. Josephs Road currently lacks local community-based services, community facilities and neighbourhood amenities not to mention inadequate roads, footpaths, lighting and cycle paths and no local public transport. These are prerequisites to support LRD's having regard to the provisions of the CCDP. ▪ It is submitted that the local National School in the vicinity of the site is at or near capacity, with places only for new Junior Infant entrants at the beginning of each school year. It is submitted that the local GP surgery closed circa 2 years ago. ▪ The submission notes that the proposal includes future connection options with adjoining lands (<i>referenced as Folio No. CK137552F and as being in the ownership of 'O'Flynn Construction Co.'</i>), and opines that all lands should be developed at the same time on the basis that the adjoining lands have frontage onto the N72 and would give better alternative access options to the town centre rather than reliance on Aldworth Heights. 	<p>The proposed development is located on residential zoned lands and provides for the sequential development of the existing built footprint of Mallow.</p> <p>The site is served in infrastructure which connects with Mallow Train Station and Mallow Town Centre which are within a 10 min cycle. The town is well served by train and bus services.</p> <p>The Residential Travel Plan identifies that Mallow Town Centre is approx. a 12-15 minute walk from the proposed development site. Mallow offers a range of services including retail and convenience, recreation, community, healthcare, childcare, education and public transport, with a multitude of social infrastructure.</p> <p>A childcare demand assessment was undertaken and the proposed development includes a 42-place childcare facility which is sufficient to cater for the requirements generated by the proposed development.</p> <p>The CCDP recognises that a neighbourhood centre maybe required commensurate with the development of residential reserve lands only on St. Josephs Rd. Lands for additional educational needs are also zoned within the plan area.</p> <p>There is a good standard of pedestrian infrastructure connecting the proposed development site with Mallow Town Centre. Identified upgrades will be completed prior to the commencement of the proposed development. There are sufficient community facilities and neighbourhood amenities to cater for the needs of future residents.</p>

	<ul style="list-style-type: none"> The submission does not accept that the development is connected to the Town Centre by footpaths and crossing facilities. Objectives 1-3 of the Travel Plan are not achievable due to gradient, distance and absence of alternatives. 	
Public Safety	<ul style="list-style-type: none"> Existing junctions onto St. Josephs Road are at capacity and have limited sight lines. Additional traffic will endanger public safety. The proposed development lacks sufficient vehicular parking likely to result in parking on footpaths and a hazard for pedestrians. 	<p>The TTA demonstrates that the Aldworth Heights service road and St. Josephs road has capacity to accommodate the proposed development (including junction capacity).</p> <p>The limited sight lines on exist from Aldworth Heights onto St. Josephs Rd will be upgraded in compliance with DMURS prior to commencement of development as part of a separate Part 9 scheme for road improvement works.</p> <p>Maximum parking standards for residential development are set out in the CCDP and SRDCSGs. Parking has been minimised in accordance with the CCDP and SRDCSGs to encourage modal shift, good planning and sustainable development. This is supported by a Residents Travel Plan. It is considered that sufficient parking to meet needs has been provided.</p>
Legal Interest	<p>Aldworth Heights is a private estate, managed and maintained by estate residents. The proposed access to the development through Aldworth Heights is a right of way owned by a private individual and it is submitted that access rights are agricultural only.</p>	<p>Sufficient legal interest has been confirmed in the form of private landowner consent which is given in advance of the formal transfer of ownership to Cork County Council.</p> <p>The lands which are accessed by the ROW are zoned for residential use.</p>
Aldworth Heights road network.	<ul style="list-style-type: none"> The existing 6m wide road serving Aldworth Heights provides minimum standard access to 26 houses. It was not designed to act as a distributor road for a larger residential development. It is inadequate for current needs, including HGV and emergency vehicles access, and this is exacerbated by visitor parking. The location of the (currently gated) access to the site from Aldworth Heights is a pinch point, it is difficult to see how an appropriate distributor road can be safely constructed at this location to the required standard. 	<p>At 6m it is considered that the existing Aldworth Heights service road is consistent with the provisions of DMURS and sufficient to provide a link to the proposed residential development. There are no plans upgrade this service road.</p>

Construction Related Impacts	Concerns are raised in relation to noise, dust and vibration nuisance.	These matters will be controlled by good site management practice and best practice construction measures as set out in the CEMP and already described above.
Residential Amenity, Privacy & Character of the area	<ul style="list-style-type: none"> ▪ Concerns are raised that the development will result in a loss of privacy and residential amenity for dwellings within Aldworth Heights through overlooking and noise nuisance. ▪ Concerns are raised that the development will introduce a high density of terraced and semi-detached dwellings together with apartments of modern design resulting in an incongruous combination of architectural styles 	<p>The separation distances exceed the minimum separation distances set out in the SRDCSGs to prevent material overlooking. All year-round mitigation screening is provided in the Landscape Plan.</p> <p>A Medium A density is proposed in accordance with the CCDP. The area is not an Architectural Conservation Area, the design responds to current housing needs, and the built form is both spatially and temporally appropriate.</p>
Policy & Guidelines	<ul style="list-style-type: none"> ▪ The submission opines that the development proposal does not accord with the DHLGH Design Manual for Quality Housing in respect of: the sloping site gradient, proximity to school, shop and means of public transport; 10 minute walk concept; peripheral location, cost of providing services; preference for sites not requiring extensive earthworks or substantial retaining walls. ▪ The submission opines that the development proposal does not meet many of the guidelines contained within the DHLGH Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities in respect of: location (as the site is not considered to be urban, does not have a high frequency of public transport, does not have amenities close by and is not close to locations of employment for pedestrians and cyclists); walking distance (site is 20 mins to TC, 35-40mins to Railway Station, and 20 mins to low frequency country bus services); Apartments and excessive density/ratio/inappropriate housing mix for location; lack of cycling viability. 	<p>The proposed development is contiguous with the existing built footprint of Mallow, represents sequential development on zoned lands and is consistent with the concept of compact development.</p> <p>The RSES defines the 10-min town concept as having community facilities and services accessible within a 10-min walk or cycle from home. The Residential Travel Plan confirms that Mallow Train Station and Mallow Town Centre are accessible within a 10 min cycle.</p> <p>The proposed development is supported by a Statement of Housing Mix, a Building Life Cycle Report, an Architectural Design Statement, a Housing Quality Assessment and a Landscape Strategy. It provides for a high quality considered design response to the residential development of the subject site in accordance with the CCDP and the relevant S.28 guidelines.</p>
Road Safety Audit	The RSA is applauded in respect of its consideration of safety within the development, it is noted however that it does not consider the access road to the development	This is addressed in the further information response, which includes a Stage 1 Audit of the Aldworth Heights service road and

	within Aldworth Heights or its junction with St. Josephs Road.	a Stage 2 Audit of the separate Part 8 road improvements works proposed on St. Josephs Rd.
Traffic & Transport Assessment	It is submitted that the TTA does not have regard to all proposed LRDs in the area over the next three years. The deficiencies on St. Josephs Road and the congestion in the town centre are again described as above, and the need for the Mallow Relief Road as a prerequisite is highlighted.	The provision of new road infrastructure is outside the scope of the proposed development. The TTA confirms capacity in the road network to serve the proposed development, and it is not therefore premature pending the Mallow Relief Rd. Furthermore, the residential zoning objective for the site does not set the provision of the Mallow Relief Rd as a re-requisite to its development.
Access Alternatives	The submission submits that the proposed access through Aldworth Heights is not feasible and includes three alternative access proposals entitled Proposal 1, Proposal 2 and Proposal 3. Proposal 1 and 2 consists of an alternative access from St. Josephs Road on greenfield lands to the east. Proposal 3 is a strategic level proposal which provides 3 options for the realignment of the existing Mallow/Fermoy N27 National Road through the subject site.	No specifically addressed.
Infrastructure	The submission expresses concern in relation to the current and future provision of wastewater, surface water and the management of water quality in the area.	A pre-connection enquiry to Irish Water confirmed feasibility of connection to water and wastewater. The SuDS measures proposed will attenuate stormwaters and decrease the impact of the proposed development on the environment.
Procedural	The submission raises questions in relation to the consent process and why a Section 177AE application to the Board has been pursued as opposed to a Part 8. The submission appears to hold the view or understanding that a separate Part 8 application will be made for the access from St. Josephs Road through Aldworth Heights to the development, and that therefore proceeding with the subject application to the Board is putting the 'cart before the horse'	Not specifically addressed.

7.4. Response of Applicant to Submissions

The submissions received were circulated to the applicant and the applicant was invited to respond to the submissions received as part of a further information request on 27th January 2025. The response of the applicant was received on 23rd October 2025, and this is summarised in Table 2 above in respect of the public submissions. The applicant's response to the prescribed bodies is summarised below.

- **Health & Safety Authority & Transport Infrastructure Ireland**

The applicant simply notes the submissions made by the HSA and TII.

- **Department of Housing, Local Government and Heritage**

The applicant's response to this submission is set out in the responses provided to Item No. 6 and No.7 of the further information request. In relation to the DHLGH concerns regarding potential light spill onto adjoining sensitive woodland and hedgerow foraging areas for bats, the applicant refers to the mitigation measures set out in the originally submitted EcIA and a further information lighting response statement. This clarifies that the use of unidirectional pole lights will cast light in an easterly direction, which supplemented with a double layer of tree planting, will ensure minimal light spill on hedgerows throughout the site and the diffusion of residual light such that illumination at site boundaries will be minimal. This is further clarified by vertical calculation grids which show light spill at a maximum of 3.5 lux on hedgerow which the applicant submits is negligible. Finally, it is submitted that the best practice lighting solution (lanterns) proposed, which avoid use of blue light¹, will mitigate negative impacts on any bat populations.

The DHLGH submission also separately raised the potentially 'out dated' nature of the UE Confirmation of Feasibility Letter. This is addressed below.

- **Uisce Éireann**

The applicant's response to this submission is set out in the response provided to Item No. 7 of the further information request. The applicant submitted a new pre-connection enquiry to UE on 31st October 2024. A new Confirmation of Feasibility

¹ Applicant proposes to use 3000 kelvin lanterns tested to CE standard to prove they are above the 550nm of blue light source.

letter was provided by UE on the 20th February 2025. This requires the applicant to fund the upgrade of approx. 500m of water network to provide additional network capacity. Feasibility of connection to wastewater infrastructure was confirmed.

8.0 Further Information Request

Following a review of the application documentation including the Natura Impact Statement (NIS) and the observations received by the Commission from the prescribed bodies and third party submissions, it was considered that Further Information was required from the applicant in order to assist with the assessment of this application. The applicant was also afforded the opportunity to respond in writing to the observations received from prescribed bodies and the submissions received from third parties.

8.1. Further Information Sought

On the 27th January 2025 the Commission sought further information in accordance with Section 177AE(5) of the PDA, 2000, as amended, for the following:

- 1. The applicant is relying on an existing Part 8 permission for road and pedestrian infrastructure improvements along a section of St. Josephs Road from Aldworth Heights to Kingsfort Avenue to promote active travel and a walkable community. The applicant is requested to submit details of the approved plans and particulars for this existing Part 8 scheme, including the associated Road Safety Audit together with information on the current capital funding position and delivery programme.*
- 2. The applicant is relying on the existing Aldworth Heights access arrangements from the public road to service the proposed development, and concerns have arisen in relation to the capacity of same to cater for development of the scale proposed and in relation to the visibility splays available at the public road junction. The applicant is requested to submit revised plans and/or updated information which demonstrates how the road, cycling and pedestrian infrastructure proposed within the subject site can transition through Aldworth Heights to the public road in accordance with the requirements and standards of DMURS and to demonstrate how visibility splays can be achieved at the public road junction to required standard. The information submitted shall include an updated Road Safety Audit of the proposed development and its entrance arrangements including the Aldworth Heights estate service road*

and its junction with the public road. The applicant's response shall also address the question of sufficient legal interest in the Aldworth Heights access road and entrance regarding any works or revisions proposed thereto.

3. *The applicant is requested to submit a statement of compliance with DMURS and a Quality Audit of the proposed development and its access arrangements from the public road, as required by Objective TM12-2-1(c) of the Cork County Development Plan, 2022-2028. It is recommended that the Quality Audit include a pedestrian and cycling audit, a mobility and visually impaired user audit and has regard to any updated Road Safety Audit.*
4. *The applicant is requested to submit a Statement of Housing Mix as required by Objective HOU 4-6(b) of the Cork County Development Plan, 2022-2028 and which addresses the issues raised in paragraphs 4.7.1 to 4.7.3 (inc) of Chapter 4 of the said Plan.*
5. *Notwithstanding the submitted Landscape Strategy and associated reports, the applicant is requested to review the provision and hierarchy of open spaces and submit revised plans and particulars (if any) demonstrating how a large composite multi-purpose area of sufficient scale and size has been provided to meet the needs of older age groups in accordance with Cork County Council's Interim Recreation and Amenity Policy (2019) for schemes of 100 units and greater as required by Objective GI 14-6(a) of the Cork County Development Plan, 2022-2028.*
6. *The Department of Housing, Local Government and Heritage (DHLGH) has concerns regarding nature conservation and light spill onto the woodland directly adjoining the western boundary of the site and onto hedgerows around the site. Notwithstanding the statement that light spill will be avoided details of how this will be designed and implemented are not fully provided. The applicant is requested to provide a model of the expected light spill onto the sensitive woodland and hedgerow foraging areas for bats together with details as to how avoidance will be designed and implemented.*
7. *Uisce Éireann notes that a Confirmation of Feasibility Letter was issued for the site in June 2023 and considers, given the passage of time, that an updated assessment is required. The applicant is requested to engage with Uisce Éireann by submitting a pre-Connection Enquiry (PCE) to assess feasibility of connection to the public water/wastewater infrastructure and to submit the outcome of this PCE as a further information response.*
8. *The applicant is requested to submit revised/updated information, if any, in the EIA Screening Report, Ecological Impact Assessment and/or Natura Impact Statement*

(NIS) that may arise from its response(s) to this further information request including addressing cumulative or in-combination considerations.

9. *I also recommend that the applicant should be requested for their comments on the observations received from prescribed bodies and the submissions received from third parties as a part of this request.*

8.2. Response to Request

A response to the further information request was received on 23rd October 2025.

This consisted of the following:

- A further information response cover letter
- Third party letters of consent and documents relating to legal interest
- Dwg.No. 22052-XX-XX-XX-XX-DR-WGD-CE-006 (Site layout development entrance)
- St. Joseph's Road, junction Improvement Works tender drawings, including Dwg.No. SJ-RL-T01 (Road Layout)
- DMURS compliance statement
- Stage 1 Quality Audit
- Stage 1 Road Safety Audit (RSA) for the proposed residential development
- Stage 2 RSA for the St. Joseph's Road Junction Improvement Works
- Statement of Housing Mix
- Landscape Design Response and revised landscape drawing Dwg. No L107 (Northeast Amenity)
- Lighting design response and revised outdoor lighting report
- Confirmation of Feasibility (of connection) from Irish Water
- Response to Submissions Report.

It was considered that the information received consisted of clarification of the original plans and particulars submitted only and did not contain significant additional data relating to the likely effects on the environment, likely consequences for the proper planning and sustainable development of the area or likely effects on a European site. It was not deemed necessary therefore, to enact the requirements under Section 177AE(5)(c) of the Act as regards re-advertising, or sending notice to prescribed bodies etc.

9.0 EIA Screening

EIA pre-screening determined that the proposed development is of a class but is subthreshold (Form 1 Appendix A to this report refers). Schedule 7A Information accompanies the application. Therefore, an EIA screening determination was carried out. (Form 3 Appendix A1 to this report refers).

Having regard to: -

1. the criteria set out in Schedule 7, in particular
 - (a) the limited nature and scale of the proposed housing development, on residential zoned land contiguous to an established residential area and served by public infrastructure
 - (b) the absence of any significant environmental sensitivity in the vicinity,
 - (c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)
2. the results of other relevant assessments of the effects on the environment submitted by the applicant including the Natura Impact Statement (NIS) which concluded that the construction, operation and decommissioning of the proposed development will not adversely affect (either directly or indirectly) the integrity of any European Site, either alone or in combination with other plans or projects and that there is no reasonable scientific doubt in relation to this conclusion,
3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, and in particular the surface water and pollution control measures to protect water quality and the hydrological regimes within the Caherduggan Stream (aka Spa Glen stream) and the Blackwater River, and the proposal to preserve in situ possible unrecorded subsurface archaeological features (enclosures) in the northwest corner of the site,

it was concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

10.0 Water Framework Directive

I conclude on the basis of objective information, 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 and consequently can be excluded from further assessment. (Appendix 2 refers).

11.0 Assessment

The assessment will be undertaken in three parts as per the requirements of Section 177AE as follows:

- The likely effects on the environment.
- The likely consequences for the proper planning and sustainable development of the area.
- The likely significant effects on a European site.

11.1. The likely effects on the environment

Having examined the application details and all other documentation on file, including submissions received, having inspected the site and having regard to the relevant local and national policies and guidance, I consider that the substantive issues with respect to the likely effects on the environment are as follows:

- Population and human health
- Traffic and Transport
- Biodiversity
- Cultural heritage (archaeology)

11.1.1 Population and Human Health

The public submissions received in relation to the application raised concerns in relation to public safety (including children), impacts from noise and vibration, property devaluation and a lack of community or neighbourhood facilities to support the proposed development.

In relation to impacts from noise and vibration(s) it is my opinion that the potential impacts arising from the development will be within the range of normal and routine impacts typically associated with a construction project, which will be temporary, short-term and capable of effective mitigation in accordance with best practice construction methodologies. Impacts are most likely to be experienced by residents within the existing Aldworth Heights developments, through which vehicular access to the site is proposed. However, in this regard I note that the nearest significant construction works to this development are at a distance of approx. 25m and increase significantly thereafter. Accordingly, with the phased approach proposed to the construction of the development, works potentially giving rise to noise disturbance in proximity to Aldworth Heights will be short-term and temporary within the overall duration of construction. Construction will be carried out in accordance with a Construction and Environmental Management Plan (CEMP) and the environmental management measures for the control of noise and vibration are set out in Section 3.3 thereof and provide for, *inter alia*, compliance with BS 5228 +A1 2014. I note that a public submission received in relation to the proposed development raised a specific concern in relation to potential structural damage to property associated with vibration, citing a history of subsidence in the area, however no evidence of this was provided. I note that piling or drilling is not proposed as part of the proposed development and the mapping resources available on the Geological Survey of Ireland classify the subject site as being at a low risk of landslide with no recorded events at this location². I am therefore satisfied that a significant impact or effect arising from vibration is unlikely.

² I note that the escarpment proposed to the west is classified as having a moderately low to moderately high risk of landslide, but no development works are proposed at this location which is at a remove from existing and proposed dwellings.

In relation to public safety, including the safety of children at play, I note that the submissions received raised concerns in relation to traffic safety and the proposed access arrangements through Aldworth Heights. On the basis of the assessment of traffic safety and roads related considerations carried out elsewhere in this report, I am satisfied that the proposed development will not endanger public safety by reason of a traffic hazard. The applicant has demonstrated sufficient capacity in the service road and public roads, including the junctions, serving the proposed development and that safe access and egress with visibility splays to standard can be provided. It is acknowledged that children within the existing Aldworth Heights development may have historically played within the existing cul-de-sac through which development access is now proposed, however this was an informal play arrangement and not a designed play space and the omission of this cul-de-sac does not give rise to considerations associated with a loss of formal play space or the safety of children at play. In this regard the children of Aldworth Heights have recourse to the private amenity space within the existing dwellings for safe play, the parks, amenity spaces and play areas within the wider environs (such as that available within Castle Village Park and Mallow Town Park) which are accessible on foot from Aldworth Heights. Within the wider environs the grounds of Mallow RFC and Mallow GAA are also accessible with connected footpaths for more formal team sports and in the fullness of time the generous open space provision of the proposed development will be available to the residents of Aldworth Heights. Accordingly, I am satisfied that a material concern in relation to the availability of safe and accessible play and recreational areas does not arise.

In relation to the lack of adequate community-based infrastructure and services raised in the submissions to the application, I note that the proposed development includes a creche facility, generous public open space provision (26%) and pedestrian infrastructure upgrades that facilitates connectivity to Mallow Town Park, the town centre environment and public transport facilities to the benefit of existing and future residents. This is a consideration which is properly dealt with in the statutory development plan making process and in this regard the land on which the proposed development is located is zoned residential for a Medium A density development. I note that the lands adjoining the proposed development site are zoned 'residential reserve' and that Volume 3 of the CCDP has determined that in

the longer term, a neighbourhood centre along St. Joseph's Road to serve the future population associated with the MW-RR-01 (residential reserve) site will need to be considered. In the interim I am satisfied that Mallow is adequately served in terms of community and social infrastructure to cater for the additional population generated by the proposed development.

In the absence of any identified significant effects from noise, vibration, privacy or traffic safety, I am satisfied that there is no basis for a concern that the proposed residential development would have an adverse impact on property values in the area, and I note no evidence to the contrary.

Overall I am satisfied having regard to the location of the proposed development on residential zoned land, contiguous to existing residential development within the key town of Mallow, to the capacity of Mallow to accommodate the scale of development proposed, and subject to the application of standard best practice construction measures contained within the CEMP, that there is no potential for significant environmental effects on population and human health.

11.1.2 Traffic & Transport Assessment (TTA)

A principal concern in the public submissions received in relation to the application centred on existing traffic congestion conditions within the town centre environment, and the capacity of St. Josephs Road and existing road infrastructure to cater for the additional vehicular traffic movements associated with the proposed development, both during and post construction.

The application is supported by a Traffic and Transport Assessment (TTA) prepared by Martin Hanley Consulting Engineers Ltd on behalf of the applicant local authority. Traffic counts were carried out on 23rd May 2023 for the morning peak hours of 07:30 – 09:30am and the evening peak hours of 16:30 – 18:30pm at 8 no. junctions to establish existing traffic conditions. The junctions are identified on Fig. 3.2 – 3.5 (inc) and Section 3.2 of the TTA. Full traffic count data is set out in Appendix A to the TTA.

The existing junctions were analysed using LinSig traffic modelling software with outputs showing 'degree of saturation' and 'queue lengths' as indicators of the operational efficiency of the junction, were a degree of saturation of 100% indicates that the junction is operating at its theoretical maximum capacity. The TTA states

that a value of 85% and 90% is however considered to be the maximum optimum degree of saturation for an uncontrolled junction and signal-controlled junction respectively, to allow for 15% and 10% reserve capacity for unusual events³.

The results of the LinSig model (for existing conditions) can be summarised as follows:

Uncontrolled Junctions:

- **Junction 1** (St. Josephs Rd/N72 North). This junction represents the junction of St. Josephs Road with the national secondary road to the east of the site. It would be used by traffic entering/leaving the development and travelling to and from the direction of Fermoy. It also facilitates traffic joining/leaving the N73 to and from the direction of Michelstown. Modelling shows that the maximum degree of saturation for the peak AM is measured at 20.7% on Arm 7⁴ (*St. Josephs Road exiting onto N72*) with a mean maximum car queue length of 0.1 vehicles during 08:15-9:15am. For the peak PM the maximum degree of saturation is measured at 21.4% on Arm 14 of the N72 (*left hand lane travelling eastwards (Mallow-Fermoy)*) with a mean maximum car queue length of 0.1 vehicles during 16:30 – 17:30pm.
- **Junctions 2 – 4** (Aldworth Heights, Kingsfort and Castlepark developments onto St. Josephs Road). These junctions represent existing multiple residential development onto St. Josephs Rd travelling west between the subject site and the town centre of Mallow. Junction 2 (Aldworth Heights) is the existing junction which will serve the proposed development. The maximum degree of saturation for the peak AM for these junctions is measured at 25.3% for Arm 15 (*left hand lane exiting Castlepark onto St. Josephs Road*) with a mean maximum car queue length of 0.2 vehicles during 08:15 – 09:15am. For Junction 2 and the proposed development site entrance the maximum peak am degree of saturation was 3.9% with 0 vehicles queuing. For the peak PM the maximum degree of saturation is measured at 23.4% on Arm 17 on St. Josephs Road (*left hand lane travelling eastwards*)

³ Bank holidays, sporting events etc

⁴ Mistakenly identified as Arm 8 in the TTA

from the town centre on approach to the Castlepark Junction (4) with a mean maximum car queue length of 0.2 vehicles during 16:30 – 17:30pm. For Junction 2 and the proposed development site entrance the maximum peak pm degree of saturation was 1.7% with 0 vehicles queuing.

- **Junction 5** (St. Josephs Road/N72 South). This junction represents the junction of St. Josephs Road with the N72 as traffic from both roads enters the town centre environment to the west of the site. Modelling shows that the maximum degree of saturation for the peak AM is measured at 32.6% on Arm 23 of the N72 (*left hand lane travelling north leaving the town centre*) with a mean maximum car queue length of 0.2 vehicles during 08:15-9:15am. For the peak PM the maximum degree of saturation is measured at 31.2% also on Arm 23 of the N72 with a mean maximum car queue length of 0.2 vehicles during 16:30 – 17:30pm.

Signal-controlled Junctions:

- **Junctions 6 – 8** (N72 South with Main St/Thomas Davis St, N72 Bridge St with Bridewell Lane, and Bridge St with N72 Park Road). These junctions represent the main traffic junctions in the town centre area between the southern end of Main St and the Blackwater River for traffic coming from/to St. Josephs Road. Modelling shows that the maximum degree of saturation for the peak AM ranged between 42.5% and 71% during 08:15-9:15am. For the peak PM the maximum degree of saturation ranged between 35.3% and 71.9% during 16:30 – 17:30pm, with the maximum degree of saturation at Junction 8 (Bridge St. with the N72 Park Road) entering the town centre in the am and leaving the town centre in the pm.

Impact of the proposed development:

The TRICS database was used to calculate the trip generation for the proposed development. The traffic analysis had regard to what is described in the TTA as the 'proposed development of 420 housing units proposed on Kingsfort lands'. In this regard I note that the lands identified in Fig. 3.1 of the TTA correspond with the residential developments permitted under ABP-321927-25 and ABP-322540-25 and

which consist of a total of 568 residential units. The failure to have full regard to cumulative traffic impacts of existing, planned and proposed residential developments in the area was raised as a concern in the public submissions received.

The current distribution of traffic was used to determine directional split to and from the proposed development for both morning and evening peak hours. The assessment years considered in the report are the base year (2023), opening (of phase 1) year (2025), design years or opening of Phase 1 year plus 5 years (2030) and opening year plus 15 years (2040). TII guidelines⁵ were used to calculate growth factors with a rate of 1.73% applied to the years 2016-2030 and 0.67% applied to the years beyond 2030. A large traffic study was prepared consisting of two LinSig traffic models, with Model 1 including all uncontrolled Junctions 1-5 and Model 2 including all signal-controlled junctions 6-8. The full output from the LinSig traffic analysis is available in Appendix C of the TTA. The results can be summarised as follows:

LinSig Analysis Model 1 (uncontrolled junctions 1-5)

- For the peak am scenarios 08:15 – 09:15am the maximum degree of saturation for the years 2025, 2030, and 2040 ranged between 33.5% and 41.2% with a mean maximum car queue length of 0.3 vehicles for the morning peak hour. The maximum degree of saturation for the Aldworth Heights development (existing and proposed development) reached 14% in the AM 2040 scenario.
- For the peak pm scenarios 16:30 – 17:30pm the maximum degree of saturation for the years 2025, 2030, and 2040 ranged between 32.3% and 40% with a mean maximum car queue length of 0.3 vehicles for the evening peak hour. The maximum degree of saturation for the Aldworth Heights development (existing and proposed development) reached 8% in the PM 2040 scenario.

LinSig Analysis Model 2 (Signalised junctions 6-8)

⁵ Project Appraisal Guidelines for National Roads Unit 5.3 (2019).

- For the peak am scenarios 08:15 – 09:15am the maximum degree of saturation for the years 2025, 2030, and 2040 ranged between 74.2% and 84.3% for the morning peak hour⁶.
- For the peak am scenarios 16:30 – 17:30pm the maximum degree of saturation for the years 2025, 2030, and 2040 ranged between 71.9% and 78.4% for the evening peak hour.

I am satisfied that there are no capacity issues with St. Josephs Rd or the junctions located thereon, and that the modelling demonstrates that the proposed development will not contribute to or result in significant congestion on St. Joseph's Road at operational stage, with negligible queuing and significant remaining headroom in junction capacities predicted. It is accepted that the proposed development will contribute to congestion in the town centre at peak times, particularly in the morning peak hour (08:15-09:15am) at Junction 8 in the future design year 2040. This is largely based on the poor geometric design of junctions at this location, which are carrying high baseline traffic. In this regard I note that there are several road improvement schemes in the area which are progressing at present, and this includes the Mallow Relief Road which proposes to address congestion and free up the town centre road network for access and local traffic in the longer term. This project received funding support in 2025 from TII to progress the business case, design, environmental evaluation and planning consent stages. I also note that the NTA Cycle Connects proposals for Mallow⁷ includes an inter-urban route along St. Josephs Road directly to the south of the subject site. Although not predicated on same, I am satisfied that the phased development of the project over a number of years is likely to see the progression of these projects and that the proposed development is well located to benefit from the orderly development of wider transport infrastructure in the area. I am satisfied that the proposed development is not premature pending the delivery of same.

I also note that the applicant local authority is reviewing the traffic signal timings at the junction of Park Road/Bridge Street N72 (Junction 8 of the TTA) with a view to

⁶ Only with a recommended change to the traffic signals at Junction 8 in the design year 2040.

⁷ NTA – Proposed Mallow Urban Cycle Network

improving traffic flows. In this regard the TTA recommends a change to the traffic signal phases at Junction 8 in order to reduce the saturated flow from over 100% to 84.3% for traffic on Bridge Street heading south in the design year 2040, and I am satisfied that this is within the applicant local authority's control and is the key requirement to ensuring the operational efficiency of Junction 8 in a worst case scenario. I consider it very unlikely however that the town centre environment will be dependent on this remediation in the design year 2040, with the development of the Mallow Relief Road, improvements in active travel infrastructure and a positive increase in modal shift most likely mitigating the predicted worst case scenario impacts. In this regard I am also satisfied, for the reasons set out below, that the applicants Residential Travel Plan will support the modal shift targets set out in the CCDP.

Whilst the assessment of cumulative traffic impacts was an issue raised in the public submissions, and noting the disparity between the numbers of dwellings permitted (under ABP-321927 and ABP-322540-25) and those considered in the traffic analysis, I do not consider this to be a significant, or material concern. The analysis submitted by the applicant applied precautionary parameters which provided for a worst case scenario assuming no reduction in car traffic volumes as a result of modal shift. In this worst case scenario it is evident that St. Josephs Rd and its main junctions retain significant capacity and headroom such that there is sufficient capacity to safely accommodate any additional traffic associated with the disparity in residential units considered. In relation to other residential developments in the wider area (planned and proposed), these do not propose to use St. Josephs Rd and will access the town centre environment via the N72 where the Mallow Relief Rd will address any long-term congestion concerns, and the planned optimisation of signalised junctions will otherwise ensure operating efficiency to the design year 2040. In this regard the Commission may also wish to note that conversely, cumulative traffic impacts, including the proposed development, were considered in the EIA submitted in support of ABP-320540-25 which concluded, *inter alia*, that they would not be significant.

Overall, I am satisfied that with the proposed optimisation of traffic signal phases proposed in the TTA, the volumes of traffic generated by the proposed development

will not have a significant effect on the road network and can be considered within the norms for an urban development.

In relation to construction traffic, I note that the applicant proposes the bulk storage of materials within the site, which will limit HGV delivery movements on the Aldworth Heights service road and the public road. I am satisfied that this measure, together with the scheduling of necessary HGV deliveries outside of peak traffic times, will ensure that no significant impacts associated with the movement of construction traffic will arise. Otherwise, I am satisfied that the construction related traffic associated with personnel and LGVs can be managed in accordance with the CEMP. In relation to the concern that construction vehicles will soil the service road within Aldworth Heights I note that the CEMP provides for wheel wash facilities prior to exit from the construction site and therefore I am satisfied that suitable measures are in place to address this issue.

11.1.3 Active Travel Considerations

A central theme in the public submissions received was an argument that the proposed development is not well connected to the town centre, community facilities or amenities by walking and cycling infrastructure or public transport. On this basis the submissions maintained that the modal shift and active travel ambitions of the proposed development are ambitious and unrealistic and that the proposed development is not in accordance with national policy as regards walkable neighbourhoods and communities. This argument was largely based on the gradient of St. Josephs Road, which it is submitted is adverse and renders walking and cycling unviable and unsafe.

The proposed development is located approx. 900m from Mallow Town Centre. It contains within the development site, a high standard of active travel and shared surface infrastructure which is designed to prioritise and incentivise walking and cycling, this includes reduced car parking provision in accordance with the CCDP and ample bicycle parking. A Residential Travel Plan (RTP) is submitted with the application which seeks to pursue modal shift targets for those travelling to work by car, walking, cycling or public transport of 60%, 14%, 4% and 11%⁸ respectively in line with the CCDP targets for Mallow (by 2028). It is proposed that this will be

⁸ From 77.47%, 9.57%, 0.71% and 0.78% respectively. Table 12.1 of the RTP refers.

achieved through a formal Travel Plan (TP), appointment of a Travel Plan Manager, information, communication, monitoring and updating of the TP.

Having inspected the subject site I note that there is an existing footpath on both sides of the existing Aldworth Heights estate road from the proposed development to St. Josephs Rd. This is adequate for pedestrians, with cyclists required to use the estate road. On St. Josephs Rd itself, there is also full connectivity to the town centre via existing footpaths. This exists for large parts to both sides of the public road, and although not continuous on any one side, it is continuous to the town centre environment. I note that this is surveyed in the RTP (Dwg.No's. SJ-PR-P01 & P02 refer), with suggested improvements identified thereon. Where these are not contained within the existing approved Part 8 scheme (which it is proposed to implement prior to the commencement of the proposed development), they consist of dropped kerbs, tactile paving and uncontrolled pedestrian crossings. I am satisfied that these in road works are within the control of the applicant local authority and therefore they are practical and implementable. This shall be addressed by condition.

An alternative pedestrian connection option to the town centre was also identified in the RTP through the adjoining Castlegrove development, however this would be subject to development works and legal interest matters which are not addressed in the proposed development and therefore further regard is not had to same. Having inspected the subject site I consider that a further alternative option for pedestrian and cyclist connectivity with the town centre exists via Mallow Town Park. This option was not identified in the RTP but is available via the wider Castlepark Village development which opposes the proposed development to the south of St. Josephs Rd. This development connects with significant blue, green and amenity infrastructure which exists and is being further developed along the Blackwater River as a part of Mallow Town Park. I acknowledge that this route also includes negotiation of a gradient within the Castlepark Village development, but this is over a relatively short distance, and I consider that the significant benefit of the blue, green and amenity infrastructure within Mallow Town Park will be attractive to many different user(s) and demographics of the development.

Having inspected the subject site I am satisfied that the gradient on the public road to the site is not an adverse impediment to walking. Whilst this is a subjective opinion

for many, I am satisfied that the gradient is not abnormal and will be accessible and walkable to most of the general population. I am satisfied that the estimated walking time from the development to the town centre of 13 mins is reasonable. It is accepted that cycling will be more of a challenge as a result of this gradient, but this again is a subjective opinion, and I note that the Map of NTA Cycle Connects Proposals envisages an inter-urban cycle route along St. Josephs Rd directly to the south of the development which will facilitate greater cycle use.

In terms of public transport, it is noted that local town/neighbourhood bus services are limited, which is not unusual in a town of this scale. However, there is excellent wider public transport services available in town, which includes TFI local link, Bus Eireánn and Expressway services together with mainline rail services. The nearest bus stop to the site is estimated in the RTP as a 20 min walk or 8min cycle and the train station as a 30min walk or 10min cycle.

In short, I am satisfied that the proposed development site is both walkable and cyclable to the town centre, and that more than one option exists in this regard. I do not consider that the gradient is a significant concern or impediment such that would warrant consideration of a refusal of permission and I note that other developments have been permitted within the environs of this site on the basis that walking and cycling infrastructure was considered good with full connectivity to the town centre. Overall, I am satisfied that the development of this site as proposed, and subject to the measures proposed in the RTP, would support the modal shift targets set out in the CCDP, would improve connectivity within the development and the surrounding area and accessibility to public transport to the benefit of both existing and future residents.

Having regard to the aforesaid assessment of traffic and transport issues, I am satisfied that the proposed development is in compliance with NPO 7 and 9 regarding compact growth, NPO 37 regarding the integration of safe and convenient alternatives to the car and the Transport & Mobility policies of the CCDP.

11.1.4 Biodiversity

This section concerns general biodiversity and in particular the potential for impacts on habitats and species which are not qualifying interests of European Sites.

The application is accompanied by an Ecological Impact Assessment (EclA). It includes a desktop study and site surveys consisting of Habitat surveys (19th September 2022, 15th March 2023 and 10th February 2024), non-volant mammal surveys (during the habitat surveys), bat surveys (activity & emergence on the 19th September 2022) and a preliminary roost assessment. Bird surveys were conducted outside the bird breeding season.

It is noted that no (third schedule) invasive species or species which are at risk of having damaging effects were recorded within the proposed development site.

In relation to bats it is noted that there are no buildings or trees with the potential to support bat roosts within the site boundary. Habitat fragmentation due to the loss of foraging and community habitat has the potential to impact local bat populations, however with the exception of internal hedgerow which is low-lying and does not form a coherent linear structure, all boundary treelines, woodland and hedgerow will be retained. The EclA finds that there will be no direct loss of potential foraging habitat for bats and no bats were recorded foraging within internal habitats. The EclA finds that increased lighting represents the main potential impact on bats, particularly light sensitive species such as Brown Long-eared Bat and impacts from lighting was a concern raised by the DHLGH, particularly on woodland to the west of the site. The EclA finds that construction works will largely be confined to daylight hours and therefore significant disturbance effects at construction stage have not been identified. At operational stage the EclA finds that in accordance with the submitted lighting report, lighting will be confined to internal roads, footpaths and amenity areas of the site with no spillage onto boundary habitats therefore there will be no significant impact on local bat populations. The potential for light spillage to onto woodland and hedgerow foraging areas for bats to the west of the subject site was the subject of Item No. 6 of the Commissions further information request. In response the applicant submitted an updated Outdoor Lighting Report and Cover Letter, which inter alia, clarifies that the lighting strategy will result in negligible light spill on hedgerow (max 3.5 lux) and follows best practice to avoid the use of blue light sources appropriately mitigating any negative impacts on bat populations.

In relation to Otter the EclA found that the proposed development site does not provide foraging habitat for Otter and no signs of Otter were recorded within 150m of the proposed development site. Otter is an SCI species of the River Blackwater

(Cork/Waterford) SAC and the Stage 1 AA process identified a potential impact on Otter associated with disturbance (noise) during construction and a deterioration in water quality (construction and operational stage), however for the reasons given in Section 10.3.3 of this report, significant adverse effects as a result of these potential impacts were excluded based on mitigation measures. No other protected mammal species (including Badger) and no habitats suitable for amphibians were recorded within the proposed development site.

In relation to Birds no Annex I species or birds of conservation concern in Ireland (BOCCI) species were recorded at the site. The EclA finds that the most significant impacts will be at construction stage through habitat loss, fragmentation, modification and disturbance affecting local populations of common bird species. Given the mobile nature of bird species, the common nature of habitats within the site and the availability of alternative foraging habitat in the vicinity, significant disturbance impacts are not envisaged. The loss of grassland habitat is considered unlikely to have a significant impact on birds species and the removal of internal scrub habitat and hedgerow is considered to result in a loss of low value nesting habitat only. Overall, the woodland along the western boundary, and the hedgerow along the eastern boundary of the site will be retained and the landscape plan with supplementary planting will enhance the habitat value of the site and provide alternative foraging habitat for common bird species. Mitigation measures include fencing to protect woodland and hedgerows to be retained, and removal of woody vegetation outside of the bird breeding season (1st March to 31st August).

I consider that adequate detail has been provided on the biodiversity of the site and that it has been prepared by competent persons in accordance with relevant guidelines. Given the location of the site on residential zoned lands in an urban area and to the standard best practice and mitigation measures set out in the CEMP, EclA and NIS I am satisfied that significant impacts will not arise on biodiversity and that the impacts on the ecology of the site and wider area would be acceptable having regard to the objectives of the NBAP.

11.1.5 Cultural Heritage

Cultural heritage was not a significant issue raised in the public submissions received or in the submissions received from the prescribed bodies, however the

application is accompanied by an Archaeological Impact Assessment (AIA). The AIA notes that there are no recorded archaeological sites within the proposed development site, with the closest recorded sites being two enclosures (CO033-089 and CO033-013) located approx. 120m and 380m to the east. The AIA also notes that there are no buildings or structures listed in the Record of Protected Structures (RPS) or the National Inventory of Architectural Heritage (NIAH) within or adjoining the proposed development site. The AIA assesses the archaeological potential of the subject site by means of a geophysical survey, desktop assessment and field walkover survey.

The geophysical survey identified a number of anomalies which are listed and described in Table 2 of the AIA. This includes a possible enclosure with internal cut features such as pits, postholes and large cut features and spreads in the northwest corner of the site. Other positive responses were interpreted as pits, postholes or other cut features and spreads although they may represent ferrous material in the top soil or underlying geological features, with remaining anomalies thought to represent previous land use including drains and furrows. During the site walkover there was no surface evidence to indicate the presence of the possible enclosure or any of the other anomalies identified in the geophysical survey and no other features or finds of archaeological interest where identified. Mitigation is primarily proposed in the form of an archaeological amenity space of 6,075 sq.m which proposes the preservation in situ of the possible sub-surface enclosures in the northwest corner of the site as an accessible open space area through interpretation, biodiversity, mown grass, wildflower meadows, buffer zones and an absence of excavation or intrusive construction works. Mitigation is otherwise proposed in the form of pre-development testing with preservation in-situ or by record in accordance with DAHG guidelines.

It is considered unlikely, subject to provision of the archaeological amenity space and pre-development testing, that significant impacts would arise on archaeology. There are no other built heritage considerations arising in relation to the proposed development.

11.2. The likely consequences for the proper planning and sustainable development of the area

I consider the following to be the substantive issues relating to the proper planning and sustainable development of the area:

- Principle of development
- Access and Road Safety
- Design & Open Space
- Flooding & drainage
- Other Matters

11.2.1 Principle of development

The subject site is zoned as 'residential' in the CCDP and is recommended for a Medium A residential density development of 30-50dph in accordance with Zoning Objective MW-R-08.

The Planning Statement (PS) submitted in support of the application states that the development will consist of social and affordable residential housing with a nett density of 35.4 dph.

There are a range of policies at the national, regional and local level as referenced in Section 5.6-5.11 (inc) of this report, which support the proposed multiple residential development on zoned lands as part of the compact growth of an urban centre, most notably NPO 32 which seeks to target the delivery of 550,000 additional households by 2040.

The proposal will also support the compact growth of Mallow as a key town and major centre of employment and population as identified within the NPF, the RSES which seeks to support growth of more than 30% (RPO 11.a) and the Core Strategy of the CCDP (CS 2-4(a)).

Having regard to the zoning objective for the proposed development site and specific policy objectives at national, regional and local level, I am satisfied that the principle of development is acceptable.

11.2.2 Access and Road Safety

Aldworth Heights Access Road

A key area of concern which arose in the assessment of the proposed development and the public submissions received, was the suitability of the existing access road serving the Aldworth Heights development to cater for the proposed development. This gave rise to concerns in relation to visibility splays, capacity, legal interest and orderly transition, or 'tie in' of infrastructure.

On inspection of the subject site, it was evident that visibility splays in both directions on exit from Aldworth Heights onto St. Josephs Road is currently restricted in both directions. This occurs as result of a number of factors, including the alignment of St. Josephs Road itself, and boundary treatments fronting onto same. The applicant was requested to address this issue in Item No.2 of the Further Information Request. In response the applicant has submitted, *inter alia*, drawings of an existing approved Part 8 planning scheme for 'road improvement works' on St. Josephs Road which includes improvements to the Aldworth Heights junction. The drawings submitted include Dwg.No. SJ-RL-T01 which details visibility splays of 49m in each direction at a point 2.4m back from the road edge at entrance to/exit from Aldworth Heights onto the public road, and DWG.No. SJ-AW-T01 which detail the accommodation works required to achieve the proposed visibility splays and improvement works. The applicant commits to the completion of these works prior to the commencement of the proposed development. The proposed Part 8 improvements works have also been subject to a Stage 2 Road Safety Audit prepared by Coakley Consulting Engineers (September 2025) submitted as a part of the further information response. I note the problems and recommendations set out therein in relation to pedestrian desire lines, hazard paving, kerb alignment, signs, drainage and pedestrian crossing and that the recommended measures have been accepted by the Design Team. I am satisfied that these measures are practical and implementable and that the construction of this approved Part 8 planning scheme will ensure the provision of safe access and egress arrangements from Aldworth Heights onto St. Josephs Road, including the provision of safe visibility splays to standard.

The posted speed limit on this road is 50 kph and I am satisfied that these visibility splays are to the required (increased⁹) standard as set out in DMURS for cities, towns and villages.

⁹ Visibility of 49m is provides which meets the increased requirements on Bus Routes (even though St. Josephs Rd is not currently a bus route). The minimum required is 45m.

Legal Interest

In terms of legal interest, two considerations arise. Firstly, the public submissions to the application raise the applicant local authority's legal interest in the Aldworth Heights service road on the basis that it is a private estate which has not been taken in charge. I am satisfied however that the particulars of the further information response include the necessary third party written consent (supported by an accompanying map) for the use of the Aldworth Heights estate road and services and I note that this consent is given in the context of negotiations relating to the taking in charge of the estate road and services in advance of the formal transfer of the lands to the local authority.

The second consideration relates to the provision of visibility splays at the junction of the Aldworth Heights road with St. Joseph's Rd. As discussed above the applicant local authority has demonstrated that visibility splays to standard will be provided as part of an approved Part 8 planning scheme. What is clear is that this work will require remedial works on third party lands, including the set back of existing roadside boundaries to the left and right on exit. The applicant has not however confirmed legal interest to carryout this work. In the ordinary course of events this would be a concern, however the Part 8 road improvement works are not the subject of the proposed development. They rely on an existing consent and the matter of legal interest to carry out and implement the existing approved Part 8 has not been questioned in the submissions to this application and is not a matter for assessment. I am aware that legal interest is not a pre-requisite for a local authority in securing a part 8 planning consent on the basis that a local authority has recourse to its compulsory purchase order powers in the event that becomes necessary to give effect to a scheme. In any event, the local authority has committed to the completion of the Part 8 road improvement works prior to the commencement of the proposed development and in all of the aforesaid circumstances I am satisfied that it is sufficient to rely on such a condition for the provision of safe access and egress arrangements for the proposed development.

Transition of Infrastructure

The internal pedestrian, cycle and road infrastructure within the proposed development has been designed to a high standard having regard to guidelines set

out, *inter alia*, in DMURS and with a particular focus on modal shift, active travel and shared surface design. This includes a shared 3.0m wide cycle and footpath and concern was expressed in the submissions, and further to my inspection of the subject site, that the applicant had not addressed how it was proposed to safely transition this new infrastructure through the older Aldworth Heights estate service road to the public road. This was the subject of Item No.2 of the further information request. In response the applicant has clarified the transitional detail, which has been subject to a Stage 1 Road Safety Audit. In this regard site layout (drawing) ID No: 22054-XX-XX-XX-XX-DR-WDG-CE-006 refers, clarifies the 3.0m shared path tapering within the development site before transitioning to tie into the existing (1.6m) footpath serving Aldworth Heights. At this location a footpath is provided to both sides of the Aldworth Heights estate road to its junction with the public road and I note that the Stage 1 RSA identifies a number of issues with this transitional arrangement, namely Items No. 3.1, 3.2, 3.5, 3.9 and 3.13.

Item No.3.1 concerns a risk of insufficient visibility. The transition of the subject site to Aldworth Heights is currently a cul-de-sac and the vehicular entrance to existing dwelling No.13 within Aldworth Heights is set back from the alignment of the main service road. The RSA identifies that this presents a risk that drivers exiting from this dwelling may not have sufficient visibility to vehicles on the main (north-south) service road with a risk of side-on collisions. The Stage 1 RSA recommends that future boundary treatment does not obstruct visibility at the access to No.13 Aldworth Heights and I note that this has been accepted by the Design Team. From an inspection of the subject site, I am satisfied that this is achievable, practical and implementable. The design resolution of this issue can be secured as part of the Stage 2 RSA process, and a condition will be imposed to this effect.

Item No. 3.2 concerns the effective width of the existing footpath along the estate service road within Aldworth Heights which is restricted to the left hand side on exit by an overgrown hedgerow which prevents its use. The clearance of this hedgerow is recommended and accepted by the Design Team and I note that the necessary third party consent to carry out this work has been confirmed. I am satisfied that this is achievable, practical and implementable. The design resolution of this issue can be secured as part of the Stage 2 RSA process, and a condition will be imposed to this effect.

Item No. 3.5, 3.9 and 3.13 concerns the reconciliation of the tactile paving and signage detail at the transition of the shared cycleway and footpath to the Aldworth Heights estate road, and the provision of a continuous footpath at No.13 Aldworth Heights. The design resolution of these issues is accepted by the Design Team. I am satisfied that they are achievable, practical and implementable and can be secured as part of the Stage 2 RSA process. A condition will be imposed to this effect.

I am satisfied that the applicants further information response has clarified that the proposed development will provide for the provision of safe visibility splays at the junction with the public road and the orderly transition of infrastructure from the proposed development through the existing Aldworth Heights development. The assessment of the applicants TTA has confirmed that no capacity issues arise with the use of the Aldworth Heights service road or St. Josephs Road and I am satisfied that the applicant has otherwise demonstrated sufficient legal interest to carryout the development as proposed.

The proposed development has been subject to a Stage 1 RSA, including an updated RSA and Quality Audit (QA) to address the items raised at further information stage. I note that the Design Team has accepted all recommendations contained therein and I am satisfied that these measures are practical and implementable and can be secured by a Stage 2 RSA & QA process which shall be required by condition. Otherwise, the applicant has submitted a statement of compliance with DMURS. I am satisfied that the proposed development has been designed internally to a high standard of compliance with DMURS and the road safety issues external to the site have been satisfactorily addressed.

I note that the submissions received identified a concern in relation to the visibility available at an existing junction (Junction B) within Aldworth Heights and in relation to the adequacy of parking provision. The lack of visibility at Junction B was identified by the first Stage 1 RSA (July 2024) (Problem 2.2.3 refers) with the recommendation that existing intersection points should not be compromised by boundary treatment, with clear guidance provided at each potential conflict point with signage and road markings. These recommendations have been accepted by the Design Team and can be resolved at the Stage 2 RSA process. In relation to parking, it is accepted that the proposed parking provision is reduced in accordance

with the CCDP with a view to incentivising modal shift and active travel. Having regard to the assessment of active travel and the applicants residential travel plan, I am satisfied that a reduced car parking provision is appropriate.

11.2.3 Design & Open Space

Design and Layout

From a review of the plans & particulars submitted in support of the proposed development I am satisfied that the proposal accords with the relevant provisions of the DSNAG, SRDCSG's and accompanying Design Manual and the provisions of the CCDP.

The application is supported by, *inter alia*, an Architectural Design Statement, a Statement of Housing Mix, a Housing Quality Assessment, a Universal Design Statement and photomontages/CGI.

The layout includes a variation of densities, with a higher density addressing the N72 and a medium density addressing existing boundaries and the overall design strategy is arranged around a hierarchy of streets, with a primary local street acting as the main (looped) thoroughfare through the site with secondary local streets and shared surfaces stemming from it. The schedule of development consists of the following:

- 4no. 4 bed semi-detached units (or 2.9%)
- 34no. 3 bed semi-detached units and townhouses (or 24.6%)
- 68no. 2 bed townhouses and apartments (or 49.3%), and
- 32no. 1 bed (ground floor) apartments (or 23.2%)

The statement of housing mix satisfactorily evidence that an appropriate housing mix is proposed in response to the local demographics for Mallow, which supported by census data confirms a diverse need for one and two person households and three and four person households. In this regard it is considered that the adaptable design of the scheme is particularly sustainable with options to extend into the attic or to the rear factored into the unit designs to allow response and adaptation to changing needs over an owners life and family cycle. The design also includes 32no. ground floor apartments (23%) designed to cater for a range of end users of any age, size ability or disability in accordance with the Universal Design Guidelines for homes in Ireland.

The Housing Quality Assessment (HQA) confirms that the proposed semi-detached dwellings and townhouses meet the criteria required by the Quality Housing for Sustainable Communities (2007), the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) and the CCDP in terms of aspect, unit area, living and bed areas, storage and private amenity space. For the apartments the HQA confirms that the applicable standards required by the Sustainable Urban Housing: Design Standards for New Apartments Guidelines (DSNAG) for Planning Authorities (2023)¹⁰ are met in terms of floor area, living and bed areas (inc. width), storage and private amenity space and that all apartments are either dual or triple aspect.

Open Space

In relation to the provision of open space the applicant was requested as part of the further information request (Item No.5) to review the provision and hierarchy of open spaces to ensure the provision of a large composite multi-purpose area to meet the needs of older age groups for schemes of 100 units and greater in accordance with Cork County Council's Interim Recreation and Amenity Policy (2019) as required by Objective GI 14-6(a) of the CCDP. In response the applicant has submitted a brief clarification letter from the landscape designers which states that each of the 5no. proposed open space areas are designed to be inter-generational, where both young and old have features to sustain their interest and meet multiple types of recreational needs. The letter advises that the Interim 2019 Recreation and Amenity Policy (RAP) have been superseded by the Draft Recreation and Amenity Policy (2024) (DRAP) which in line with the SRDFCSG does not prescribe specific amenity infrastructure but rather emphasises connectivity, accessibility and green infrastructure. I am satisfied that Objective GI 14-6(a) of the CCDP allows for consideration of any updated Recreation and Amenity Policy (which supersedes the interim 2019 policy) and that there has been a material change in the open space policy requirements with the adoption of the DRAP which does not prescribe specific infrastructure. Accordingly, the landscape strategy as proposed remains unchanged and consists of 5 urban amenity areas which range in size from 375- 1100 sq.m with a hierarchy of spaces including urban parks, primary play areas (amenity east),

¹⁰ *The new Design Standards for Apartments – Guidelines for Planning Authorities (2025) do not apply to applications within the planning system on or before the 8th July 2025.*

managed meadow parkland and age friendly tone zones. Specifically, the applicant states that a larger pitch or MUGA was not provided in the hierarchy of spaces as it was considered such spaces would draw users from beyond the estate, are not age friendly and were not consistent with the aim of creating an inclusive community. In respect of the need for active recreational space the applicant points to the amenity lawn in the northeastern amenity area which is described as a large level amenity area designed for active use with a permanent junior goal.

Notwithstanding the applicant's further information response I retain some concerns that the arrangement of amenity areas within the proposed development does not contain at least one amenity space of sufficient size. The public amenity spaces proposed consist of the following:

- Northwest Amenity Area (400 sq.m)
- Northeast Amenity (375 sq.m) – including a level lawn 14m x 11m (154 sq.m) with junior goal.
- Central Amenity (1100 sq.m)
- Eastern Amenity (550 sq.m)
- Southern Amenity (500 sq.m)

Having consulted the Draft Recreation and Amenity Policy (2024) and the SRDCSG I note that it is recommended that developments in excess of 30 units should aim to provide a minimum of one amenity space of at least 0.2ha (or 2000 sq.m) in size¹¹. This is stated as a minimum size threshold necessary to provide sufficient area to accommodate informal recreation and play. It is clear that the proposed hierarchy of spaces falls short of meeting this minimum size threshold for a residential development which far exceeds 30 units. This deficiency is tempered however by the provision of an archaeology amenity area of 6075 sq.m within the proposed development site. Whilst I note that Section 5.6.1. of the DRAP states that areas of open space where the presence of archaeology prohibits the development of play should not be counted in the Open Space calculation, I am satisfied that this can be considered as open space in the circumstances of this case. The archaeology at this location is unrecorded and subsurface and the presentation of the area as an accessible open space is based on preservation in situ, interpretation, biodiversity,

¹¹ Section 5.6.1 'Qualitative Standards of the Draft Recreation and Amenity Policy (2024)

mown grass, wildflower meadows, buffer zones and an absence of excavation or intrusive construction works. It is therefore accessible as a unique and high-quality open space area and play is not prohibited. I am therefore satisfied that it can be taken into consideration in the calculation of open space and materially satisfies the requirements for a single composite open space area of a minim of 0.2ha.

The total open space provision within the proposed development including the archaeological amenity is 26% (15% excluding the archaeological amenity area). I acknowledge that this exceeds the minimum net area set out in Section 5.4.1. of the DRAP and Policy Objective 5.1 of the SRDCSG of 15% (save in exceptional circumstances). In this regard Section 5.4.4 of the DRAP states that for sites which contain significant heritage features, a higher proportion of public open space may need to be retained and the 10-15% range shall not apply to such developments. In my opinion the retention of a higher proportion of open space is justified in the circumstances of this case.

Overall therefore, I am satisfied that the open space provision is satisfactorily designed on the basis of a network of level, inclusive, accessible and connected inter-generational spaces, which includes an open space area of sufficient minimum size and a focus on biodiversity and SuDS in accordance with the quantitative and qualitative standards of the DRAP and SRDCSG and will protect, enhance and contribute to biodiversity having regard to the objectives of the NBAP.

Public Submissions

I note that a concern was raised in the public submissions received that the proposed development would be out of character with the established development at this location. In this regard I note that the established development at this location consists of a varied residential typology which is primarily single storey, storey and a half or two storey, however more recent developments include multi-level apartments. In this regard I consider that the two-storey and two-and-a-half-storey duplex apartments proposed within the proposed development together with the range and palette of material finishes including render and brickwork, is consistent with the typology of residential developments in the wider area and would not be out of character at this location by reason of design, character, scale, finishes or other.

A further issue which arose in the public submissions, was a concern in relation to overlooking and privacy impacts on the residential amenity of dwellings and their private open space within the existing Aldworth Heights development. Having inspected the subject site, the only location where the proposed development interfaces with the existing dwellings within Aldworth Heights is at the location of the transition of the Aldworth Heights service road to the proposed development site. This consists of the limited southern boundary of the site and the general location of dwelling No.13 Aldworth Heights. At this location a minimum separation distance of at least 24.950m is proposed between dwellings No. 1-6 within the proposed development and No.13 Aldworth Heights. I am satisfied that this is well in excess of the 16m between opposing windows serving habitable rooms (above ground floor level) specified in SPPR1 of the SRDCSG and that material overlooking will not occur. I am further satisfied that residential amenity will be adequately protected by the landscaping plan which includes the provision of a native tree buffer at this location, including evergreen species for mitigation screening in all seasons.

In conclusion and having inspected the subject site I consider it to be quite robust with a generous capacity to receive a development of the scale proposed without significant impact on the landscape or visual and residential amenities of the area. I am satisfied that the proposed development at this location will be assimilated within both the natural and built fabric of the site and its environs in a satisfactory manner and that this is supported by View 5 and 6 of the submitted photomontages and CGI. In my opinion the proposed development provides for a well-designed scheme on the subject site.

11.2.4. Flooding & Drainage

The assessment of flood risk was carried out within Section 2.0 of the Civil Engineering Report (CIR). The CIR established that the proposed development lies outside any areas that have a probability of flooding in any event, whether fluvial, coastal or groundwater up and including a 1 in 1000-year storm event. On this basis the CIR established that the proposed development is located within a Flood Zone C where residential development is appropriate and a justification test is not required. Surface water drainage arrangements are then described and assessed in Section 4.0 of the CIR. The design is based on SuDS measures which include detention basins, underdrained roadside swales, permeable paving, bioretention tree pits, rain

garden planters and soakaways and water butts. The storm network design was tested simulating both summer and winter storms, with design features such that no flooding will occur to individual elements during any storm up to and including 24 hour 100 year return period with additional flows of 20% added to account for climate change. Discharge arrangements include attenuation and a hydro brake to ensure greenfield run-off rates and that there will be no hydrological regime change to the receiving Caherduggan South Stream.

I am satisfied on the basis of the information submitted that the proposed development will not be subject to a risk of flooding and will create or result in a flood risk or increased flood risk elsewhere.

It is proposed to discharge wastewaters to the Mallow municipal wastewater treatment plant. This system has recently been upgraded to ensure additional capacity and environmental compliance and UE have raised no objection to the proposed connection.

11.2.5. Other Matters

Management

I note the management proposals for the proposed development which include the establishment of an Owners Management Company (OMC) that will have responsibility for all common areas including footpaths and landscaped areas and the apartments in accordance with Section 6.13 of the DSNAGs and the Multi-Unit Developments Act 2011 (Mud Act). The OMC will engage a Property Management Company (PMC) with responsibility for all property management functions in accordance with an agreed Annual Operational Budget on the basis of fair and equitable annual operational charges in line with the MUD Act.

Climate Change

I also note the energy and carbon emissions measures included in the design of the proposed development. These are set out in Section 3 of the Building Life-Cycle Report and include, *inter alia*, a min A2 BER Certification, fabric energy efficiency, air to water heat pumps, mechanical ventilation heat recovery and EV charging points. I am satisfied that the proposed development includes measures which are consistent with Irelands climate change and adaptation targets for the residential sector, in addition to facilitating compact growth and modal shift. Having regard to the location

of the proposed development on lands which are not subject to a flood risk and the surface water control measures which ensure it will not give risk to, or exacerbate, a flood risk elsewhere, I am satisfied that the proposed development is in accordance with the recommendations of the EPA National Climate Change Risk Assessment 2025 for the built environment (including the residential sector).

Procedural matters

A number of procedural concerns were raised in the public submissions received to the application concerning an opinion that the proposed development should have followed a Part 8 consent pathway and that the development was premature pending a separate Part 8 for access/service road arrangements. It is considered that these submissions arise from an understandable misinterpretation of the development components and the associated consent pathways. As stated in the introduction to this report Section 177AE of the Planning and Development act 2000 (as amended) requires that where an appropriate assessment is required in respect of development by a local authority, the authority shall prepare an NIS and the development shall not be carried out unless the Board has approved the development with or without modifications. Accordingly, the applicant local authority has followed the correct consent pathway for the proposed development. In relation to the Part 8 for access/service road arrangements it is clear that a separate Part 8 planning scheme for same is not proposed or required. In this regard the application proposes to rely on the existing service road serving the Aldworth Heights estate and the existing Part 8 consent for improvements works to the junction of this service road with St. Josephs Rd. The applicant commits to the completion of the permitted Part 8 road improvement works on St. Josephs Rd prior to the commencement of the proposed development and therefore an issue of prematurity does not arise.

I note the alternative access proposals suggested in the submissions to the application, however they are outside the scope of the proposed development site. In any event they are matters which are the subject separate processes such as options routes, public spending code, environmental studies, consents etc and which should be advanced through an evidence led approach and the development of the adjoining residential reserve lands. I am satisfied that the applicant has demonstrated satisfactory access proposals for the proposed development.

11.3. The likely significant effects on a European site

The areas addressed in this section are as follows:

- Compliance with Articles 6(3) of the EU Habitats Directive
- The Natura Impact Statement
- Appropriate Assessment

11.3.1 Compliance with Articles 6(3) of the EU Habitats Directive

The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site.

11.3.2 The Natura Impact Statement (NIS)

The application was accompanied by an NIS which described the proposed development, the project site and the surrounding area. The NIS contained a Stage 1 Screening Assessment (S1SA) which concluded that Stage 2 Appropriate Assessment was required. The NIS outlined the methodology used for assessing potential impacts on the habitats and species within the Blackwater River (Cork/Waterford) Special Area of Conservation (SAC) (Site Code 002170) that have the potential to be affected by the proposed development¹². It predicted the potential impacts for this site and its conservation objectives, it suggested mitigation measures, assessed in-combination effects with other plans and projects and it identified any residual effects on the European site and its conservation objectives.

The NIS was informed by the following studies, surveys and consultations:

- A desk top study including review of NBDC (National Biodiversity Data Centre) records.

¹² Note that the Kilcolman Bog SPA (004095) was screened out at Stage 1 in the S1SA and was not therefore carried forward for further consideration in the NIS.

- Habitat Surveys (September 2022 and March 2023) including Habitat Mapping in line with the methodology outlined in the Heritage Council Publication, Best Practice Guidance for Habitat Survey and Mapping (Heritage Council, 2011)
- Surveys for birds, mammals and invasive species in conjunction with the Habitat Surveys.

The report concluded that, subject to the implementation of best practice and the recommended mitigation measures, the proposed development would not adversely affect (either directly or indirectly) the integrity of any European site either alone, or in combination with other plans or projects and that there is no reasonable scientific doubt in relation to this conclusion.

Having reviewed the NIS and the supporting documentation (including the EclA), I am satisfied that it provides adequate information in respect of the baseline conditions, does clearly identify the potential impacts, and does use best scientific information and knowledge. Details of mitigation measures are provided and they are summarised in Section 7 of the NIS, Section 3.0 of the CEMP and Section 11 of the EclA. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below).

11.3.3 Appropriate Assessment

I consider that the proposed development is not directly connected with or necessary to the management of any European site.

The applicants Stage 1 Screening report identified a Zone of Influence (ZOI) for the proposed development based on the nature, size and location of the project, the sensitivities of ecological receptors, the potential for in-combination effects and followed a source-pathway-receptor model. A precautionary principle was applied and a list of Natura 2000 sites that could potentially be affected by the proposed development was compiled following European Commission Methodological Guidance (EC 2018). These sites are listed in Table 1 and illustrated in Fig. 3 and Fig. 4 of the applicants S1SA and includes: the Blackwater River (Cork/Waterford) SAC (Site Code 002170) based on a hydrological connection and the Kilcolman Bog SPA (Site Code 004095) based on a weak ornithological connection.

Having regard to the information and submissions available, the nature, size and location of the proposed development and its likely direct, indirect and cumulative effects, the source pathway receptor principle and sensitivities of the ecological receptors, I consider the European Sites identified by the applicant within the ZOI of the proposed development to be a reasonable determination. I consider the inclusion of the Kilcolman Bog SPA, which is located approx. 11.3km from the subject site in the southern foothills of the Ballyghoura Mountains in Co. Cork to be based on a particular abundance of caution however in the interests of completeness I have also carried this site forward for further consideration.

I note that other European Sites are located at a nominal distance of 18 – 30km from the proposed development site with no source-pathway-receptor(s) and no physical interaction with the proposed development. It is therefore considered relevant to include the following European Sites for the purposes of initial screening for the requirement for Stage 2 appropriate assessment on the basis of likely significant effects.

Table 3 - European sites considered for Stage 1 screening:

European site (SAC/SPA)	Qualifying Interests	Distance
Blackwater River (Cork/Waterford) Special Area of Conservation (SAC) (Site Code: 002170)	<ul style="list-style-type: none"> ▪ [1029] Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i>) ▪ [1092] White-clawed Crayfish (<i>Austropotamobius pallipes</i>) ▪ [1095] Sea Lamprey (<i>Petromyzon marinus</i>) ▪ [1096] Brook Lamprey (<i>Lampetra planeri</i>) ▪ [1099] River Lamprey (<i>Lampetra fluviatilis</i>) ▪ [1103] Twaite Shad (<i>Alosa fallax</i>) ▪ [1106] Atlantic Salmon (<i>Salmo salar</i>) (<i>only in fresh water</i>) ▪ [1130] Estuaries ▪ [1140] Mudflats and sandflats not covered by seawater at low tide ▪ [1220] Perennial vegetation of stony banks ▪ [1310] Salicornia and other annuals colonizing mud and sand ▪ [1330] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) ▪ [1355] Otter (<i>Lutra lutra</i>) ▪ [1410] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) ▪ [1421] Killarney Fern (<i>Trichomanes speciosum</i>) ▪ [3260] Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation ▪ [91A0] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles 	Approx. 900m to the south of the subject site.

European site (SAC/SPA)	Qualifying Interests	Distance
	<ul style="list-style-type: none"> ▪ [91E0] *Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) ▪ [91J0] *Taxus baccata woods of the British Isles <p>* <i>Indicates a priority habitat under the Habitats Directive.</i></p> <p>https://www.npws.ie/protected-sites/sac/002170 NPWS July 2012</p>	
Kilcolman Bog Special Protection Area (SPA) (004095)	<ul style="list-style-type: none"> ▪ [A038] Whooper Swan (<i>Cygnus cygnus</i>) ▪ [A052] Teal (<i>Anas crecca</i>) ▪ [A857] Shoveler (<i>Spatula clypeata</i>) ▪ [A999] Wetland and Waterbirds <p>https://www.npws.ie/protected-sites/spa/004095 NPWS January 2025</p>	Approx. 11.3km north of the subject site.

The applicants Stage 1 Screening conclusions are set out in Section 4.9.1, Table 12 of the Stage 1 Screening for Appropriate Assessment. They can be summarised as follows:

Qualifying Interests/Special Conservation Interest	Potential Impacts	Screened In/Out
Site Name: Blackwater River (Cork/Waterford) SAC		
<ul style="list-style-type: none"> ▪ Estuaries [1130], ▪ Mudflats and sandflats not covered by seawater at low tide [1140], ▪ Perennial vegetation of stony banks [1220], ▪ Salicornia and other annuals colonising mud and sand [1310], ▪ Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330], and ▪ Mediterranean salt meadows (<i>Juncetalia maritime</i>) [1410]) 	These Qualifying Interest (QI) Habitats are all located over 50km downstream of the proposed development site, which does not include significant aqueous discharges and given the dilution available within the River Blackwater there is no likelihood of significant effects.	Screened Out
<ul style="list-style-type: none"> ▪ Watercourses of plain to montane levels with the <i>Ranuncullion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation [3260] 	A deterioration in water quality (surface water run off/discharges and wastewater) as well as invasive species impacts arising from the proposed development has the potential to adversely affect the Conservation Objectives for this QI.	Screened In
<ul style="list-style-type: none"> ▪ Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0] and ▪ Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> 	These QI habitats are not recorded within the proposed development site or within the vicinity of it, with the closest recorded habitat being Alluvial forests c. 6km downstream, and therefore there is no likelihood of significant effects.	Screened Out

<p>(<i>Alno-Padion, Alnion incanae, Salicion albae</i>) [91E0]</p>			
<ul style="list-style-type: none"> Twaite Shad (<i>Alosa fallax fallax</i>) [1103] 	<p>This Special Conservation Interest (SCI) species spends its adult life at sea or in estuaries, with Cappoquin being the likely spawning area. They do not occur in proximity to the proposed development and there is no likelihood of significant effects.</p>	Screened Out	
<ul style="list-style-type: none"> Killarney Fern (<i>Trichomanes speciosum</i>) [1421] 	<p>This SCI species can be screened out on the basis that the specific (deeply shaded humid) habitat requirements on which this species relies are not found within the proposed development site and there is no likelihood of significant effects.</p>	Screened Out	
<ul style="list-style-type: none"> Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i>) [1029], White-clawed Crayfish (<i>Austropotamobius pallipes</i>) [1092], Sea Lamprey (<i>Petromyzon marinus</i>) [1095], Brook Lamprey (<i>Lampetra planeri</i>) [1096], River Lamprey (<i>Lampetra fluviatilis</i>) [1099], Salmon (<i>Salmo salar</i>) [1106] and Otter (<i>Lutra lutra</i>) [1355] 	<p>A deterioration in water quality (surface water runoff/discharges and wastewater) as well as invasive species impacts on these SCI's (which inhabit or migrate through freshwater) has the potential to adversely affect the Conservation Objectives for these SCI species.</p> <p>Potential impacts on prey availability as a result of the aforesaid potential water quality impacts, and noise or disturbance impacts during construction could significantly impact on the SCI species Otter.</p>	Screened In.	
<p>Site Name: Kilcolman Bog SPA</p>			
<ul style="list-style-type: none"> Whooper Swan (<i>Cygnus cygnus</i>) [A038] Teal (<i>Anas crecca</i>) [A052] Shoveler (<i>Anas clypeata</i>) [A056] 	<p>There is no valuable ex-situ habitats within the proposed development site for these SCI species and therefore no likelihood of significant effects.</p>	Screened Out	

In-combination Impacts

The other plans and projects considered by the applicant and which could lead to potential in-combination impacts are set out and described in Section 4.7.6 and Table 11 of the applicants Stage 1 Screening Report. The applicant finds that in the absence of mitigation, the potential for significant in-combination effects on the Blackwater River (with the certain projects identified in Table 11) from emissions to water during construction and operation cannot be ruled out.

Otherwise, I note that wastewater is proposed to be discharged to the Mallow Wastewater Treatment Plant (WWTP). At the time of writing (the S1SA) the applicant stated that the Mallow WWTP was overloaded with planned upgrade works due but found that there would be no impact on the River Blackwater from operational

wastewater discharges as the proposed development would not be connected to Mallow WWTP until the scheduled upgrade works had been completed. This potentially gave rise to in-combination impacts which were not considered by the applicant if the construction of the proposed development and the upgrade works to Mallow WWTP were carried out concurrently. However, I note that the upgrade works to Mallow WWTP have now been completed by Uisce Éireann and that the applicants updated UE pre-connection enquiry accepts feasibility of connection. The completed upgrade works provide for increased capacity to ensure the long-term social and economic development of Mallow and environmental compliance¹³. I am satisfied therefore that it can be concluded that there is no likelihood of significant effects as a result of wastewater generated by the proposed development either alone or in-combination.

Stage 1 Screening Conclusion

The applicants Stage 1 AA Screening determination concluded on the basis of objective information and in view of best scientific knowledge that the possibility of significant effects from the proposed development on a European site, the Blackwater River (Cork/Waterford) SAC, could not be ruled out and that a Stage 2 Appropriate Assessment was required. Potential impacts concern impacts on water quality during construction and operation.

I note that Table 12 of the applicants S1SA identifies potential impacts on the QI habitat '*Water Courses of plan to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]*' from the spread of invasive species (in addition to water quality impacts) but does not then carry this potential impact through to Stage 2 AA in the NIS. In this regard I note that Section 4.7.5. of the applicants S1SA finds that no high-risk invasive species were recorded during surveys within the proposed development site and that potential significant effects on the Blackwater River (Cork/Waterford) SAC could be excluded. I am therefore satisfied, notwithstanding the content of Table 12, that high risk invasive species are not a threat to this QI habitat of the SAC and can be screened out at Stage 1.

I further note that Table 12 of the applicants S1SA identifies potential impacts on the SCI species *Otter (Lutra lutra) [1355]* as a result of noise and disturbance effects

¹³ <https://www.water.ie/projects/local-projects/mallow-wastewater-treatment-plant-upgrade>

during construction but does not then carry this potential impact through to Stage 2 AA in the NIS. In this regard I note that Section 4.5.2 and 4.7.2 of the applicants S1SA finds that lands within the development site are of low to negligible value for otter, there are no wetland habitats within the development site presenting foraging opportunities for Otter, that no signs of Otter were recorded within 150m of the proposed development site, there are no records of Otter within the Caherduggan South Stream, and given the nocturnal foraging habitats of Otter they could continue to forage along the Caherduggan South Stream during both construction and operation. Therefore, no significant disturbance impacts on Otter were identified. I am therefore satisfied, notwithstanding the content of Table 12, that a significant risk to the SCI species Otter of the SAC as a result of noise and/or disturbance can be screened out at Stage 1.

In relation to Kilcolman Bog SPA, I note that the proposed development site does not include valuable ex-situ habitat(s) important to the SCI species for this site. In particular I note that the proposed development site does not include aquatic or wetland habitats used for foraging or roosting by the SCI species Teal or Shoveler and whilst Whooper Swan can make extensive use of terrestrial vegetation including grasslands for foraging, the proposed development site is outside the foraging distance for this species¹⁴. I further note that no Annex I bird species were recorded at the site during bird surveys. I concur with the applicant's screening determination that there is no pathway for effects and that the possibility of significant effects on Kilcolman Bog SPA and the SCI bird species can be ruled out on the basis of objective information.

Based on my examination of the NIS report and supporting information (including the applicants EclA), the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, separation distance and functional relationship between the proposed works and the European sites, their conservation objectives and taken in conjunction with my assessment of the subject site and the surrounding area, I agree with the Stage 1 Screening Determination of the applicant and would conclude that a Stage 2 Appropriate Assessment is required for the **Blackwater River (Cork/Waterford) SAC** European site referred to above and that

¹⁴ <5km (Scottish Natural Heritage)

all potential impacts can be limited to water quality impacts as a result of surface runoff and discharges during the construction and operational phase.

Relevant European sites

The Conservation Objectives and Qualifying Interests, including any relevant attributes and targets for this site, are set out below.

1. Blackwater River (Cork/Waterford) SAC/site code: 002170

The River Blackwater is one of the largest rivers in Ireland, draining a major part of Co. Cork and five ranges of mountains. The portions of the Blackwater (and its tributaries) which fall within this SAC flow through the counties of Kerry, Cork, Limerick, Tipperary and Waterford and nearby towns include Mallow, Co. Cork. The river rises in boggy land in east Kerry and on leaving turns eastwards along the northern slopes of the Boggeragh Mountains before entering the narrow limestone strike vale at Mallow.

This is a large site which is described in Section 4.3.2 of the applicants S1SA. A full site synopsis is appendix to the S1SA at Appendix 1 and is otherwise available at <https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY002170.pdf>.

Wet woodlands are found where river embankments have broken down and channel edges are subject to daily inundation. Marshes and reedbeds cover most of the flat areas beside the rivers and often occur in mosaic with the wet woodland. Floating river vegetation is found along much of the freshwater stretches within the site with an extensive species list. The grasslands adjacent to the rivers of the site are generally heavily improved, although liable to flooding in many places. The Blackwater Valley has a number of dry woodlands which are mostly managed by the estates within which they occur. The spread of Rhododendron is locally a problem, as is over grazing. The estuary and the habitats within and associated with it form a large component of the site, with the main expanses of intertidal flats occurring at the southern end of the site and with the best examples at Kinsalebeg, Co. Waterford and Youghal, Co. Cork.

The site supports several Red Data Book plant species including: Starved Wood-sedge (*Carex depauperata*), Killarney Fern (*Trichomanes speciosum*), Pennyroyal (*Mentha pulegium*), Bird's-nest Orchid (*Neottia nidus-avis*), Golden Dock (*Rumex maritimus*) and Bird Cherry (*Prunus padus*). The first three of these are also protected under the Flora (Protection) Order, 2015, while the Killarney Fern is also listed on Annex II of the E.U. Habitats Directive.

The site is also important for the presence of several E.U. Habitats Directive Annex II animal species, including Sea Lamprey (*Petromyzon marinus*), Brook Lamprey (*Lampetra planeri*), River Lamprey (*L. fluviatilis*), Twaite Shad (*Alosa fallax fallax*), Freshwater Pearl Mussel (*Margaritifera margaritifera*), Otter (*Lutra lutra*) and Salmon (*Salmo salar*). The Awbeg supports a population of White-clawed Crayfish (*Austropotamobius pallipes*). The freshwater stretches of the Blackwater and Bride Rivers are designated salmonid rivers. The site supports many of the mammal species occurring in Ireland. Those which are listed in the Irish Red Data Book include Pine Marten, Badger and Irish Hare. The bat species Natterer's Bat, Daubenton's Bat, Whiskered Bat, Brown Long-eared Bat and Pipistrelle, can be seen feeding along the river, roosting under the old bridges and in old buildings. Common Frog, a Red Data Book species that is also legally protected (Wildlife Act, 1976), occurs throughout the site. The rare bush cricket *Metrioptera roselii* (Order Orthoptera) has been recorded in the reed/willow vegetation of the river embankment on the Lower Blackwater River. The Swan Mussel (*Anodonta cygnea*), a scarce species nationally, occurs at a few sites along the freshwater stretches of the Blackwater.

Several bird species listed on Annex I of the E.U. Birds Directive are found on the site. Internationally important numbers of Whooper Swan and nationally important numbers Bewick's Swan use the Blackwater Callows. Golden Plover occur in regionally important numbers on the Blackwater estuary. The river and river margins also support many Heron, non-breeding Cormorant and Mute Swan. Other important species found within the site include Long-eared Owl, which occurs all along the Blackwater River, and Barn Owl, a Red Data Book species, which is found in some old buildings and in Castlehyde, west of Fermoy. Reed Warbler, a scarce breeding species in Ireland, was found for the first time in the site in 1998 at two locations. It is

not known whether or not this species breeds on the site, although it breeds nearby to the south of Youghal.

Land use at the site is mainly centred on agricultural activities. The spreading of slurry and fertiliser poses a threat to the water quality of this salmonid river and to the populations of E.U. Habitats Directive Annex II animal species within it. The main threats to the site include high inputs of nutrients into the river system from agricultural run-off and several sewage plants, dredging of the upper reaches of the Awbeg, over-grazing within the woodland areas, and invasion by non-native species, for example Rhododendron and Cherry Laurel.

Overall, the River Blackwater is of considerable conservation significance for the occurrence of good examples of habitats and populations of plant and animal species that are listed on Annexes I and II of the E.U. Habitats Directive respectively. Furthermore, it is of high conservation value for the populations of bird species that use it. Two Special Protection Areas, designated under the E.U. Birds Directive, are also located within the site - Blackwater Callows and Blackwater Estuary. Additionally, the importance of the site is enhanced by the presence of a suite of uncommon plant species.

Conservation Objectives

The relevant conservation objectives for the Blackwater River (Cork/Waterford) SAC are set out in Table 4 below together with a summary of the corresponding targets and attributes. Note that only those QI's and SCI's which were screened in at Stage 1 are included, accordingly exclusions concern the QI's and SCI's which were screened out at Stage 1 as discussed and accepted above.

Table 4 – Conservation Objectives, Targets & Attributes

Site Name: Blackwater River (Cork/Waterford) SAC		
QI/SCI	Conservation Objective	Targets & Attributes (Summary)
Watercourses of plain to montane levels with the Ranuncullion fluitantis and Callitricho-Batrachion vegetation [3260]	To maintain the favourable conservation condition of Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation	No decline in habitat distribution, habitat area stable or increasing, maintain appropriate hydrological regimes, maintain natural tide regime, substratum composition dominated by sands, gravels and cobbles, concentration of nutrients sufficiently low to prevent change in species composition or habitat condition, typical species of vegetation composition should be present and in good

		condition, active floodplain at and upstream of habitat should be maintained.
Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i>) [1029]	To restore the favourable conservation condition of the Freshwater Pearl Mussel	Maintain distribution, restore adult population (35,000 adult mussels), restore at least 20% of pop of no more than 65mm, and at least 5 % to no more than 30mm length, no more than 5% decline of live adults, less than 1% dead shells (of adult pop) and scattered distribution, restore suitable habitat in more than 35km, restore water quality -macroinvertebrates, restore substratum quality (stable cobble and gravel with very little fine material) and no artificially elevated levels of fine sediment, restore oxygen availability in substratum, restore appropriate hydrological regimes, maintain sufficient juvenile salmonids to host glochidial larvae.
White-clawed Crayfish (<i>Austropotamobius pallipes</i>) [1092],	To maintain the favourable conservation condition of White-clawed Crayfish	No reduction from baseline, juveniles and/or females with eggs in at least 50% of samples, no alien crayfish, no instances of disease, at least Q3-Q4 water quality at all EPA sampling sites, no decline in heterogeneity or habitat quality.
Sea Lamprey (<i>Petromyzon marinus</i>) [1095]	To restore the favourable conservation condition of Sea Lamprey	Greater than 75% of main stem length of rivers accessible from estuary, at least 3 age/size groups present, juvenile density at least 1/m ² , no decline in extent or distribution of spawning beds, more than 50% of juvenile habitat sample sites positive.
Brook Lamprey (<i>Lampetra planeri</i>) [1096]	To maintain the favourable conservation condition of Brook Lamprey	Access to all watercourses down to 1 st order streams, at least 3 age/size groups present, mean catchment juvenile density at least 2/m ² , no decline in extent or distribution of spawning beds, more than 50% of juvenile habitat sample sites positive.
River Lamprey (<i>Lampetra fluviatilis</i>) [1099]	To maintain the favourable conservation condition of River Lamprey	As above for Brook Lamprey.
Salmon (<i>Salmo salar</i>) [1106]	To maintain the favourable conservation condition of Atlantic Salmon	100% of river channels down to 2 nd Order accessible from estuary, conservation limit (adult spawning fish) for each system consistently exceeded, maintain or exceed 0+ fry mean catchment wide abundance threshold value, no significant decline in out migrating smolt abundance, no decline in number and distribution of spawning redds due to anthropogenic causes, and at least Q4 water quality at all EPA sample sites.
Otter (<i>Lutra lutra</i>) [1355]	To restore the favourable conservation condition of Otter	No significant decline in distribution, terrestrial habitat, marine habitat, freshwater river habitat, freshwater lake habitat, couching sites and holts, fish biomass and no significant increase in barriers to connectivity.

Consideration of Potential Effects

Potential direct effects:

There will be no direct impacts arising from the proposed development on the River Blackwater (Cork/Waterford) SAC (habitat loss, fragmentation or other). The proposed development site is not located within, or adjacent to this European Site and is 900m to the north at its closest point.

Potential indirect effects:

The Caherduggan South Stream is located at the foot of an escarpment c. 50m to the west of the proposed development site. This stream is a 1st order tributary of the River Blackwater with its confluence located c. 1.6km (hydrological distance) to the south. The subject site drains towards this stream, and it is proposed to discharge

operational storm/surface waters to this stream. In this context, I agree with the findings of the applicants NIS that during construction and operational stage potential indirect impacts generated by the proposed development on this stream and the River Blackwater are associated with contaminated surface water run off including increased silt levels, suspended solids, concrete (or other cementitious products) spillage and hydrocarbon spillage. The potential indirect effects of these impacts are set out below.

- **Construction Stage:**

The potential indirect effects are:

- Increased silt levels could damage the gills of adult fish species, or cause eggs and fry to be smothered. Impacts on spawning lamprey and salmonids could be significant. (*White Clawed Crayfish, Sea Lamprey, Brook Lamprey, River Lamprey, Atlantic Salmon, Otter, Fresh Water Pearl Mussel*)
- Increased silt levels could smother aquatic invertebrates and in areas of stony substrate may result in a change in the macro-invertebrate species composition, favouring less diverse assemblages and impacting sensitive species. (*White Clawed Crayfish, Sea Lamprey, Brook Lamprey, River Lamprey, Atlantic Salmon, Otter, Fresh Water Pearl Mussel*),
- Aquatic plant communities may also be affected by increased siltation with submerged plants stunted and photosynthesis reduced. (Watercourses of plan to montane levels with the *Ranuncullion fluitantis* and *Callitricho-Batrachion* vegetation.
- Spillages of hydrocarbons during construction could introduce toxic chemicals into the aquatic environment via surface water run-off or groundwater contamination with a direct toxicological impact on habitats and fauna. (All)

- **Operational Stage:**

During operation stage potential impacts consist of chemical contaminants in operational surface water runoff such as hydrocarbons which could impact water quality within the Caherduggan South Stream and qualifying species/habitats for the Blackwater River (Cork/Waterford) SAC. An increase in the rate of run off from the proposed development site as a result of hard surfaces (car parks, roadways and pathways) could impact on the hydrological regimes of the Caherduggan South Stream and Blackwater River (Cork/Waterford) SAC.

Potential in-combination effects:

The applicant finds that in the absence of mitigation, the potential for significant in-combination effects from emissions to water during construction and operation on the Blackwater River with the certain projects identified in Section 4.7.6 & Table 11 of the S1SA, cannot be ruled out.

Mitigation measures:

Best practice construction measures will be implemented throughout the project following relevant NRA and IFI guidelines. This will include on-site induction for all personnel relating to operations, environmental sensitivities, pollution controls, precautions and mitigation measures.

Specific mitigation measures to be employed during the construction phase are set out in Section 7.1 of the applicants NIS, Section 3.0 of the CEMP and Section 11 of the EclA and include the following:

- **Construction Stage:**

Suspended Solids:

- silt fencing will be installed around the perimeter of the site to prevent silt laden water leaving the site,
- drainage ditches will be installed to intercept surface water where there is a risk of significant flow into excavations or onto adjoining lands
- Water will be pumped from excavations and treated prior to discharge by infiltration over lands or via settlement ponds or silt busters,
- Run-off will be directed through appropriately sized settlement ponds in series to remove suspended solids before discharge,
- Temporary storage of soil, hardcore, crushed concrete or similar material will be stored 50m from any surface water drains, with surface run-off controls to prevent migration of materials,

Cement and Hydrocarbons (run-off, leaks and spillages)

- Concrete delivery vehicles will be washed out in designated wash out areas only. These will be located a minimum of 50m from any natural watercourse and designed with an impermeable liner to contain cement laden water.
- Washout areas will not be located within 10m of any temporary or permanent drainage features,
- Signage will indicate all washout areas and a sufficient number will be provided to cater for peak delivery times,
- Onsite batching of concrete is not ruled out involving the delivery and storage of dry cement and aggregate in silos with water added at the point of delivery to

make mortar or plaster. The following controls are proposed: plant shall be maintained in good condition, delivery shall be by means of a sealed system to prevent escape of cement, plant shall be situated on a paved area at least 20m from any temporary or permanent drainage feature, and emergency procedures shall be in place to deal with accidental spillages of cement or mortar,

- No bulk chemicals will be stored within active construction areas. Temporary oil and fuel storage tanks will be kept in the material storage area in suitable containers on appropriately bunded spill pallets. All bunds will be capable of retaining a volume equal to or greater than 1.1 times (>110%) capacity
- Refuelling of vehicles and the addition of hydraulic oils or lubricants will be undertaken off site or in a designated material storage compound at least 10m from any temporary or permanent drainage features.
- Spill protection equipment such as absorbent mats, socks and sand will be available in clearly marked bins/silos and in construction vehicles in the event of accidental spillage or release.
- Where mobile fuel bowsers are used any flexible pipe, tap, pump or valve will be fitted with a lock and secured when not in use. All bowsers will carry a spill kit. Portable generators will be placed on suitable drip trays.

Monitoring will be carried out involving daily checks, inspections and maintenance of a Surface Water Management Log to ensure the implementation of mitigation measures. An Environmental Manager or Ecological Clerk of Works will be responsible for implementation of all mitigation measures.

- **Operational Stage**

At operational stage it is considered that the potential risks associated with contaminated surface waters or increased run off rates is mitigated by the proposed surface water management system for the proposed development. This consists of a single network including extensive SuDS measures including for attenuation of storm waters, detention basins, permeable paving, under-drained roadside swales, bio-retention tree pits, bio-retention rain gardens and water butts. The system is fully described in Section 4.0 of the Civil Engineering Report and provides for a reduction in the forward flow from the site to greenfield run off rates by means of a hydrobrake prior to discharge and attenuation storage. I note that modelling shows no flooding occurs in any rainfall event tested (*24-hour, 100-year storm event with a 20% addition for climate change*). I am satisfied that the design and range of SuDS measures proposed include for the interception, filtration and storage of surface waters sufficient to mitigate any risks associated with an increased runoff rate or contaminants at operational stage. On this basis I concur with the findings of the

applicants NIS that there will be no impact on local water quality or hydrological regimes and no adverse effects on the conservation objectives of the Blackwater River (Cork/Waterford) SAC from operational surface water discharges. No additional mitigation measures are required.

Residual effects/Further analysis:

I concur with the assessment of the applicant, that if the general best practice construction measures and the mitigation measures set out in Section 7.1 of the applicants NIS, Section 3.0 of the CEMP and Section 11 of the EclA are employed during the construction stages, and the surface water management system is implemented at operational stage, that the proposed development will not adversely affect (either directly or indirectly) the integrity of any European site, either alone or in combination with other plans or projects and that there is no scientific doubt in relation to this conclusion.

NIS Omissions

None noted. The further information response did not include, or require, a revision to the applicants Stage 1 AA Screening Report or Natura Impact Statement.

Suggested related conditions

I am satisfied that the mitigation measures set out in Section 7.1 of the applicants NIS, Section 3.0 of the CEMP and Section 11 of the EclA are sufficient and that no additional conditions are required to prevent or mitigate potential adverse impacts or effects. I am satisfied that the mitigation measures proposed are implementable and will be effective in their stated aims. I note that an Environmental Manager or Ecological Clerk of Works will be employed to ensure their effective implementation including daily checks, inspections and maintenance of an associated log.

Conclusion: I am satisfied that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of this European site Blackwater River (Cork/Waterford) SAC (Site Code: 002170) in light of its conservation objectives (subject to the implementation of mitigation measures outlined above).

Appropriate Assessment Conclusions

Having regard to the foregoing and taking account of the scale, nature and design of the proposed development on zoned land contiguous to established residential development within in an urban settlement I consider that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the Blackwater River (Cork/Waterford) (SAC) European site no. **002170**, or any other European site, in view of the site's Conservation Objectives.

12.0 Recommendation

On the basis of the above assessment, I recommend that the Commission approve the proposed development subject to the reasons and considerations below and subject to conditions including requiring compliance with the submitted details and with the mitigation measures as set out in the NIS.

Reasons and Considerations

In performing its functions in relation to the making of its decision, the Commission had regard to:

Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, and the requirement to, in so far as practicable, perform its functions in a manner consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and National Climate Change Risk Assessment 2025 and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

The Commission also had regard to the following in coming to its decision:

- European legislation, including of particular relevance:

- Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.
 - Directive 2011/92/EU (The EIA Directive) as amended by Directive 2014/52/EU as implemented by Article 94 and Schedule 6 (paragraphs 1 and 2) of the Planning Regulations as amended.
 - Directive 2000/60/EC, the Water Framework Directive and the requirement to exercise its functions in a manner which is consistent with the provisions of the Directive and which achieves or promotes compliance with the requirements of the Directive.
- National and regional planning and related policy, including:
 - National policy with regard to the development of Compact Urban Settlements, particularly the NPF First Revision 2025 and the updated housing growth requirements
 - The two pillars and key priorities of Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness
 - The objectives and targets of the National Biodiversity Action Plan 2023-2030.
- Regional and local planning policy, including:
 - Regional Spatial Economic Strategy for the Southern Region;
 - Cork County Council Development Plan 2022-2028.
- Other relevant national policy and guidance documents including:
 - NPF Implementation: Housing Growth Requirements – Guidelines for Planning Authorities (2025)
 - Sustainable Urban Housing Design Standards for New Apartments - Guidelines for Planning Authorities (2023)
 - Sustainable Residential and Compact Settlement Guidelines for Planning Authorities, 2024

- The nature, scale and design of the proposed development as set out in the planning application and the pattern of development in the vicinity.
- The likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European sites.
- The Natura Impact Statement and Ecological Impact Assessment submitted
- The submissions and observations made in connection with the planning application.
- The further information response received from the applicant on 23rd October 2025.
- The report and the recommendation of the Inspector, including the examination, analysis and evaluation undertaken in relation to appropriate assessment

Appropriate Assessment

The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Kilcolman Bog SPA (site code: 004095) and the Blackwater River (Cork/Waterford) SAC (site code: 002170), are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

The Commission considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment.

The Commission completed an appropriate assessment of the implications of the proposed development for the affected European Site, namely the Blackwater River (Cork/Waterford) SAC (site code: 002170) in view of the site's conservation objectives. The Commission considered that the information before it was adequate

to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Commission considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Site.

In completing the appropriate assessment, the Commission accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Site, having regard to the site's conservation objectives.

In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site, in view of the site's conservation objectives.

Proper Planning and Sustainable Development/Likely effects on the environment

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not give rise to a risk of pollution, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the amenities of property in the vicinity, would not adversely impact on the cultural, archaeological and built heritage of the area, would not interfere with the existing land uses in the area and would not interfere with traffic and pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, including the further

information received by the Commission on 23rd October 2025, except as may otherwise be required in order to comply with the following conditions.

Where any mitigation measures set out in the Natura Impact Statement or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. Prior to the commencement of development, the following works shall be implemented and completed in full:

- (a) the existing Part 8 planning consent for 'the road improvement works' to St. Joseph's Road and the junction with Aldworth Heights shall be completed in accordance with the tender drawings and Dwg.No. SJ-RL-T01 and SJ-RL-T02 submitted to the Commission on 23rd October 2025.
- (b) The proposed pedestrian improvement works to St. Josephs Road shall be completed in accordance with Dwg. No. SJ-PR-P01 and SJ-PR-P02 submitted to the Commission on 23rd October 2025.

Reason: In the interest of public safety, traffic safety and orderly development.

3. The proposed development, including the Aldworth Heights service road to its junction with St. Josephs Road, and all works required by Condition No.2 shall be subject to a Stage 2 and Stage 3 Road Safety Audit which shall be placed on file and retained as part of the public record.

Reason: In the interest of public safety, traffic safety and orderly development.

4. The mitigation and monitoring measures identified in the Natura Impact Statement submitted with the application shall be implemented in full. Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be

prepared by the local authority and placed on file and retained as part of the public record.

Reason: In the interest of protecting the environment, the protection of European Sites and in the interest of public health.

5. A suitably qualified Ecological Clerk of Works (EcOW) or Environmental Manager (EM) shall be retained by the local authority to oversee the site set up and construction of the proposed development and implementation of all mitigation measures relating to ecology. The EcOW or EM shall be present during the works. Upon completion of works, an ecological report of the site works shall be prepared by the appointed EcOW or EM to be kept on file as part of the public record.

Reason: In the interest of nature conservation and biodiversity.

6. No vegetation removal shall take place during the period of the 1st day of March to the 31st day of August (inclusive) without the written approval of the Ecological Clerk of Works or Environmental Manager. Such approval shall be placed on the public file.

Reason: In the interests of biodiversity and nature conservation

7. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the project ecologist and relevant statutory agencies, a Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement and Ecological Impact Assessment and demonstration of proposals to adhere to best practice and protocols. The CEMP shall be placed on file and retained as part of the public record and shall include:
 - a. all mitigation measures indicated in the Natura Impact Statement and Ecological Impact Assessment.

- b. location and extent of silt fencing to be installed on site;
- c. details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of HGV traffic and associated loads to the site and to avoid conflict with schools and pre-schools;
- d. measures to facilitate demands for VRU's and measures to obviate queuing of construction traffic on the adjoining road network;
- e. measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network or the service road within Aldworth Heights;
- f. all mitigation measures to be employed to protect the archaeological environment during all phases of site preparation and related construction activity in accordance with Condition No.10, and
- g. specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness, and

Reason: In the interest of protecting the environment and the European Site.

- 8. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays.

Reason: In order to safeguard the amenities of property in the vicinity.

- 9. The Local Authority and any agent acting on its behalf shall ensure that all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

Reason: In the interest of the proper planning and sustainable development of the area and to ensure the protection of the European sites.

- 10. (a) The local authority, or any agent acting on its behalf shall engage a suitably qualified Archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological test excavation in all areas of proposed ground disturbance and prepare an updated Archaeological Impact

Assessment (AIA) following consultation with the Department of Housing, Local Government and Heritage, and in advance of any site enabling/preparation works or ground works including site investigation works, topsoil stripping, site clearance works or construction works. The AIA report shall include an archaeological impact statement and mitigation strategy and placed on file and retained as part of the public record.

(b) Where archaeological material is shown to be present, avoidance, preservation in situ, preservation by record (archaeological excavation) and/or monitoring may be required. Any further archaeological mitigation requirements specified following consultation with the Department, shall be complied with by the local authority or any agent acting in its behalf.

(c) The Department shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work and this final report shall be placed on file and retained as part of the public record.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites features or other objects of archaeological interest.

11. Proposals for an estate/street name, house numbering scheme and associated signage shall be determined prior to the commencement of development. Thereafter, the estate and street signs and house numbers shall be provided in accordance with the agreed scheme.

Reason: In the interests of Urban legibility.

Paul Kelly
Senior Planning Inspector
27th November 2025

Appendix 1 (Form 1) - EIA Pre-Screening

Case Reference	ABP-320648-24
Proposed Development Summary	Proposed construction of 138 residential units and all associated works.
Development Address	Spa Glen, Mallow, Co. Cork.
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <p><i>(For the purposes of the Directive, "Project" means:</i></p> <ul style="list-style-type: none"> <i>- The execution of construction works or of other installations or schemes,</i> <i>- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)</i> 	
<p><input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.</p> <p><input type="checkbox"/> No, No further action required.</p>	
2. Is the proposed development of a CLASS specified in <u>Part 1, Schedule 5 of the Planning and Development Regulations 2001</u> (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested.	State the Class here
<p><input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>	
3. Is the proposed development of a CLASS specified in <u>Part 2, Schedule 5, Planning and Development Regulations 2001</u> (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	

<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10(b)(i) Construction of more than 500 dwelling units. Class 10(b)(iv) Urban development involving an area greater than 10ha.

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?

Yes <input checked="" type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input type="checkbox"/>	

Inspector: _____ Date: _____

Appendix 1a (Form 3) - EIA Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference	ABP-320648-24	
Development Summary	Proposed construction of 138 residential units and all associated works.	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	N/A	This application is for a Local Authority own development; accordingly the PA did not make a formal EIA Screening Determination. However, the application is accompanied by an EIA Screening Report prepared by McCutcheon Halley on behalf of the applicant local authority and which concludes that a mandatory EIA is not required and that the proposed development does not meet the criteria under Schedule 7 where a sub-threshold EIA would be required.
2. Has Schedule 7A information been submitted?	Yes	This information is submitted as part of the EIA Screening Report prepared by McCutcheon Halley on behalf of the applicant local authority.
3. Has an AA screening report or NIS been submitted?	Yes	A Report in Support of Appropriate Assessment (AA) Screening & Natura Impact Statement (NIS) prepared by Dixon Brosnan Environmental Consultants was submitted on behalf of the applicant local authority.

4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No		
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	No	An Ecological Impact Assessment (EclA) was prepared by Dixon Brosnan Environmental Consultants on behalf of the applicant local authority. Not an EIAR, the purpose of this assessment was to assist the consideration of effects on the environment pursuant to the EIA Directive.	
B. EXAMINATION	Yes/ No/ Uncertain	<p>Briefly describe the nature and extent and Mitigation Measures (where relevant)</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	Is this likely to result in significant effects on the environment?

This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith

1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No.	The proposed residential development is located on residential zoned lands in the CCDP (MW-R-08) with a recommended Medium A density of 30-50 dwelling units per ha (dph). The site is adjoined to the south by	No.

		<p>established residential developments and to the east by residential reserve lands. The development site has an area of 4.52ha and a developable area of 3.9ha. A total of 138 no. residential units are proposed consisting of a mix of 2 & 3 bed townhouses (56 no.), 3 & 4 bed semi-detached houses (18 no) and 1 & 2 bed apartments (64 no.), together with site access roads, amenity areas, landscaping and 1 no. creche. This results in a medium density development of 35.4 dph in accordance with both the CCDP and the SRDCSG. There are a number of permitted LRDs and SHDs in the wider environs of the site and large-scale multiple residential developments including multi-storey apartments are established in this area of Mallow, particularly within Castle Park Village which opposes the proposed development site to the southern side of St. Josephs Road. I am satisfied that the proposed development is appropriate in the context of this site and its environs, is in accordance with the applicable residential zoning and guidelines and 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 the scale or character of the proposed development.</p>	
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<p>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	<p>Yes.</p>	<p>No demolition works are proposed. The proposed development will cause changes to landuse from agricultural to residential consistent with the zoning in the CCDP and established adjoining landuse(s). This is not considered to be significant. Topography will change as levels across the site are altered at earthworks stage prior to the commencement of development. This will be managed in accordance with a CEMP which provides that no imported fill will be required and no soil will be removed from site. It is not considered that these changes to topography will be significant as the site does not occupy a visually prominent location, the relationship with adjoining lands and property is considered satisfactory, and surface water discharges/run-off will be managed in accordance with a surface water management system. There are no water bodies within or adjoining the site with potential to be affected by the proposed development other than the Caherduggan South Stream (aka) Spa Glen Stream which is located c. 50m to the west of the site.</p>	<p>No.</p>
<p>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<p>No.</p>	<p>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 planning stage 'Construction & Environmental Management Plan ("CEMP")' prepared by 'Walsh Design Group', that limited excavation of the site will be required, with materials largely being re-used on site. While the construction phase will require some use of natural</p>	<p>No.</p>

		<p>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 low and local ecological value of the habitats of the application site as per the EclA, the nature and scale of the works proposed, 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.</p> <p>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.</p>	
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	No.	<p>The proposed development will involve the use of cementitious products in construction and the use of hydrocarbons in the use and maintenance of vehicles. The use of these products will be controlled by the best practice and mitigation measures set out in the CEMP for the protection of surface waters and pollution control. It is not considered that this use, which is normal and routine activity associated with a construction project, presents a significant risk of harm to human health or the environment.</p>	No.

<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>No.</p>	<p>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 Waste Management Plan ('WMP' as referenced in the CEMP) and the volume and type of materials generated is not considered to be significant. In particular I note the arrangements for prevention and minimisation, segregation, re-use, re-cycling and disposal.</p> <p>Domestic waste generated during the subsequent occupation of the housing will be small in scale and proportionate to the domestic use.</p> <p>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.</p>	<p>No.</p>
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>Yes.</p>	<p>The Caherduggan South Stream (aka Spa Glen Stream) is located at the foot of an escarpment c. 50m west of the proposed development site. This stream is a 1st order tributary of the Blackwater River (Cork/Waterford) SAC with its confluence 1.6km downstream. The applicants S1SA and NIS identified a risk that contaminated surface water runoff discharges from the site could present a risk to the water quality of this stream and consequently the Blackwater River at both construction and operational stage. A range of best practice construction and</p>	<p>No.</p>

		<p>mitigation measures are set out in Section 3.0 of the CEMP to address this risk including silt fencing, settlement ponds, interceptor drains, buffer zones, designated washout areas, bunded storage areas, pollution control measures, spill kits, training and induction, monitoring and implementation by an ECoW. At operational stage mitigation is proposed as part of a surface water management system and SuDS design with attenuation of storm waters, detention basins, permeable paving, under-drained roadside swales, bio-retention tree pits, bio-retention rain gardens and water butts. The Stage 2 AA of the NIS found that with the implementation of these measures there would be no risk of residual effects to the water quality of these waterbodies.</p>	
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes.	<p>The potential for pollution and nuisance arising from an urban and residential development of this scale is limited. Drilling or piling, demolition or ground breaking works is not proposed. 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. In this regard, I note the specific measures proposed to control and mitigate potential impacts on air quality and noise and vibration in accordance with BS 5228 2009+A1 2014. Light will be controlled in accordance with best practice as detailed in the</p>	No.

		<p>outdoor lighting report. There will be no significant impacts or effects from the release of heat, energy or electromagnetic radiation.</p> <p>Having regard to the limited scale 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.</p>	
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	No.	None, other than those already discussed above in Sections 1.4 and 1.6 which are deemed not to be significant.	No.
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No.	<p>Having regard to the characteristics of the proposed residential development, including its relatively small size, location contiguous to established residential development, 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.</p> <p>The provisions of the CEMP in respect of Health & Safety, Environmental Management, Construction Traffic Management and Waste Management 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</p>	No.

		magnitude to generate a requirement for environmental impact assessment.	
1.10 Will the project affect the social environment (population, employment)	Yes.	The proposed development will contribute towards the planned employment and population growth targets for the key Town of Mallow in accordance with the provisions of the CCDP and RSES. This planned growth in accordance with regional and local policy is not considered to be significant such that it would warrant development consent level EIA.	No.
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No.	The proposed development is part of the planned development and growth of residential zoned lands within the settlement boundary of Mallow. The potential for cumulative effects on the environment has been considered in the TTA, EclA and NIS submitted in support of the proposed development. The main potential cumulative effect as a result of the proposed development (with other developments in the area) is on traffic and road safety and water quality. The submitted TTA and RSA have satisfactorily established that the proposed development, either alone or in combination (cumulatively), will not result in adverse impacts or effects on the public road network from a capacity perspective and is satisfactory from a road safety perspective. The applicants NIS and the AA set out in this assessment concluded that with the implementation of surface water and pollution control measures there would be no risk of residual effects to water quality including from cumulative effects.	No.

2. Location of proposed development			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> - European site (SAC/ SPA/ pSAC/ pSPA) - NHA/ pNHA - Designated Nature Reserve - Designated refuge for flora or fauna - Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 	Yes.	<p>As stated above in Section 1.6 the proposed development is hydrologically connected to the River Blackwater (Cork/Waterford) SAC with the potential for adverse effects associated with a deterioration in water quality. The applicants NIS and the AA carried out in Section 10.3.3. of this Report determined that with the implementation of surface water and pollution control measures there would be no risk of residual effects to the water quality of the said European Site.</p>	No.
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	No.	<p>The application is accompanied by an EclA which established that the proposed development site does not provide foraging habitat for Otter and no signs of Otter were recorded within 150m of the proposed development site. The EclA also found that no other protected mammal species (including Badger) and no habitats suitable for amphibians were recorded within the proposed development site.</p> <p>In relation to Birds no Annex I species or birds of conservation concern in Ireland (BOCCI) species were recorded at the site.</p> <p>Otherwise, the important woodland and hedgerow habitats which provide potential foraging habitat for bats will be retained and protected at the site boundaries as part of the development and as set out in the submitted</p>	No.

		landscape strategy. The implementation of a best practice lighting strategy as set out in the outdoor lighting report(s) and assessed in the EcIA, confirms that there will be no significant effects on bats.	
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	Yes.	There are no landscape or architectural features of importance which could be affected by the proposed development. There are no RPS or NIAH structures within the vicinity of the subject site and no landscape designations in the CCDP relating to views, prospects or visual amenity. Whilst there is no recorded archaeological features within or immediately adjoining the proposed development site, geophysical testing has identified possible subsurface archaeological features. Mitigation is proposed in the form of preservation in situ and/or by record and I am satisfied that this is sufficient to protect archaeological heritage and that significant effects will not arise.	No.
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No.	The site consists primarily of low value grassland and broken patterns of linear hedgerow. It is zoned as zoned as 'residential' in the CCDP and is contiguous with established residential development within the settlement boundary of Mallow. The proposed development site nor adjoining lands contain important, high quality or scarce resources.	No.
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	Yes.	None, other than the Caherduggan Stream and Blackwater River as described at Section 1.6 above. The water quality of these waterbodies will be satisfactorily protected by the mitigation measures discussed in Section 1.6 and the	No.

		hydrological regimes will be protected by the SuDS surface water drainage system which includes attenuation and a hydro brake reducing runoff to green field rates. The site is located within a Flood Zone C area and is not at risk of flooding.	
2.6 Is the location susceptible to subsidence, landslides or erosion?	No.	There is no evidence to suggest that the location of the proposed development site is susceptible to subsidence, landslide or erosion. I note from the mapping resources available on Geological Survey Ireland, that the proposed development site is classified as having a low landslide susceptibility and that there are no recorded landslide events. Whilst I note that a moderately low to moderately high landslide classification is mapped to the west of the proposed development site, this is in the location of an escarpment which falls to Spa Glen and at a location where development works are not proposed and at a remove from residential development.	No.
2.7 Are there any key transport routes (eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	Yes.	Mallow town centre is currently affected by congestion as a result of the poor geometry of existing junctions and sub-optimal timing of traffic signals. The TTA submitted in support of the application proposes changes to signal controlled junctions which are within the control of the applicant local authority and which demonstrate operational capacity and efficiency to the design year 2040. Otherwise, the TTA confirms that the service road and public road network serving the proposed development has sufficient capacity to facilitate	No.

		the development proposed without significant environmental effects.	
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	Yes.	There is a national school within the local vicinity of the subject site, which is accessed via St. Josephs Rd and therefore has the potential to be impacted by construction traffic. The CEMP submitted in support of the subject application, provides that HGV deliveries will be scheduled outside of peak times and therefore it is considered that the school will not be significantly impacted by the proposed development.	No.
3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No.	The potential for cumulative effects was considered in the TTA and NIS. The applicants NIS and the AA carried out in Section 10.3.3. of this Report determined that with the implementation of surface water and pollution control measures there would be no risk of residual effects to any European site as a result of the proposed development alone or in combination. The submitted TTA and RSA have satisfactorily established that the proposed development, either alone or in combination (cumulatively), will not result in adverse impacts or effects on the public road network from a capacity perspective and is satisfactory from a road safety perspective.	No.
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No.	The proposed development is not at a location, and is not of a type or nature, which could give rise to transboundary environmental effects as a result of construction practices or other.	No.

3.3 Are there any other relevant considerations?	No.		No.
C. CONCLUSION			
No real likelihood of significant effects on the environment.	X	EIAR Not Required	
Real likelihood of significant effects on the environment.		EIAR Required	
D. MAIN REASONS AND CONSIDERATIONS			
<p>Having regard to: -</p> <ol style="list-style-type: none"> 1. the criteria set out in Schedule 7, in particular <ul style="list-style-type: none"> (a) the limited nature and scale of the proposed housing development, on residential zoned land contiguous to an established residential area and served by public infrastructure (b) the absence of any significant environmental sensitivity in the vicinity, (c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended) 2. the results of other relevant assessments of the effects on the environment submitted by the applicant including the Natura Impact Statement (NIS) which concluded that the construction, operation and decommissioning of the proposed development will not adversely affect (either directly or indirectly) the integrity of any European Site, either alone or in combination with other plans or projects and that there is no reasonable scientific doubt in relation to this conclusion, 3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, and in particular the surface water and pollution control measures to protect water quality and the hydrological regimes within the Caherduggan Stream (aka Spa Glen stream) and the Blackwater River, and the proposal to preserve in situ possible unrecorded subsurface archaeological features (enclosures) in the northwest corner of the site, 			

The Commission concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Inspector _____

Date _____

Approved (DP/ADP) _____

Date _____

Appendix 2: WFD Impact Assessment Stage 1: Screening

ABP 320648-24

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	ABP-320648-24	Townland, address	Spa Glen, Mallow, Co. Cork.
Description of project		Proposed local authority development consisting of the construction of 138 residential units and all associated works. A more detailed development description is available in the Inspectors Report.	
Brief site description, relevant to WFD Screening,		<p>The subject site consists of residential zoned land, contiguous to established residential development within the settlement boundary of Mallow, Co. Cork. It presently consists of under utilised grassland of low ecological value and internal hedgerows with no coherent linear pattern. Woodlands and hedgerow adjoin the eastern and western boundaries of the site which will be retained.</p> <p>The Caherduggan South Stream (aka Spa Glen Stream) is located at the foot of an escarpment c. 50m west of the proposed development site. This stream is a 1st order tributary of the Blackwater River (Cork/Waterford) SAC with its confluence 1.6km downstream. It is proposed to discharge storm waters to this stream.</p>	
Proposed surface water details		Surface water drainage arrangements are described and assessed in Section 4.0 of the Civil Engineering Report (CIR). The design is based on SuDS measures which include detention basins, underdrained roadside swales, permeable paving, bioretention tree pits, rain garden	

	planters and soakaways and water butts. The storm network design was tested simulating both summer and winter storms, with design features such that no flooding will occur to individual elements during any storm up to and including 24 hour 100 year return period with additional flows of 20% added to account for climate change. Discharge arrangements include attenuation and a hydro brake to ensure greenfield run-off rates and that there will be no hydrological regime change to the receiving Caherduggan South Stream.
Proposed water supply source & available capacity	Water supply will be from connection to mains water services. Upgrades to the network will be required.
Proposed wastewater treatment system & available capacity, other issues	Wastewater will discharge to Mallow municipal wastewater treatment plant. There are no capacity issues.
Others?	n/a

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection

Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g. at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
WFD River Sub Basin & Water body: Blackwater (Munster)_140	Site is within this WFD SB and drains to this river waterbody.	Blackwater (Munster)_140 IE_SW_18B0217 20	Good	Not at Risk	n/a	Surface run-off.

WFD groundwater body: Mitchelstown groundwater body	Site is within this WFD GB	IE_SW_G_082	Good	At risk	n/a	Hydraulic connection between surface water and groundwater.
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Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD

Objectives having regard to the S-P-R linkage.

CONSTRUCTION PHASE

No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.)
1.	Accidental pollution by uncontrolled runoff – vegetation removal, site stripping, stockpiling, vehicle movements and earthworks could result in uncontrolled site runoff and increases in	River and Groundwater bodies (Blackwater and Michelstown)	Existing hydraulic connection between surface water and groundwater. New surface water discharges.	The impact of a high sediment load entering river or groundwater bodies could impact water quality and habitat(s).	Surface water control measures set out in Section 7.1 of the applicants NIS, Section 3.0 of the CEMP and Section 11 of the EIA.	No.	No risk. Screened out.

	sediment loading.						
2.	Accidental pollution by spillages – hydrocarbons, paints, chemicals, concrete and cement products.	River and Groundwater bodies (Blackwater and Michelstown)	Existing hydraulic connection between surface water and groundwater. New surface water discharges.	The impact of pollution could impact water quality and habitat of all receptors.	The pollution control measures set out in Section 7.1 of the applicants NIS, Section 3.0 of the CEMP and Section 11 of the EclA.	No.	No risk. Screened out.

OPERATIONAL PHASE

1.	Accidental pollution by spillages – hydrocarbons, paints, chemicals, concrete and cement products.	As above.	As above.	As above.	As above.	No.	No risk. Screened out.
2.	Changes to flood risk by uncontrolled or increased rates of site run off.	River waterbody (Blackwater)	New. Site runoff.	Areas of hardstanding could result in changes to natural flow pathways or hydrological regimes causing changes to flood risk from fluvial sources.	Surface water management system based on SuDS principles which includes attenuation and a hydro brake limiting forward flow to greenfield run off rates.	No.	No risk. Screened out.

Inspector: _____ Date: _____