



An
Bord
Pleanála

Inspector's Report

ABP-320750-24

Development	Construction of 62 dwellings and all ancillary works.
Location	Maghereen, Kilnagurteen, Macroom, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	236518
Applicant(s)	Massey Developments Ltd
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Peter Sweetman
Observer(s)	Michael Duffy
Date of Site Inspection	31 st December 2024
Inspector	Mary Crowley

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1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 2.71 ha is a greenfield site, located immediately north of the Sullane River and some 500m from Macroom town centre. The site sits within an area zoned as 'Existing Residential/Mixed Residential and Other Uses'. Further the site is traversed by Special Objective MM-U-02 to facilitate a relief road from Masseytown to Cornmills to Mill Road in conjunction with the construction of new housing developments over the plan period.
- 1.2. I refer to the photos available to view throughout the file. Together with a set of photographs of the site and its environs taken during the course of my site inspection serve to describe the site and location in further detail.

2.0 Proposed Development

- 2.1. Planning permission is sought for the proposed construction of a residential development of 62 no. dwelling houses (6,837.40 sqm) and all ancillary site works. The proposed development consists of 4 no. detached housing units, 34 no. semi-detached housing units, and 24 no. terraced housing units comprising 9 2-bed, 23 3-bed and 30 4-bed units with 124 car parking spaces.
- 2.2. Ancillary site works include the provision of all associated site landscaping, public open spaces, a new public footpath (connecting to Masseytown Road via Cornmills) and servicing proposals. Vehicular access to the proposed development will be provided by a new entrance from the Mill Road, all at Maghereen, Macroom, Co. Cork.
- 2.3. Key development data is summarised as follows:

Overall Site Area	2.7 ha
Site Exclusions Zone	0.9 ha
Developable Site Area	1.8 ha
Zoning	Existing residential / mixed residential / other uses
Proposed Floor Area	6837.4 sqm
Site Density Proposed	34 units / ha – Medium "B" Range

Number of units	62
Unit Mix	2 bed – 19.4% 3 bed – 32.2% 4 bed – 48.4%
Part V	10% = 6 no units
Car Parking Provision	124
Water	Public Mains
Wastewater	Public Mains
Surface Water	Soakpits

2.4. The application was accompanied by the following:

- Planning Cover Letter
- Planning Statement
- Design Statement
- Housing Mix Statement
- Traffic & Transport Assessment & Road Safety Audit
- Construction Traffic Management Plan
- Outdoor Lighting Report
- Green Infrastructure Statement including Landscaping Plan
- Resource & Waste Management Plan (RWMP)
- Construction Environmental Management Plan
- Engineering Design Report
- Pre-Connection Enquiry Response from Irish Water
- Appropriate Assessment
- Ecological Impact Assessment
- Bat Survey
- Part V proposals

2.5. **Unsolicited Information** was submitted on the 9th January 2024 comprising:

- Updated Drawing Register
- Amended Part V Proposal – Site was purchased after September 2021, the cut off point for a 1% unit take. The sale completed on 18th February 2022. Amended proposal for a 20% unit take provided.
- Part V – Unit Location Drawing – 2022-10-1037

2.6. **Further Information** (FI) was received on 17-07-2024 and may be summarised as follows:

- Legal interest over the subject lands of the site.
- Reprinted site survey, revised site layout plans indicating private amenity space areas for each dwelling, the removal of the pocket park and subsequent area being incorporated into the curtilage of the private dwellings 61 and 62 as requested, revised architectural drawings indicating the parking bays 4.9x2.4m in line with the County Development Plan 2022 as requested, revised drawings indicating a 2m high stoned faced boundary wall for the side of proposed unit no. 15 and 2 no. single storey dwellings for use by older people and the disabled as requested.
- The use of an Ecological Clerk of Works (ECoW) was seen as a precautionary measure to safeguard the stream during the construction phase, in addition to design features of the surface water management, and protective measures described within the Construction Environmental Management Plan (CEMP). The downstream residual impacts are considered to be imperceptible (no noticeable consequences). There will be no downstream impacts upon the River Sullane or on the Freshwater Pearl Mussel
- The surface water management system incorporates attenuation onsite soakaways, and swales. This system controls the flow rate of surface water to less than the current greenfield runoff for the catchment area.
- The access road is already in existence and the Dromree Stream flows under this road within a culvert. There are no proposals to alter this culvert. No significant impacts are likely to occur to the Dromree Stream, or downstream watercourses.
- Tree survey report which outlines that one of the 19 trees surveyed will need to be removed to facilitate the development and the remaining trees can be retained.
- The applicant's ecologist has clarified that the western boundary of the site shall remain as existing with a 5 m buffer between it and any part of the development.

- The revised landscaping plan provides for the inclusion of six swift boxes.
- Revised landscaping plan. The photographs of Berberis and Fuchsia have been replaced but they are still included in the landscaping legend
- Refer to the revised landscape masterplan drawing 2022-10-1033 which indicates areas of public open space (with site areas). The linear parkland area has been omitted, reducing the net developable site area to 1.8ha. The revised open space provision therefore amounts to 11.2% of the revised developable site area.
- Revised proposals and drawings submitted illustrating 70m sightlines in each direction, a raised crossing point within the access road, revision of the proposed pedestrian link west to Masseytown, public lighting of the revised pedestrian link, a 3m wide shared cycle and pedestrian path to the Cornmills Estate and details of the internal road and public footpath widths.
- Revised architectural drawings indicating car parking bays 4.9m X 2.4m in line with the CDP 2022 submitted.
- The proposed wastewater pumping station is located and designed to Uisce Eireann Code of Practice guidelines and will be agreed with Uisce Eireann prior to construction.
- Storm water from the site is to be attenuated to greenfield run off rates. A new surface water sewer will be laid on the Mill Road which will also take existing road gullies connecting to the existing culvert. No works are proposed to be carried out in the stream or on the banks of the stream.
- A revised public lighting design.
- The main objective of the EcIA was to protect the Dromree Stream. No unattenuated waters would leave the site, and no downstream impacts upon the River Sullane or any other watercourse. Given this conclusion, it is considered excessive that a Water Framework Directive Compliance Assessment is required.
- The main construction access to the site will be from the Mill Road via the proposed final site entrance. The site will not be accessed from Masseytown as there is a pinch point on the mill road near the existing mill.
- An Archaeological Impact assessment including Geophysical Survey and Archaeological Testing was submitted as requested.

- Following a review of flood maps available for the Macroom area, there is no risk associated with the proposed site development.

2.7. The FI was accompanied by the following:

- Cover Letter
- Revised architectural drawings
- Engineering RFI letter
- Revised and additional engineering drawings
- Revised Construction Environmental Management Plan
- Outdoor Lighting Report
- Compliance Report
- Archaeological Impact Assessment
- Tree Survey Report

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Cork County Council issued a notification of decision to grant permission subject to 39 conditions summarised as follows:

1.	The development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the documents/drawings received by the Planning Authority on the 18/12/2023 and on the 17/07/2024 except as may otherwise be required in order to comply with the conditions herein.
2.	Part V
3.	Connection agreement with Uisce Éireann
4.	Compliance with 'Recommendations for Site Development Works for Housing Areas' issued by the DOELG in November 1998
5.	Traffic Management shall comply with the 'Traffic Management Guidelines' issued by the Department of Transport in 2002

6.	Estates Engineer shall be notified in advance of the Contractor moving on site
7.	Insurance Bond
8.	Construction drawings to be agreed with the Estates Engineer
9.	Bilingual naming and numbering scheme and associated nameplates for the development shall be submitted to the Planning Authority for written agreement.
10.	Security Bond
11.	Surface Water
12.	Details of the Mill Road overlay on site with the local Area Roads Office to be agreed
13.	Fencing details between the existing culvert and new public footpath linkage shall be submitted to the Planning Authority for agreement.
14.	Surface water management controls shall be in place to prevent the discharge of sediment contaminated water to adjacent water courses
15.	Foul drainage shall be to the satisfaction of Uisce Éireann
16.	The construction of the development shall be managed in accordance with a Site Specific Construction Environment Management Plan (CEMP)
17.	Construction Noise & Vibration
18.	The developer shall record all complaints received relating to site operations.
19.	A competent Environmental Clerk of Works (EnCoW) shall be appointed to oversee the implementation of the mitigation measures and efficacy of controls as per application documents.
20.	All mitigation measures outlined in the CEMP shall be fully implemented.
21.	Cutting or removal of trees, hedgerows and clearance of ground vegetation shall not be undertaken between the 1st of March and 31st of August.

22.	All works shall be implemented in accordance with mitigation measures specified in the Ecological Impact Assessment received by the Planning Authority on the 18/12/2023 and as updated by Compliance Report received 17/07/2024.
23.	Landscaping of this site shall be carried out in accordance with the landscaping plans received by the Planning Authority on 17/07/2024, bar the inclusion of Fuchsia and Berberis.
24.	Protective fencing in accordance with BS 5837, shall be installed to protect all trees identified to be retained.
25.	All works on site shall be implemented in accordance with the Construction Environmental Management Plan (CEMP) received by the Planning Authority on the 17/07/2024.
26.	All works will take place in accordance with the recommendations set out in Section 6 of the Bat Survey received by the Planning Authority 18/12/2023.
27.	All works relating to tree removal and tree retention shall be implemented in accordance with measures specified in the Tree Survey received by the Planning Authority on the 17/07/2024.
28.	Swift (Apus apus) boxes shall be incorporated on the external walls of the development as outlined in the Compliance Report received 17/07/2024
29.	A 5m buffer between the eastern boundary and the development shall be established.
30.	All works shall be supervised by an on-site Ecological Clerk of Works who will report on compliance with the relevant mitigation measures.
31.	Public Lighting in this development shall be designed and constructed in accordance with Cork County Council's Public Lighting Manual and Product Specification 2023
32.	Compliance with the Cork County Council Public Lighting Manual and Product Specification 2023

33.	Within any phase of new development, the public lights shall be switched on in that phase and on any access roads, and shall be kept active and maintained by the developer until taken in charge
34.	A public lighting design and layout drawing for the section of public road along the curtilage of the site, shall be submitted to and agreed
35.	Public Lighting within this development shall be unmetered tariff and subject to a maximum load on individual midi-pillar connections of 2KW
36.	The applicant shall resubmit a 'Lighting Reality' design report and drawing(s)
37.	All of the of on curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses
38.	Section 47 of the Planning and Development Act 2000, that restricts all houses and duplex units permitted, to first occupation by individual purchasers
39.	Section 48 Contribution

3.2. Planning Authority Reports

3.2.1. The **Case Planner** in their first report (16/02/2024) requested further information in relation to 19 items summarised as follows:

1.	Legal consent from all landowners with a legal interest in the lands within the red line boundary
2.	Legible site survey, areas of private amenity space, pocket park to be incorporated within the curtilage of No 62, compliance with parking bay dimensions of CDP, boundary treatment to the side of No 15 and provision of housing for older people and disabled
3.	Assessment of the potential impacts generated by the proposal on Freshwater Pearl Mussel within the zone of influence of the highly sensitive catchment of the Sullane River
4.	Clarification of the proposed surface water drainage arrangement for the site

5.	Review the functionality and locations of the proposed swale pond and wildflower meadow, and consider incorporating the “swale pond” into the “wildflower meadow” space
6.	Details of the existing culvert that provide access to the storage yard/site adjacent to the Corn Mills development and a proposal for its replacement with a clear span crossing
7.	Clarification as to any requirement to instream works and/or works to watercourse banks to facilitate the proposal, having particular regard to the proposed discharge of surface waters and site access. Should instream works and / or works to watercourse banks be required further detailed method statement will be required together with biosecurity measures.
8.	Tree Survey Report as referenced within the submitted Ecological Impact Assessment Report
9.	Mitigation plan to prevent impacts to Common Frog identified on site
10.	Provide for the incorporation of Swift boxes or bricks within the external walls of the development
11.	Updated planting schedule for the site replacing, Berberis and Fuchsia with native species of Irish provenance
12.	Areas of public open space should be clearly specified on a site layout plan and revised proposal for provision of 1 no local play area
13.	Revised site layout plan illustrating sightlines, confirmation of the line of the proposed pedestrian link west to Masseytown, public lighting on the pedestrian link, and detailing the internal road and public footpath widths.
14.	Ensure the proposed car parking bays comply with dimensions for car parking bays as set out in Table 12.7 of the CDP 2022-2028.
15.	Provision of a surface water pipe from the new junction on the Cooleyhane Road west to the existing stream
16.	No supporting evidence that the proposed development does not present a risk to Water Framework Directive objectives either from construction phase of development, or operational phase of development on either the Sullane

	main channel or the Mill Stream / Dromree stream. Requested to submit a Water Framework Compliance Assessment Report
17.	A revised CEMP should be submitted reflecting access through the existing Corn Mills development
18.	Archaeological Impact Assessment
19.	Revised Flood Risk Assessment to include construction of a footpath to connect to Corn Mills estate and Masseytown road and the stream that traverses the site from north to south within the flood zone area

- 3.2.2. **Supplementary Report** - The Senior Executive Planner's (SEP) Report (19-02-2024) noted that they discussed the application with the Area Planner and the report reflects the outcome of those discussions. The content of the 3rd party submissions (summarised in the report of the Area Planner) is noted. The SEP concluded that while there is no objection to the principle of residential development on site the assessment of the current application has highlighted a number of issues that require further consideration. The SEP recommended that further information be sought in line with the Case Planner.
- 3.2.3. Further information was requested on the 19th February 2025
- 3.2.4. The **Case Planner** in a further assessment (12-08-2024) following the submission of FI was satisfied that the applicant has responded to all items of further information to the satisfaction of the Planning Authority. Having regard to the above assessment and reports from internal sections, it was recommended that permission be granted subject to 38 conditions.
- 3.2.5. **Supplementary Report** - The Senior Planner's (SP) Report (12-08-2024) having read the comprehensive assessment of the Area Planner of the FI response was satisfied that all outstanding items have been addressed. Subsequent to the Area Planners report, a revised Public Lighting report has been published and it recommends grant of permission subject to four conditions. The SP recommended that permission be granted subject to 39 conditions. The notification of decision to grant permission by Cork County Council reflects this recommendation.

3.3. Other Technical Reports

- 3.3.1. **Housing** – In their first report note that the applicant has not provided any documentary evidence that they are exempt from the amended Part V legislation that requires 20% of the units be transferred under Part V. Applicant to provide legal documentation supporting their proposal i.e. by way of dated contract to acquire or a deed of transfer.
- 3.3.2. In their second report and having considered the unsolicited FI submitted revising the Part V proposal to 12 no units, representing 20% of the development there was no objection to the granting of planning permission.
- 3.3.3. **Public Lighting** – Noted that most of the information submitted with this application for the public lighting within the development is satisfactory. FI required in relation to the following:
- 1) Public lighting design for the proposed access path that connects the Cornmills Estate to the proposed development.
 - 2) Additional lighting along the public road to link with the lighting currently extending from the village nucleus.
- 3.3.4. In their second report and having considered the FI recommended deferral of a decision subject to the FI being submitted:
- 1) The layout within the public lighting design is different to the Site Layout Plan submitted. The applicant shall complete the lighting design to the current Site Layout revision.
 - 2) Revised Horizontal Illuminance (lux) results within Grid 1 as they do not achieve P3 Class results.
- 3.3.5. In a further comment it is stated that they have no objection to grant of permission on Public Lighting grounds subject to the following condition(s) being attached:
- 1) Public Lighting shall be designed and constructed in accordance with Cork County Council's Public Lighting Manual and Product Specification 202
 - 2) The following conditions as contained in Appendix H, Figure 4, of the Cork County Council Public Lighting Manual and Product Specification 2023 shall apply to this development: - A1, A2, A3, A4, A5, A6, A7, A8, A9, A10, A11, A12, A13, A19, A23, A27, A28.

- 3) Prior to the occupation the public lights shall be switched on in that phase and shall be kept active and maintained until taken in charge.
- 4) A public lighting design and layout drawing for the section of public road along the curtilage of the site, shall be submitted to and agreed
- 5) Public Lighting within this development shall be unmetered tariff and subject to a maximum load on individual midipillar connections of 2KW.
- 6) Before development commences, the applicant shall resubmit a 'Lighting Reality' design report and drawing(s).

3.3.6. **Area Engineer (Roads & Transportation)** - No objection in principle to the proposal. The following further information was requested:

- Increase the sightlines at the new junction onto the Cooleyhane Road.
- Raised crossing point within the access road opposite the proposed pedestrian link to Masseytown.
- Confirm the line of the proposed pedestrian link west to Masseytown.
- Indicate public lighting on the above pedestrian link.
- Consider a cycle link on this section of pathway
- Surface water pipe from the new junction on the Cooleyhane Road west to the existing stream - it is not certain that there is an existing pipe in-situ.
- Consider the safety implications of a swale pond within the open area of the estate.

3.3.7. In their second report and having considered the FI has no stated objection subject to the following condition(s):

- 1) Development Bond
- 2) Proposals to prevent surface water flowing from the site on to the public road to be agreed
- 3) Details of Mill Road overlay on site to be agreed with the local Area Roads Office
- 4) Fencing details between existing culvert and new public footpath linkage to be agreed.

3.3.8. **Estates Primary** – No stated objection subject to the following conditions:

- Site Development work shall be carried out in accordance with the 'Recommendations for Site Development Works for Housing Areas' issued by the DOELG in November 1998.
- Traffic Management shall comply with the 'Traffic Management Guidelines' issued by the Department of Transport in 2002.
- The Estates Engineer shall be notified in advance of the Contractor moving on site and a project start up meeting shall be arranged with the Developer, Contractor and Consulting Engineer before any work begins
- An agreed insurance bond shall be put in place before any work on Site begins
- Construction drawings shall be issued when requested and agreed with the Estates Engineer before any work begins on site
- Prior to the commencement of development, proposals for a bilingual naming and numbering scheme and associated nameplates for the development shall be submitted to the Planning Authority for written agreement.

3.3.9. **Archaeologist Report** – Noted that a Recorded Archaeological Monument CO071-047/001 Cork Mill is located within the appclaiton boundary. Archaeological Impact Assessment is required by way of FI. In their second report and having considered the FI submitted it was recommended that permission be granted.

3.3.10. **Environment Report** - The following further information was requested:

- The developer shall provide details of the pumping station, and confirmation the pumping station is set back and constructed in accordance with UE Codes of Practice.
- Green infrastructure plan is satisfactory in principle and proposes some welcome nature-based elements into the SUDS plan. Consideration should be given to incorporating the (albeit welcome) "swale pond" into the "wildflower meadow" space.
- The developer shall provide details of the existing culvert, and a proposal for its replacement with a clear span crossing. Details of design and construction materials, and method statement for its provision, and removal of culver, shall be provided to the PA.
- There is no supporting evidence that the proposed development does not present a risk to WFD objectives, either from construction phase of development, or

operational phase of development on either the Sullane main channel or the Mill Stream/Dromree stream.

- The applicant is required to submit a Water Framework Compliance Assessment Report (UK Planning Inspectorate Guidance Note 18) shall satisfy the Planning authority WFD objectives potentially at risk from the development have been identified, with appropriate mitigation controls identified.
- The CEMP proposes access through the existing Corn Mills development. Having regard to risks to health from noise, dust and general traffic nuisance, consideration should be given to single point access of the Coolyhand Road. (L-3424-1) only for construction vehicles.

3.3.11. In their second report and having considered the FI has no stated objection subject to the following condition(s):

- 1) Prior to any construction work (including site clearance, grading, well boring, levelling etc.), appropriate surface water management controls shall be in place to prevent the discharge of sediment contaminated water to adjacent water courses. Foul drainage shall be to the satisfaction of Irish Water
- 2) The construction of the development shall be managed in accordance with a Site Specific Construction Environment Management Plan (CEMP), which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- 3) The developer shall put in place a programme to ensure that members of the public can obtain information concerning all emissions from this activity.
- 4) A competent Environmental Clerk of Works (EnCoW) shall be appointed to oversee the implementation of the mitigation measures and efficacy of controls as per application documents.
- 5) All mitigation measures outlined in the CEMP shall be fully implemented.
- 6) Construction Noise & Vibration Maximum permissible noise levels at the façade of dwellings during construction

3.3.12. **Ecology** – The following FI was requested:

- An assessment of the potential impacts generated by the proposal on Freshwater Pearl Mussel within the zone of influence of same. This assessment should be

done in accordance with the 'Guidance on Assessment and Construction Management in Margaritifera Catchments in Ireland - 2024' document.

- Clarification of the proposed surface water drainage arrangement for the site. Given the highly sensitive nature of the Sullane River, discharges to same should be avoided where possible.
- Clarification as to any requirement to instream works and/or works to watercourse banks to facilitate the proposal, having particular required to the proposed discharge of surface waters and site access.
- Submission of the Tree Survey Report as referenced within the submitted Ecological Impact Assessment Report.
- Preparation of a mitigation plan to prevent impacts to Common Frog
- Provision for the incorporation of Swift boxes or bricks within the external walls of the development.
- Updated planting schedule for the site replacing, Berberis and Fuchsia with native species of Irish provenance.
- Details of the management of the wildflower areas to be provided.

3.3.13. In their second report and having considered the FI has no stated objection subject to the following condition(s):

- 1) All works will take place in accordance with the recommendations set out in Section 6 of the Bat Survey received by the Planning Authority 18/12/2023
- 2) All works shall be implemented in accordance with mitigation measures specified in the Ecological Impact Assessment received by the Planning Authority on the 18/12/2023 and as updated by Compliance Report received 17/07/2024.
- 3) All works shall be supervised by an onsite Ecological Clerk of Works who will report on compliance with the relevant mitigation measures.
- 4) All works on site shall be implemented in accordance with the Construction Environmental Management Plan (CEMP) received by the Planning Authority on the 17/07/2024.
- 5) Swift (*Apus apus*) boxes shall be incorporated on the external walls of the development as outlined in the Compliance Report received 17/07/2024.

3.4. Prescribed Bodies

3.4.1. Transport Infrastructure Ireland

- The Authority will rely on the planning authority to abide by official policy in relation to development on/affecting national roads as outlined in DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), subject to the following:
 - 1) Development shall be undertaken strictly in accordance with the recommendations of the Transport (Traffic Impact) Assessment.
 - 2) 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.

3.4.2. Irish Water

- Stated that the Developer has liaised with Uisce Éireann and a Confirmation of Feasibility has issued (CDS22004938 - 31/1/24).
- Uisce Eireann have no objection to the proposal subject to the constraints outlined in the COF and conditions below.
 - 1) Connection agreement to be signed
 - 2) Capacity requirements and proposed connections will be subject to the constraints of the Uisce Éireann Capital Investment Programme.
 - 3) All development shall be carried out in compliance with Uisce Eireann Standard codes and practices.

3.4.3. Inland Fisheries Ireland

- Given the clear inadequacies at Macroom WWTP, highlighted in the applicants own ecological assessment, IFI would suggest that any decision to grant permission would be premature pending the undertaking, completion and licensing of the proposed upgrade works at Macroom WWTP.
- A crossing is proposed for an on-site tributary of the Sullane River. However, no design detail has been submitted on this crossing. IFI to be informed when this information is available.

3.5. Third Party Observations

3.5.1. There are 7 no observations recorded on the planning file from:

- 1) Lawrence Buckley Consulting Engineers on behalf of
- 2) Alice & Martin Clancy, Coolehane, Macroom, Co. Cork
- 3) Timothy Kelleher, Sullane Cottage, Coolehane, Macroom
- 4) Michael Kelleher, 38 Abington, Malahide, Dublin
- 5) Sheila Kelleher, Sullane Cottage, Coolehane, Macroom
- 6) Patrick Kelleher, Sullane Cottage, Coolehane, Macroom
- 7) Peter Sweetman & Associates

3.5.2. The issues raised may be summarised as follows:

- Absence of AA screening report, no EIA screening, no Wastewater Framework Directive Assessment and premature pending the development of Mill Road.
- No reference to Uisce Éireann not having development consent to discharge from the upgraded WWTP. EPA is currently considering an application by Uisce Éireann for discharge and it could have implications for any further residential developments in Macroom.
- Planning Authority would be Ultra Vires to permit an application where the present WWTP is inadequate for current capacity due to the negative impact it is having on the environment.
- The proposal is premature until the Mill Roads objective is complete.
- No legal consent to facilitate access to the proposed development.
- No legal consent to ownership of lands pertaining to the development proposal.
- Application should be invalidated due to non compliance with regulations in relation to legal interests.
- Inadequate public open space
- Non compliance with Housing Mix requirements of the CDP 2022.
- Car parking standards not complied with.

4.0 Planning History

4.1. There is no evidence of any previous appeal on this site. The following planning history is noted from the appeal file:

- **PPS 23/226** – A formal section 247 pre planning consultation was undertaken
- **Reg Ref 04/54037** - Outline Permission withdrawn for construction of two-storey dwelling and domestic garage
- **Reg Ref 04/54047** - Permission granted for a garden centre and restaurant.
- **Reg Ref 06/54062** - Outline Permission granted for Offices and Laboratories.
- **Reg Ref 07/54032 / ABP69.226787** - Permission refused on appeal for construction of a road from the existing Cornmills entrance to the vicinity of Coolyhane Cottage, Coolyhane, Macroom as it had not been that there was sufficient interest in the lands to provide for a safe tie-in between the proposed new road and the existing Coolyhane road to the east.
- **Reg Ref 08/54044** - Outline permission refused for the construction of caravan and camping park for a single reason relating to traffic safety
- **Reg Ref 08/54053** - Permission granted for an access roadway running eastwards from entrance to Cornmills to serve sites on which Planning Reg No 04/54047 (Garden Centre and Planning Reg 06/54062 (Offices & Laboratories) have been granted.

4.1.1. North of site

- **Reg Ref 0954022 / ABP69.237774** - Permission granted on appeal for an access road to service zoned development lands including re-alignment of existing public roadway.

4.1.2. Southeast of site

- **Reg Ref 19/6823** - Permission refused for a new residential development with works to include: (1) to construct new 7 no. detached dwellings, (2) to construct new site entrance and access road to serve development, (3) installation of on site foul sewer pumping station, (4) all associated site services and site works.
 - 1) Traffic likely to be generated by the proposed development would not endanger public safety.

2) Premature pending definitive proposals for upgrading of the local road network.

- **Reg Ref 14/54003** - Permission consequent on grant of outline permission (planning ref no. 10/54013) granted for the construction of 7 no dwelling houses including site road and associated site works with access via the roadway from Cornmills as permitted under planning ref. 08/54033. Condition no. 3 No required that no development shall commence until such time as the access road permitted under 08/54053 and 09/54022 is fully completed and in place
- **Reg Ref 10/54013** - Permission granted for 7 No. dwelling houses including site road and associated site works with access via the roadway from Cornmills as permitted under Planning Reg No. 08/54053.
- **Reg Ref 09/54024** - Outline Permission refused for the Construction of 4 No. dwelling.
- **Reg Ref 09/54015** - Outline permission withdrawn for the construction of 3 no. dwellings,
- **Reg Ref 09/54019** - Outline permission withdrawn for the construction of 3 no. dwellings,

4.1.3. East of site

- **Reg Ref 07/54052** - Permission refused to construct 2 no. dwelling houses with garages and proprietary treatment units together with all associated site works.

5.0 Policy Context

5.1. National Planning Policy

5.1.1. Project Ireland 2040 - National Planning Framework

5.1.2. The NPF comprises the Government's proposed long-term strategic planning framework to guide national, regional and local planning and investment decisions over the next 25 years. Part of the vision of the NPF is managing growth and targeting at least 40% of all new housing in existing built-up areas of cities, towns and villages through infill and brownfield sites while the rest of new homes will be targeted on greenfield edge of settlement areas and within rural areas. The NPF also sets out a number of National Strategic Outcomes which include Compact Growth and Strengthened Rural Economies and Communities. These include:

- NSO 1 - Compact Growth
- NSO 7 - Enhanced Amenity and Heritage
- NPO 3a - Securing Compact & Sustainable Growth
- NPO 3c - Securing Compact & Sustainable Growth
- NPO 4 - Why Urban Places Matter (Community)
- NPO 5 - Why Urban Places Matter (Economy/Prosperity)
- NPO 6 - Why Urban Places Matter (The Environment)
- NPO 9 - Planning for Ireland's Urban Growth (Ireland's Towns)
- NPO 11 - Achieving Urban Infill/Brownfield Development
- NPO 13 - Performance-Based Design Standards
- NPO 32 - Housing
- NPO 33 - Housing (Location of Homes)
- NPO 34 - Housing (Building Resilience in Housing - Lifetime Needs)
- NPO 35 - Housing (Building Resilience in Housing - Density)

5.1.3. **Climate Action Plan 2024**

5.1.4. The Climate Action Plan 2024 sets out the measures and actions that will support the delivery of Ireland's climate action ambition. Climate Action Plan 2024 sets out the roadmap to deliver on Ireland's climate ambition. It aligns with the legally binding economy-wide carbon budgets and sectoral ceilings that were agreed by Government in July 2022. Ireland is committed to achieving climate neutrality no later than 2050, with a 51% reduction in GHG emissions by 2030. These legally binding objectives are set out in the Climate Action and Low Carbon Development (Amendment) Act 2021.

5.1.5. **National Biodiversity Action Plan (NBPA) 2023-2030**

5.1.6. The 4th NBAP strives for a "whole of government, whole of society" approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to "act for nature". This National Biodiversity Action Plan 2023-

2030 builds upon the achievements of the previous Plan. It will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues:

- 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 Ireland's Contribution to International Biodiversity Initiatives

5.2. National Guidance

- Design Manual for Urban Roads and Streets (2013)

5.3. Section 28 Ministerial Guidelines

5.3.1. The following national policy, statutory guidelines, guidance and circulars are also relevant:

- Housing for All: A New Housing Plan for Ireland (2021)
- Rebuilding Ireland: Action Plan for Housing & Homelessness (2016)
- Appropriate Assessment Guidelines (2009)
- Architectural Heritage Protection Guidelines (2011)
- Childcare Facilities Guidelines (2020)
- Environmental Impact Assessment Guidelines (2018)
- Flood Risk Management Guidelines (2009)
- Regulation of Commercial Institutional Investment in Housing Guidelines (2021)
- Best Practice Urban Design Manual (2009)
- Quality Housing for Sustainable Communities (2007)
- Circular Letter: NRUP 02/2021 (Residential Densities in Towns and Villages)

- Housing Circular 28/2021 (Affordable Housing Act 2021 - Amendments to Part V)
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)¹
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020)
- Urban Development and Building Heights Guidelines for Planning Authorities (2018)
- Childcare Facilities Guidelines for Planning Authorities (2020)
- Guidelines for Planning Authorities on the Planning System and Flood Risk Management (2009)
- Part V of the Planning and Development Act 2000 Guidelines (2017)
- Local Area Plans Guidelines for Planning Authorities (2013)
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2018)

5.4. Regional Guidelines

5.4.1. Southern Regional Assembly - Regional Spatial and Economic Strategy (SRA-RSES)

5.4.2. The Strategy supports the implementation of Project Ireland 2040 and the National Planning Framework (NPF). The RSES provides a development framework for the region through the provision of a Spatial Strategy, Economic Strategy, Metropolitan Area Strategic Plan (MASP), Investment Framework and Climate Action Strategy. The Metropolitan Strategic Area Plans (MASPs) is an integrated land use and transportation strategy for the Cork, Limerick-Shannon and Waterford Metropolitan Areas, which seeks to manage the sustainable and compact growth of the Metropolitan Area.

5.4.3. *Section 2.4 Cork Metropolitan Area Strategic Plan and the Wider Region*

¹ The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) have been revoked.

5.4.4. As a primary driver of economic and population growth in the Region, the Cork Metropolitan Area can drive and support economic growth in other locations. There is a close network and functional relationship between the city, metropolitan area and settlements such as the ring towns of Mallow (a Key Town) Bandon, Kinsale, Fermoy, Macroom and Youghal and other towns in North and West Cork including Mitchelstown, Charleville, Kanturk and Clonakilty. The RSES supports the sustainable, employment-led growth, consolidation and enhancement of services for such settlements (see Chapter 3). Chapter 4 Strong Economy, Chapter 6 Connectivity and the objectives of the Cork MASP seek progress in these areas, especially for enhanced connectivity between each Metropolitan Area, to the Atlantic Economic Corridor and Ten-T Corridor, to enable the efficient economic movement of freight to and from our ports and airports.

5.4.5. ***Cork MASP Policy Objective 4***

5.4.6. Cork Metropolitan Area Regional Interactions - In support of the role of the Cork Metropolitan Area as a primary driver of economic and population growth in the Region, seek to strengthen inter-regional and intra-regional connectivity (public transport, strategic road network and digital) subject to the outcome of environmental assessments and the planning process:

- d) Between the Cork Metropolitan Area and the ring towns of Bandon, Fermoy, Macroom, Kinsale and Youghal through the sustainable development of enhanced critical mass to attract new investment in employment, services and public transport and support Kinsale's role as a Principal Tourist Attraction

5.5. **Development Plan**

5.5.1. The operative plan for the area is the **Cork County Development Plan 2022-2028**. The site is zoned Existing residential/Mixed Residential and other uses and Greenbelt. The following objectives are relevant to the proposal:

MM-U-02 - Facilitate the phased delivery of the Masseytown Relief Road linking to Mill Road in conjunction with the construction of new housing developments over the plan period.

MM-U-03 - Facilitate a number of road improvements and upgrades along the following local routes:

- (i) Coolyhan Road: This will also require a realignment with the N22 Macroom Bypass.
- (i) Mill Road: Partly in place, intended to be developer driven.
- (ii) Chapel Hill – Cork Street: Online improvements to facilitate better connectivity with Cork Street.
- (iii) New Road: Footpath and public lighting improvements.

Objective HOU 4-6: Housing Mix

- 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.
- 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.

Objective WM 11-10: Surface Water, SuDS and Water Sensitive Urban Design

- a) Require that all new developments incorporate sustainable drainage systems (SuDS). Efforts should be taken to limit the extent of hard surfacing and impermeable paving.
- b) Encourage the application of a Water Sensitive Urban Design approach in the design of new development or other urban interventions. Opportunities to contribute to, protect or re-enforce existing green infrastructure corridors or assets should be maximised.
- c) Optimise and maximise the application of Sustainable Urban Drainage Systems (SuDS) to mitigate flood risk, enhance biodiversity, protect and enhance visual

and recreational amenity; all in the most innovative and creative manner appropriate and in accordance with best practices. Proposals should demonstrate that due consideration has been given to nature based solutions in the first instance in arriving at the preferred SuDS solution for any development.

- d) Provide adequate storm water infrastructure in order to accommodate the planned levels of growth expected for the County.
- e) Where surface water from a development is discharging to a waterbody, appropriate pollution control measures (e.g, hydrocarbon interceptors, silt traps) should be implemented.
- f) The capacity and efficiency of the national road network drainage regimes will be safeguarded for national road drainage purposes

Objective WM 11-11: River Channel Protection

- a) Ensure adequate protection measures along watercourses, keeping them free from development by ensuring development is kept 10m or other appropriate distance from stream and river banks is line with best practice for riparian corridors. Development altering the hydro morphology of a watercourse will not normally be permitted, where it may result in the deterioration in the status of a water body through for example, impacts on water quality, quantity or flow rate, riparian habitat or protected species.
- b) There will be a presumption against the use of culverts and opportunities to actively remove existing culverts and re-naturalise/ daylighting watercourses will be encouraged in development proposals.
- c) Where river crossings are considered necessary, clear span river crossing structures shall be used on fisheries waters where possible. The Council will consult with Inland Fisheries Ireland in relation to any such proposals. Co

Objective WM 11-12: Surface Water Management

Manage surface water catchments and the use and development of lands adjoining streams, watercourses and rivers in such a way as to minimise damage to property by instances of flooding and with regard to any conservation objectives of European sites within the relevant catchments and floodplains.

Objective WM 11-15: Flood Risk Assessments

To require flood risk assessments to be undertaken for all new developments within the County in accordance with The Planning System and Flood Risk Management – Guidelines for Planning Authorities (2009) and the requirements of DECLG Circular P12/2014 and the EU Floods Directive. - For sites within Flood Zone A or B, a site specific Flood Risk Assessment will be required. - For sites within Flood Zone C, an examination of all potential sources of flooding, and consideration of climate change (flood risk screening assessment), will be required. In limited circumstances where the 'Flood Risk Screening assessment' identifies potential sources of flood risk, a site specific flood risk assessment may also be required. - All proposed development must consider the impact of surface water flood risks on drainage design through a Drainage Impact Assessment. The drainage design should ensure no increase in flood risk to the site, or the downstream catchment

GI 14-3: Green Infrastructure and Development

- a) Require new development and redevelopment proposals, to contribute to the protection, management and enhancement of the existing green and blue infrastructure of the local area in terms of the design, layout and landscaping of development proposals.
- b) Require all development to submit a green infrastructure statement outlining how the proposal contributes to green and blue infrastructure both within its environs as well as within the wider settlement or rural area. Larger developments (multiple residential developments including Part 8 applications, retail, industrial, mineral extraction, etc) will be expected to prepare a Landscape/ Green (and Blue) Infrastructure Plan including a Landscape Design Rationale. This Plan should identify environmental assets and include proposals which protect, manage and develop green infrastructure resources in a sustainable manner.
- c) Over the lifetime of the Plan the Council will prepare a guidance note/update on best practice in integrating green and blue infrastructure/biodiversity within development proposals.

Objective GI 14-6: Public/Private Open Space Provision

- a) Public Open Space within Residential Development shall be provided in accordance with the standards contained in Cork County Council's Interim Recreation & Amenity Policy (2019) and any successor policy, the "Guidelines on Sustainable Residential Development in Urban Areas" and "Making Places : a design guide for residential estate development. Cork County Council Planning Guidance and Standards Series Number 2".
- b) b) Promote the provision of high quality, accessible and suitably proportioned areas of public open space and promote linking of new open spaces with existing spaces to form a green infrastructure network.
- c) c) Apply the standards for private open space provision contained in the Guidelines on Sustainable Residential Development in Urban Areas and the Urban Design Manual (DoEHLG 2009) and Cork County Council's Design Guidelines for Residential Estate Development. With regard to apartment developments, the guidelines on Sustainable Urban Housing: Design Standards for New Apartments will apply.

Objective ZU 18-9: Existing Residential/Mixed Residential and Other Uses

The scale of new residential and mixed residential developments within the Existing Residential/Mixed Residential and Other Uses within the settlement network should normally respect the pattern and grain of existing urban development in the surrounding area. Overall increased densities are encouraged within the settlement network and in particular, within high quality public transport corridors, sites adjoining Town Centres Zonings and in Special Policy Areas identified in the Development Plan unless otherwise specified, subject to compliance with appropriate design/amenity standards and protecting the residential amenity of the area. Other uses/non-residential uses should protect and/or improve residential amenity and uses that do not support, or threatens the vitality or integrity of, the primary use of these existing residential/mixed residential and other uses areas will not be encouraged.

Objective RP 5-19: Greenbelts around Settlements

- a) Retain the identity of towns, to prevent sprawl, and to ensure a distinction in character between built up areas and the open countryside by maintaining a Greenbelt around all individual towns.
- b) Reserve generally for use as agriculture, open space or recreation uses those lands that lie in the immediate surroundings of towns. Where Natura 2000 sites, Natural Heritage Areas, proposed Natural Heritage Areas and other areas of biodiversity value occur within Greenbelts, these shall be reserved for uses compatible with their nature conservation designation and biodiversity value.
- c) Prevent linear roadside frontage development on the roads leading out of towns and villages.

Objectives HE 16-9: Archaeology and Infrastructure Schemes

All large scale planning applications (i.e. development of lands on 0.5 ha or more in area or 1km or more in length) and Infrastructure schemes and proposed roadworks are subjected to an archaeological assessment as part of the planning application process which should comply with the Department of Arts, Heritage and the Gaeltacht's codes of practice. It is recommended that the assessment is carried out following pre planning consultation with the County Archaeologist, by an appropriately experienced archaeologist to guide the design and layout of the proposed scheme/development, safeguarding the archaeological heritage in line with Development Management Guidelines.

Objective ET 13-2 Renewable Energy

- a) Support Ireland's renewable energy commitments as outlined in Government Energy and Climate Change policies by facilitating the development of renewable energy sources such as wind, solar, geothermal, hydro and bio-energy and energy storage at suitable locations within the county where such development has satisfactorily demonstrated that it will not have adverse impacts on the surrounding environment (including water quality), landscape, biodiversity or amenities.
- b) Support and facilitate renewable energy proposals that bring about a direct socio-economic benefit to the local community. The Council will engage with local communities and stakeholders in energy and encourage developers to consult

with local communities to identify how they can invest in/gain from significant renewable energy development.

- c) Support the development of new and emerging renewable energy technologies / fuels for the transport sector.
- d) To promote the potential of micro renewables where it can be demonstrated that that it will not have adverse impacts on the surrounding environment (including water quality), landscape, biodiversity or amenities.

TM 12-9: Parking

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:

- a) All non-residential development proposals will be subject to maximum parking standards as a limitation to restrict parking provision to achieve greater modal shift.
- 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).
- d) On street car parking is to be designed such that it does not occupy unnecessary street frontage.
- e) Connectivity and accessibility between key car parking areas and primary town centre streets is to be safe and convenient.
- f) A high standard of design, layout and landscaping, including application of sustainable urban drainage systems where appropriate, is to accompany any proposal for surface car parking. Planning permission will be granted only where all the following criteria are met:
 - Respects the character of the streetscape/landscape;

- Will not adversely affect visual amenity, and
 - Makes provision for security, and the direct and safe access and movement of pedestrians and cyclists within the site.
- 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
- h) Measures to facilitate the complementary use of private car, through appropriate local traffic management including the siting of destination car-parking, is central to achieving the correct balance of modal use;
- 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.

Objectives HE 16-2: Protection of Archaeological Sites and Monuments

Secure the preservation (i.e. preservation in situ or in exceptional cases preservation by record) of all archaeological monuments and their setting included in the Sites and Monuments Record (SMR) (see www.archaeology.ie) and the Record of Monuments and Places (RMP) and of sites, features and objects of archaeological and historical interest generally. In securing such preservation, the planning authority will have regard to the advice and recommendations of the Development Applications Unit of the Department of Housing, Local Government and Heritage as outlined in the Frameworks and Principles for the Protection of the Archaeological Heritage policy document or any changes to the policy within the lifetime of the Plan.

Objectives HE 16-4: Zones of Archaeological Potential in Historic Towns and Settlements

Proposed development works in Historic Towns and settlements, Zones of Archaeological Potential, Zones of Notification and the general historic environs in proximity to the zones, should take cognisance of the impact potential of the works,

and all appropriate archaeological assessments employed to identify and mitigate the potential impacts.

Objectives HE 16-13: Undiscovered Archaeological Sites

To protect and preserve previously unrecorded archaeological sites within County Cork as part of any development proposals. The Council will require preservation in situ to protect archaeological monuments discovered. Preservation by record will only be considered in exceptional circumstances.

5.6. Natural Heritage Designations

- 5.6.1. The proposed development site is not within a designated conservation area.

5.7. EIA Screening

- 5.7.1. The proposed development is a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. The requirement for EIA therefore arises and there is requirement for a screening determination. The screening determination concluded that there is no real likelihood of significant effects on the environment and therefore an EIA is not required. Please refer to Form 1 and 2 in Appendix 1 and 2 of this report.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The third-party appeal has been prepared and submitted by Peter Sweetman, Wild Ireland Defence CLG. The issues raised are as follows:

- 1) The Planning Authority failed to carry out an Appropriate Assessment Screening.
- 2) The Planning Authority failed to carry out an Appropriate Assessment.
- 3) The Planning Authority failed to carry out an assessment of the capacity of the sewage treatment facility.
- 4) The Planning Authority failed to carry out an assessment under the Water Framework Directive

5) The Planning Authority failed to carry out an assessment of the construction waste disposal.

6.1.2. It is further stated that SAC (000108) is C2km from the site. The Uisce Eireann website states that *“currently the existing wastewater infrastructure in the village is overloaded and outdated. The new project will enable future growth within the community and compliance with the EPA license”*.

6.1.3. As the Planning Authority has failed to assess this application according to its legal requirements, particularly the decisions of the CJEU and The Irish High Court, An Bord Pleanála is requested to award a minimum of our outgoing costs 240 euro against the Planning Authority

6.2. Applicant Response

6.2.1. None

6.3. Planning Authority Response

6.3.1. Regarding Points 1 and 2 of the Appeal, Appropriate Assessment Screening was conducted, and it was concluded that Stage 2 Appropriate Assessment was not required.

6.3.2. Please note the report of the Ecology Department dated 16/02/2024 where an AA screening was carried out and it concluded that that the proposed development, alone or in combination with other plans or projects does not pose a risk of having significant effects on this or any other designated sites.

6.3.3. No Appropriate assessment was required.

6.3.4. Please note the report of Uisce Éireann dated 19/01/2024 stating no objection to the proposal. The application pack also includes a pre connection letter from Uisce Éireann dated 31/01/2023 (Appendix A of the Engineering Design Report). This letter states that a Water Connection is feasible without infrastructure upgrade by Irish Water and a Wastewater Connection is Connection is feasible without infrastructure upgrade by Irish Water.

6.3.5. In relation to the Water Framework Directive, further information was sought on this issue and the assessment set out in the report of the Environment Department dated

09/08/2024 deemed the response satisfactory given the already advancing upgrade works to the Macroom WWTP, connection agreement from Uisce Éireann and operational storm water management.

- 6.3.6. The submitted Construction Environment Management Plan, section 4.0 refers to construction and demolition waste arising and management and condition no. 16 of the notification of a decision to grant permission refers to the Construction Environment Management Plan which will be submitted and agreed prior to the commencement of development. This is deemed satisfactory to deal with construction waste.

6.4. Observations

- 6.4.1. FP Logue Solicitors submitted the following observation on behalf of Mr Michael Duffy, 1 Clós Na hEaglaise, Kilfenora, Co. Clare.
- 6.4.2. The observer objects to the decision of Cork County Council to grant permission in circumstances where the Letter of Feasibility of Uisce Éireann of 19th January 2024 and Confirmation of Feasibility of 31st January 2023 are clearly given in breach of Uisce Eireann's obligations under Section 31 of the Water Services Act 2007 (as amended), Article 3 of the European Communities (Water Policy) Regulations 2003 (as amended) and Article 5 of the European Communities (Surface Water) Regulations 2009.
- 6.4.3. In the event that the Board grants permission, it is the observers intention to seek leave to apply for judicial review to challenge said letters of Uisce Éireann as having been granted in breach of its statutory responsibilities under the Urban Wastewater Treatment Directive and the Water Framework Directive, given the state of knowledge that Uisce Éireann had in relation to compliance of the Macroom WWTP with the relevant laws.
- 6.4.4. It is well known that the Macroom wastewater treatment plant (WWTP) is significantly problematic. A capital project to upgrade the WWTP is underway. We refer the Board to the EPA LEAP portal information on the compliance of the WWTP, which is available at <https://eap.epa.ie/licence-profile/DO126/compliance>, and attached in that regard is the most recent Site Visit Report (15th July 2024)

- 6.4.5. The Council proceeded to grant permission for the development, without carrying out an assessment for the purposes of Article 4 of the Water Framework Directive. There was no information before the Council to demonstrate that there would be no effect on the waterbodies impacted by the additional loading on the Macroom WWTP. The permission was not conditioned on those upgrade works being completed. In any event, the requirements of the Water Framework Directive could not be satisfied by reference to some hypothetical improvements in water quality associated with future upgrade works.
- 6.4.6. The Council, and now the Board, are under an independent duty of enquiry as to compliance with the WFD, and are not entitled to rely on Uisce Eireann letters of Feasibility without independently satisfying themselves that the Article 4 obligations would not be adversely impacted. The Council decision was therefore ultra vires the Council as it acted without jurisdiction in granting development consent for a housing development which would increase the overloading on a non-compliant WWTP.
- 6.4.7. The Board is asked to refuse permission on the basis of prematurity in light of the requirements of the Water Framework Directive.
- 6.4.8. The attached submission prepared by Micheal J Duffy set out the following concerns as summarised:
- Reports of available for inspection on the planning website – Planners reports, EIA and AA Assessment and determinations.
 - Lack of wastewater treatment capacity (copy of EPA license portal attached)
 - There was no regard or no proper regard to the submission of the IFI.
 - Queried if the WWTP capacity was discussed at preplanning
 - No assessment of capacity of long terms ownership or management of the proposed pump station and associated rising main or details of same.
 - AA Screening Report is insufficient
 - CCC Environment Report acceptance of UW position queried
 - CCC Ecology Report not consistent with report submitted that shows a Moderate status of the river at the downstream ambient testing point

- Case Planners Primary Report does not have regard to third party submission regarding lack of wastewater capacity and consequent impacts on water quality or public health.
- The Environmental Officer having considered the further information submission suggests conditions which are inappropriate and potentially ultra vires. They appear to mitigate for the fact that a proper AA was not carried out. If an Environmental Clerk of Works is required it is intuitive that an EIA and / or AA was required.
- The Planner does not assess the impacts on surface waters.
- There was no assessment of storage capacity in the event of plant failure
- There is no evidence that the Planner or PA carried out AA Screening and / or made the statutory determination.
- EPA Licensing – If in combination effects could not be ruled out of WWTP upgrade works then they cannot be ruled out in circumstances where works are not complete and the WWTP remains hydraulically overloaded as conceded by UE.
- The additional wastewater loading from this proposal was not assessed in relation to effects when the extant network is surcharged or flooded.
- The Q values are inconsistent.
- Given that UE recognise that the extant is hydraulically overloaded any additional loading cannot be granted planning permission if the current water status is to be maintained or improved.

6.5. Further Responses

6.5.1. Cork County Council

- All relevant issues have been covered in the technical reports already forwarded to the Board as part of the appeal documentation and therefore has no further comments to make in this matter.

6.5.2. Peter Sweetman (Appellant)

- Agree entirely with Micheal Duffy comments and expect An Bord Pleanála will have regard to the submission when considering the appeal.

6.5.3. Massey Developments Ltd (Applicant)

- With reference to the observation by FP Logue Solicitors on behalf of Mr Michael Duffy, 1 Clós Na hEaglaise, Kilfenora, Co. Clare it is submitted that the observation is incorrect in stating that there is an obligation on either the Council or the Board to require an Impact Assessment under the Water Framework Directive before the granting of planning permission.
- The applicant replied to Cork County Council on this point and in particular outlined that the upgrade works to the WWTP would deal with any concerns.
- Cork County Council accepted the response as adequately dealing with the issue, predicated on the upgrade works being completed and commissioned before occupancy. Condition No 15 of the planning grant from Cork County Council refers. The applicant fully accepts the parameters of this condition.
- It is understood that the upgrade to the WWTP is due to be completed by Q4 - 2025. This projected timeline allows the applicant time to prepare detailed construction documentation and engage in a tender build process, prior to mobilization onsite and in line with the completion of WWTP.

7.0 Assessment

7.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Appropriate Assessment
- Sewage Treatment Facility
- Water Framework Directive
- Construction Waste Disposal
- Other Issues
- Conditions

7.2. Principle

- 7.2.1. Planning permission was sought on the 18th December 2023 for the construction of a residential development of 62 no. dwelling houses (6,837.40 sqm) and all ancillary site works. Ancillary site works include the provision of all associated site landscaping, public open spaces, a new public footpath (connecting to Masseytown Road via Cornmills) and servicing proposals. Vehicular access to the proposed development will be provided by a new entrance from the Mill Road, all at Maghereen, Macroom, Co. Cork. The scheme was amended by way of further information on the 17th July 2024, however there were no changes to the number of units proposed or the general layout of same save for some minor amendments including the removal of the pocket park and subsequent area being incorporated into the curtilage of the private dwellings 61 and 62 as requested, revised architectural drawings indicating the parking bays 4.9x2.4m in line with the County Development Plan 2022 as requested, revised drawings indicating a 2m high stoned faced boundary wall for the side of proposed unit no. 15 and 2 no. single storey dwellings for use by older people and the disabled as requested.
- 7.2.2. The site is located within the development boundary of Macroom and on lands zoned 'Existing Residential/Mixed Residential and Other Uses' in the Cork County Development Plan 2022-2028. Accordingly, the principle of residential development at this location is acceptable.
- 7.2.3. In determining the appropriate density, I refer to the 'Sustainable Residential Development & Compact Settlements Guidelines (2024)'. The subject site is appropriately categorised as being a Small and Medium Sized Towns (1,500 – 5,000 population). The Compact Settlement Guidelines instructs it is a policy and objective of these Guidelines that densities in the range 25 dph to 40 dph (net) shall generally be applied at the edge of small to medium sized towns. The density of the proposal equates to 34 no. units per ha which accords with the Sustainable Residential Development & Compact Settlements Guidelines and is therefore acceptable at this location.
- 7.2.4. The design statement submitted with the proposal sets out how the proposal meets the 12 key design criteria of context, connections, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability and accessibility, privacy and

amenity, parking and detailed design. I agree with the Case Planner that the potential connections from the site to the adjoining existing residential and residential zonings has been provided for in the proposal and that this in turn may lend itself to opening up the development potential of these lands from one main entrance off the local road to the south. Please note that if deemed appropriate same would be subject to the rigours of the planning assessment process.

7.2.5. In terms of housing mix the proposal provides for the following:

- 40 no 4 bedroom detached two storey dwellings
- 16 no. 4 bedroom semi detached two storey dwellings
- 17 no. 3 bedroom semi detached two storey dwellings
- 9 no. 2 bedroom terraced two storey dwellings
- 12 no. 3 bedroom terraced two storey dwellings

7.2.6. In response to the FI request it was clarified that the proposed single storey units at the end of the terrace units in the north eastern section of the development (Units No. 41 and 48) are compliant with the requirements of Objective HOU 4-6: Housing Mix (include proposals for the provision of suitable housing for older people and the disabled in the area). Having regard to the foregoing together with the Housing Mix Statement as submitted with the application I am satisfied, in line with the Case Planner that the mix at 19.4% 2 bedrooms, 32.2% 3 beds and 48.4% 4 beds, the proposal (as amended) is deemed acceptable.

7.2.7. In terms of layout and design, the development is proposed in three distinct blocks/character areas as follows:

- Character area 1 comprising large detached and semi detached units with light grey brick and plaster overlooking a central park and swale pond.
- Character area 2 comprising semi detached units with light grey brick and plaster wall and tree lined avenue; and
- Character area 3 comprising Terraced and semi detached units with Blue/Black brick and plaster finish is a courtyard arrangement around a central park area and two satellite pocket parks.

7.2.8. The variation in house type, design and style is deemed appropriate for this location and the scheme as proposed would not have a detrimental impact on the residential

or visual amenities of the immediate area. The public realm proposals includes two public open space areas, two pocket parks , a public amenity zone/wildflower meadow and a linear parkland area linking the development to Cornmills and Masseytown Road. The proposed linear park area is to facilitate the development plan policy objective to develop a relief road at this location. The location of the two play areas are central to the site so are overlooked by the majority of dwellings which provides for a greater sense of security. Each dwelling is also to be served by a private amenity space area to the rear of each unit. Having regard to the scheme as amended by way of FI I am satisfied that the scheme meets both the qualitative and quantitative requirements in this regard.

- 7.2.9. Overall, I am satisfied that the proposal has been designed in accordance with the provisions of the Cork County Development Plan, National Guidance and the relevant Section 28 Guidelines. It represents a positive and sustainable use of zoned, serviced and accessible lands. Accordingly, the principle of the scheme is acceptable at this location.

7.3. Appropriate Assessment

- 7.3.1. The appellant raises concerns that the Planning Authority failed to carry out an Appropriate Assessment Screening and an Appropriate Assessment. To this end I refer to Section 8.0 of this report below where an AA Screening has been carried out and where it was concluded that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects and that a Appropriate Assessment (Stage 2) is not required.

7.4. Sewage Treatment Facility

- 7.4.1. The appellant raises concerns that the Planning Authority failed to carry out an assessment of the capacity of the sewage treatment facility. I also note that the report of Inland Fisheries Ireland (IFI) where in its submission to Cork County Council it expressed concern with regard to the inadequacies at Macroom WWTP and suggested that any decision to grant permission would be premature pending the undertaking, completion and licensing of the proposed upgrade works at Macroom WWTP.

- 7.4.2. Further, the observer to the appeal objects to the decision of Cork County Council to grant permission in circumstances where the Letter of Feasibility of Uisce Éireann of 19th January 2024 and Confirmation of Feasibility of 31st January 2023 “given in breach” of Uisce Eireann’s obligations under Section 31 of the Water Services Act 2007 (as amended), Article 3 of the European Communities (Water Policy) Regulations 2003 (as amended) and Article 5 of the European Communities (Surface Water) Regulations 2009. In the event that the Board grants permission, it is the observers intention to seek leave to apply for judicial review to challenge said letters of Uisce Éireann as having been granted in breach of its statutory responsibilities under the Urban Wastewater Treatment Directive and the Water Framework Directive, given the state of knowledge that Uisce Éireann had in relation to compliance of the Macroom WWTP with the relevant laws.
- 7.4.3. As documented, it is proposed to connect to the public sewer. A foul sewer pumping station is proposed in the area titled public amenity zone north of the proposed entrance. It is detailed in the Engineering report that there is no foul sewer located along the Mill Road so the foul water will be pumped to the closest foul sewer which is located at the neighbouring housing estate west of the site. A rising main will be required to meet the tie in level required.
- 7.4.4. As documented above the report of Uisce Éireann to Cork County Council dated 19th January 2024 has no stated objection to the proposal. The planning application includes a pre connection letter from Uisce Éireann dated 31st January 2023 (Appendix A of the Engineering Design Report) stating that a Water Connection is feasible without infrastructure upgrade by Irish Water and a Wastewater Connection is feasible without infrastructure upgrade by Irish Water.
- 7.4.5. I refer to the Cork County Council Environment Section Report on file and agree that Uisce Eireann is the competent public water services authority and water utilities provider. Uisce Eireann, in their capacity as public water services authority, has assessed the impact of the proposed development on their (water/wastewater) infrastructure having regard to their statutory obligations, strategic infrastructure plans, and has “*no objection*” to the application, other than requesting the applicant sign a connection agreement, and adhere to the standards and conditions set out in that agreement. I further agree that compliance matters in respect of the receiving waters are a matter for Uisce Eireann and the Environmental Protection Agency and that the

connection of this development to the public infrastructure, conveyance of wastewater for treatment and disposal, is a matter for Uisce Éireann.

- 7.4.6. Notwithstanding the foregoing comments and noting that the upgrade of the exiting Macroom WWTP has been raised in submissions I would also draw the Boards attention to the Uisce Éireann website where it states of 19th March 2025 that:

Uisce Éireann continues to progress a major upgrade to the Macroom Wastewater Treatment Plant and that throughout 2025, Macroom residents will begin benefitting from the upgrade as part of the new wastewater treatment plant will come into operation, improving the quality of treated water discharged into River Sullane. This year, the old wastewater treatment plant will be decommissioned, allowing the new infrastructure to become fully operational in 2026.

Taken together with the standard Board condition requiring that the prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network (Condition No 6 of the recommended conditions set out in Section 11.0 below refers) I am satisfied that proposal can be appropriately serviced.

- 7.4.7. Having regard to the information available with the appeal file and in particular the correspondence from Uisce Éireann, there are no documented issues with regard to facilitating a connection for the proposed development. It is therefore reasonable to conclude that the scheme is acceptable and that no issues of capacity in the sewage treatment facility arise.

7.5. Water Framework Directive

- 7.5.1. The appellant raises concerns that the Planning Authority failed to carry out an assessment under the Water Framework Directive. The observer to the appeal states that the requirements of the Water Framework Directive could not be satisfied by reference to some hypothetical improvements in water quality associated with future upgrade works and that the Board is asked to refuse permission on the basis of prematurity in light of the requirements of the Water Framework Directive.

- 7.5.2. The Dromee Stream flows in a north to south direction through the western portion of the site (area identified for new public footpath linkage and lands set aside to facilitate Objective MM-U-03 (line of potential by-pass relief road)) which ultimately discharges into the River Sullane to the south of the site. The River Sullane flows some 40m to the south of the development site at its closest point and flows through the town of the Macroom before joining the River Lee at the Carrigadrohid Reservoir approximately 5km southeast of the site.
- 7.5.3. I refer to the report of the Cork County Council Ecologist where it states that available data shows that the River Waterbody Water Framework Directive (WFD) Status of the River Sullane proximal to the site is 'Good - River Waterbody WFD Status 2016-2021' and is further considered 'Not at Risk - WFD Risk 3rd Cycle' of meeting its surface water environmental objectives. Furthermore, it is noted that the status of the river downstream of the wastewater treatment plant is 'High - River Waterbody WFD Status 2016-2021'. On site aquatic biological water quality monitoring of the Dromee Stream by the applicant indicates that the stream is of high-water quality status (Q4-5).
- 7.5.4. As described in Section 7.4 above it is proposed to connect to the public sewer. Surface water drainage arrangements for the site include SUDs measures and nature-based solutions to manage surface water and to avoid discharge to the highly sensitive River Sullane. The proposed surface water drainage has been designed in accordance with SUDS principles, incorporating an attenuation tank, soakaways in all back gardens and a swale. The attenuation system is designed with a controlled flow rate of less than the greenfield run-off rate for the catchment area. This results in an overall discharge from the site of 12.8 l/s which is less than the greenfield run-off of 16.09 l/s. The attenuated system will ultimately discharge into the watercourse (Dromree Stream) running under the Mill Road to the south of the appeal. It is stated that this arrangement has been agreed with Cork County Council. The system will outfall to an existing culvert under the Mill Road.
- 7.5.5. Construction works are required to tie the outfall pipe to this culvert. These works will be in close proximity to the stream. These works will be managed by environmental protection measures as described in the CEMP as follows:

Storm water from the site is to be attenuated to greenfield run-off rates using an agreed attenuation system which will include silt traps and petrol interceptors

prior to out falling to the River Sullane along the Mill Road. A new surface water sewer will be laid on the Mill Road which will also take existing road gullies (as requested by Cork County Council) connecting to the existing culvert. It is proposed to connect the storm sewer directly to the existing stream culvert with the outfall pipe equipped with a non-return valve. No works are proposed to be carried out in the stream or on the banks of the stream.

7.5.6. I am satisfied that no direct instream or bankside works are proposed and with the mitigation measures as set out in the Ecological Impact Assessment no significant impacts are likely to occur to the Dromree Stream or downstream watercourses.

7.5.7. In relation to the existing access route via Corn Mills (west of the appeal site) and whether there were any plans for a culvert or clear-span crossing the Dromree Stream it is noted that this access road is already in existence and the Dromree Stream flows under this road within a culvert. There are no proposals to alter this culvert. As set out in the CEMP:

the proposed development lands benefit from a foul sewer connection to the public mains. It is proposed that the foul water will be pumped from site to the existing foul sewer located south of the Cornmills housing development. The proposed 100mm rising main will pass over an existing culvert of the stream running on the western boundary of the site. No excavation works of this culvert are proposed. It has been agreed with the Local Area Engineer that the rising main will be located within a proposed new combined footpath.

7.5.8. These works will be managed by environmental protection measures as described in the CEMP including the presence of an Ecological Clerk of Works during the works. I am satisfied that no significant impacts are likely to occur to the Dromree Stream, or downstream watercourses.

7.5.9. With regard to consultation with Uisce Eireann in relation to wastewater, copies of correspondence were submitted with the application. As set out in Section 7.4 above Uisce Eireann confirmed in correspondence that a connection was feasible without infrastructure upgrade. The applicant submits that they examined this in light of recent failings of Macroom WWTP to meet its emission limit values (ELVs) but concluded that *“the (currently on-going) WWTP upgrade will allow the current proposed development to connect to the new upgraded WWTP with no adverse effects on the environment in*

terms of inadequate wastewater treatment". A connection will be subject to relevant WWTP licensing and agreements for connection at the required time.

7.5.10. I have assessed the scheme and when considering the objectives as set out in Article 4 of the Water Framework Directive to protect and, where necessary, restore surface and ground waterbodies in order to reach good status (meaning both good chemical and good ecological), and to prevent deterioration. In having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any Surface and/or ground waterbodies.

7.5.11. The reason for this conclusion is as follows:

- Surface water arrangements (as amended by further information)
- Environmental protection measures as described in the CEMP and revised CEMP
- A feasible wastewater connection to the Macroom WWTP without stated infrastructure upgrades as confirmed by Uisce Éireann
- During the construction no works are proposed which would alter the groundwater levels, therefore I do not consider an assessment of any impact on the groundwater catchment necessary

7.5.12. Having regard to the Letter of Feasibility of Uisce Éireann of 19th January 2024, the operational storm water management proposals and the mitigation measures in relation to the construction phase of the development that are standard in nature and known to be effective so will prevent any impact to water bodies during the construction stage I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any waterbody (rivers, lakes, groundwaters, transitional and coastal) nor will the proposed works impede the ability of the WFD objectives of maintaining the high/good status either on a temporary or permanent basis and consequently can be excluded from further assessment.

7.6. Construction Waste Disposal

7.6.1. The appellant raises concerns that the Planning Authority failed to carry out an assessment of the construction waste disposal. I refer to the CEMP and revised CEMP submitted by way of FI. Section 4.0 of the submitted Construction Environment Management Plan refers to *Construction and Demolition Waste Arising and*

Management. Further, Condition No 9 of the recommended decision in Section 11.0 below requested the submission of a CEMP to be agreed in writing with the planning authority prior to the commencement of development and that the CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities. I agree with the Planning Authority that this approach is considered to be reasonable and satisfactory to deal with construction waste. No further issues arise in this regard.

7.7. Other Issues

- 7.7.1. Bat Survey** – I refer to the EclA and Bat Survey submitted with the application, the FI and the report of the Cork County Council Ecologist. All Irish bats are protected under the Wildlife Acts. All bats are listed in Annex IV to the Habitats Directive (92/43/EC) and the Lesser Horseshoe bat is further listed under Annex II to the same Directive. Destruction, alteration or excavation of a known bat roost is a notifiable action under current legislation and a derogation license has to be obtained from the NPWS before works can commence.
- 7.7.2.** There are no European or nationally designated sites located within a 5km radius of the proposed site which includes bats as a qualifying interest (QI). A walkover survey of areas within the proposed site identified as potential roosting, foraging and commuting habitats during the desk top study was undertaken in March 2023. Potential bat habitat was assessed using the criteria outlined in Table 2-1 of the report. The bat roost inspection survey included a detailed inspection of the exterior of trees on site and a visual inspection of the culvert within the proposed site. There are no buildings present within the proposed site. The site supports connectivity to the wider landscape via the hedgerows / treelines and a stream present at the site and therefore the commuting and foraging habitats over the site are of high suitability for bats. However, roosting opportunities at the site are limited to 6 no trees in the field boundaries and a stone wall that support potential opportunistic roosting features for individual bats such as ivy growth.

- 7.7.3. A review of existing bat records from within a 4km radius of the proposed site indicates that four of the ten known Irish species of bat have been recorded within a 4km radius of the proposed site: pipistrelle species, soprano pipistrelle, Leisler's bat and Daubenton bat. Of these species, soprano pipistrelle and Leisler's bat have been recorded roosting in a building located c300m to the west of the site. No trees within the proposed site were recorded as being used as bat roosts during the surveys and no trees deemed of moderate to high roost suitability were noted.
- 7.7.4. Eight bat species were recorded during passive monitoring undertaking over 7 nights in May 2023. The most frequently recorded species was Soprano pipistrelle, followed by Common pipistrelle then Leisler's bat. Brown long-eared, Natterers, Daubenton's, Whiskered and Myotis species of bat were recorded commuting and foraging across the site in relatively low numbers. Lesser Horseshoe bat was also recorded. It has been assessed that it is likely Soprano Pipistrelle and Leisler's bat roost in the vicinity of the site. Overall it is considered that in relation to foraging and commuting bat species recorded at the site the bat populations are considered to be of high local interest.
- 7.7.5. The status of Irish bat species is summarised in Table 4-1 of the Bat Survey report. The bat species recorded at the site are all of *Least Concern*. The conservation status of the bats recorded at the site is *Favourable*, with the exception of the Lesser Horseshoe bat, the status of which is considered to be "*inadequate*" (NPWS 2019).
- 7.7.6. Having regard to the foregoing consideration is given to the construction and operational impact of the proposed scheme. Temporary lighting required during the construction phase and operation phase in the absence of mitigation may cause disturbance to bats commuting through or feeding at the proposed site. It is imperative that construction operations during the hours of darkness will be kept to a minimum. Careful lighting design of the lighting during the operation phase will also be important to ensure the development does not create a reduction in foraging habitat or barrier for commuting bats. A number of mitigation principles have been provided within the Bat Survey report, which I have noted and which it is stated should be followed in respect of site lighting. It is noted that the lighting design for the operational phase of the proposed residential development has been designed so that light levels at the treeline on the northern site boundary will be limited to 1 lux at ground level which is typical lux level at twilight, levels in the tree canopy above will be less than that.

Furthermore, as the treelines at the eastern and western side boundaries will be located within back gardens; no public lighting is proposed at these locations.

- 7.7.7. With the effective implementation of the mitigation measures outlined in the relevant report(s) such as avoidance of lights during the construction phase during the months of April to September, as well as the minimisation of artificial light spill during the operational phase of the development, there will not be any significant negative residual effects on the conservation status of bat species from the proposed scheme.
- 7.7.8. In line with Section 7.8.3 of this report below it is recommended that should the Board be minded to grant permission that a condition be attached requiring all works to take place in accordance with the recommendations set out in Section 6 of the Bat Survey in order to protect bats. Condition No 5 of the recommendations below refers. No further issues arise in this regard.
- 7.7.9. **Freshwater Pearl Mussel** – The site is located within the highly sensitive catchment of the Sullane River which contains populations of the Annex I species Freshwater Pearl Mussel (*Margaritifera Margaritifera*). Although the Sullane River is not designated as a *Margaritifera* First Order River, Freshwater Pearl Mussel is known to occur upstream and downstream of the point of confluence of the Dromree Stream with the Sullane River (to the south of the appeal site). Given the hydrological connection to the watercourse and noting that populations of this species (historic and viable) are known to occur upstream and downstream of the site, the applicant was asked to provide a detailed method statement as to how works will be undertaken and what measures are to be put in place to prevent the release of contaminants during such works. As set out in Section 7.5 Water Framework Directive above no direct bankside works are proposed.
- 7.7.10. The Ecological Impact Assessment undertaken concluded that significant negative impacts could not be ruled out and mitigation measures were introduced as follows:
- The Engineer Design Report describes the proposed surface water design (surface water collection network – operational phase) that include the use of bypass fuel / oil separators, attenuation tanks and controlled discharge to the Dromree Stream at greenfield rates. As such no unattenuated water will leave the site and downstream residential impacts are considered imperceptible.

- Measures within the CEMP and revised CEMP are designed to prevent impacts upon surface water e.g use of settlement lagoons / ponds. As such no unattenuated water will leave the site and downstream residential impacts are considered imperceptible.
- To ensure the above mitigation is adhered to it is recommended that the construction phases be monitored by a suitably qualified ecologist (ECoW)

7.7.11. The applicant's consultant Ecologist asserts that the recommendation of the use of an ECoW was seen as a precautionary measure to safeguard this highly valued stream during the construction phase, in addition to design features of the surface water management, and protective measures described within the Construction Environmental Management Plan (CEMP) and revised CEMP. Additionally, per the report, in light of changes to the storm water discharge by way of FI, it was concluded that the downstream residual impacts are considered to be imperceptible (no noticeable consequences). By definition, this means that there will be no downstream impacts upon the River Sullane or on the Freshwater Pearl Mussel population.

7.7.12. Given the alterations to the proposed surface water drainage arrangement by way of FI, which have been considered satisfactory to the Cork County Council Area Engineer, the Environment Section and the Ecologist and the protective measures as outlined in the CEMP and revised CEMP and reiterated by the applicant's consultant ecologist, I am satisfied that there will be no downstream impacts upon the River Sullane or on the Freshwater Pearl Mussel population. The Board will note that I have had regard to those mitigation measures, to prevent any negative impacts on the watercourses in the vicinity of the site, and I consider these are standard construction mitigation measures, necessary to prevent the deterioration of waters and would be required even in the absence of any Freshwater Pearl Mussel. No further issues arise in this regard.

7.7.13. **Common Frog** – I refer to the EclA and Bat Survey submitted with the application, the FI and the report of the Cork County Council Ecologist. The EclA identifies the presence of Common Frog which is protected under the Habitats Directive and Wildlife Acts within the eastern boundary drainage ditch. The scheme was considered to be of moderate value for this species as this feature is seasonally wet, drying out in periods of dry weather. The applicant's consultant Ecologist clarified in the FI that the

western boundary of the site shall remain as existing with a 5 m buffer between it and any part of the development. During the construction phase, fencing is to be utilised to prevent encroachment towards the ditch. This aligns with the landscape design as proposed. In line with Section 7.8.3 of this report below it is recommended that should the Board be minded to grant permission that a condition be attached requiring that a 5m buffer between the eastern boundary and the development be established. Condition No 5 of the recommendations below refers. No further issues arise in this regard.

- 7.7.14. **Inland Fisheries Ireland (IFI)** – In their report to Cork County Council IFI noted that a crossing was proposed for an on-site tributary (Dromree Stream) of the Sullane River but that no design detail had been submitted on this crossing. I refer to Section 7.5.6 of this report above. There is an existing access route to the site from the west via Corn Mills and the Dromree Stream flows under this road within a culvert. There are no proposals to alter this culvert and no excavation works of this culvert are proposed. It is stated that it has been agreed with the Local Area Engineer that the proposed 100mm rising main will be located within a proposed new combined footpath. These works will be managed by environmental protection measures as described in the CEMP and revised CEMP including the presence of an Ecological Clerk of Works (ECoW) during the works. No significant impacts are likely to occur to the Dromree Stream, or downstream watercourses. I am satisfied that no issues arise in this regard.

7.8. Conditions

- 7.8.1. I refer to Section 3.0 Planning Authority Decision of this report above where the decision of the local authority to grant permission subject to 39 no conditions are summarised together with the FI requested, internal reports and those of prescribed bodies. Many of the conditions attached reflect the particular requirements of these reports and those of the Case Planner. While some of the conditions as recommended can be dealt with by way of standard Board condition (compliance with plans and particulars submitted, taking in charge, bond, Part V etc) other conditions of specific note are discussed as follows:
- 7.8.2. The **Area Engineer** having considered the FI submitted recommended that 4 no conditions be attached relating to the provision of a security bond, surface water,

details of the Mill Road overlay to be agreed and fencing details between the existing culvert and new public footpath linkage to be agreed. Condition no 10, 11, 12 and 13 of the notification of decision to grant permission reflects this recommendation. I am satisfied that matters pertaining to a security bond and surface water can be dealt with by way of the Boards standard condition. Conditions relating to the Mill Road overlay and fencing are considered reasonable and necessary. It is recommended that should the Board be minded to grant permission that a similar conditions is attached. Condition No 3 of the recommended conditions set out in Section 11.0 below reflects this.

7.8.3. The **Ecology Section** having considered the FI submitted recommended that 7 no conditions be attached relating to compliance with Section 6 of the Bat Survey received by the Planning Authority on the 18th December 2023, tree removal and tree retention to be in accordance with measures specified in the Tree Survey received by the Planning Authority on the 17th July 2024, all works to be supervised by an on-site Ecological Clerk of Works, all works to be implemented in accordance with the Construction Environmental Management Plan (CEMP) received by the Planning Authority on the 17th July 2024, the provision of Swift (*Apus apus*) boxes as outlined in the report received 17th July 2024, a 5 meter buffer between the eastern boundary and the development site and that the landscaping of this site shall be carried out in accordance with the landscaping plans received by the Planning Authority on 17th July 2024, bar the inclusion of Fuchsia and Berberis. Condition No 22, 23, 25, 26, 28, 29 and 30 of the notification of decision to grant permission reflects this recommendation. It is noted that Condition No 25 is similar to Condition No 20 in the notification. I am satisfied that matters pertaining to compliance with the CEMP (Condition No 20 and 25) can be dealt with by way of the Boards standard condition. Conditions relating to other matters as set out above are considered reasonable and necessary. It is recommended that should the Board be minded to grant permission that similar conditions are attached. Condition No 5 and 17 of the recommended conditions set out in Section 11.0 below reflects this.

7.8.4. The **Environment Section** having considered the FI submitted recommended that 7 no conditions be attached relating to the surface water management, foul drainage, CEMP, construction noise and vibration, development complaints and appointment of an Environmental Clerk of Works (ECOW). Condition no 14, 15, 16, 17, 18, 19 and 20

of the notification of decision to grant permission reflects this recommendation. I am satisfied that matters pertaining to surface water management, foul drainage, CEMP and construction noise and vibration can all be by way of the Boards standard condition. Conditions relating to the appointment of an Environmental Clerk of Works (ECoW) and the implementation of a programme to ensure that members of the public can obtain information concerning all emissions from this activity and the handling of complaints re same are considered reasonable and necessary. It is recommended that should the Board be minded to grant permission that a similar condition is attached. Condition No 4 of the recommended conditions set out in Section 11.0 below reflects this.

- 7.8.5. The **Public Lighting Section** having considered the FI submitted recommended that 6 no conditions be attached relating to compliance Cork County Council's Public Lighting Manual and Product Specification 2023, phasing of public lighting, a public lighting design and layout for the section of public road along the curtilage of the site, to be agreed, public lighting to be unmetered tariff and subject to a maximum load on individual midi-pillar connections of 2KW and the submission of a 'Lighting Reality' design report and drawing(s). Condition no 31, 32, 33, 34, 35 and 36 of the notification of decision to grant permission reflects this recommendation. I am satisfied that matters pertaining to public lighting can be dealt with by way of the Boards standard condition. Condition No 6 of the recommended conditions set out in Section 11.0 below reflects this.

8.0 **AA Screening**

- 8.1. An AA Screening exercise has been completed. See Appendix 3 of this report for further details.
- 8.2. In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.
- 8.3. This conclusion is based on:

- Objective information presented in the applicant's reports;
- The limited zone of influence of potential impacts;
- Standard construction and operational surface water pollution controls that would be employed regardless of proximity to a European site and the effectiveness of same;
- Distance from European Sites;
- The limited potential for pathways to any European site; and
- The nature and extent of predicted impacts, which would not affect the conservation objectives of any European Sites.

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

9.0 Recommendation

9.1. Having considered the contents of the application the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **GRANTED** for the following reason and considerations and subject to the conditions outlined below.

10.0 Reasons and Considerations

10.1. Having regard to the following:

- a) the location of the site within the development boundary of Macroom on lands zoned 'Existing Residential/Mixed Residential and Other Uses'
- b) the policies and objectives of the Cork County Development Plan 2022-2028
- c) Housing for All – A housing Plan for Ireland (2021)
- d) Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)
- e) Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments (2018)
- f) Urban Development and Building Heights, Guidelines for Planning Authorities (2020)

- g) Design Manual for Urban Roads and Streets (DMURS) (2013)
- h) Architectural Heritage Protection- Guidelines for Planning Authorities 2011;
- i) Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)
- j) Climate Action Plan 2024
- k) National Biodiversity Action Plan (NBPA) 2023-2030
- l) the nature, scale and design of the proposed development and the availability water services infrastructure;
- m) the availability in the area of a wide range of social, community, transport and water services infrastructure,
- n) the pattern of existing and permitted development in the area,
- o) the submissions and observations received

10.2. It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 **Conditions**

- 1) The development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the documents/drawings received by the Planning Authority on the 17th day of July 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

- 2) The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health.

- 3) Prior to the commencement of development on site, the applicant shall agree the following with the Local Area Roads Office and submit all agreements and particulars in writing to the Planning Authority for compliance:

(a) details of the Mill Road overlay

(b) fencing details between the existing culvert and new public footpath linkage

Reason: In the interests of orderly planning and safety.

- 4) (a) A competent Environmental Clerk of Works shall be appointed to oversee the implementation of the mitigation measures and efficacy of controls as per application documents. This Environmental Clerk of Works shall have the authority to halt any works where a failure or risk of failure of any control(s) or unforeseen event arising during development, presents a potential for adverse public health or environment impacts until additional controls can be implemented.

(b) The developer shall put in place a programme to ensure that members of the public can obtain information concerning all emissions from this activity. The programme shall be submitted to the planning authority for agreement within three months of the date of this order. The developer shall record all complaints received relating to site operations. The record shall contain the name of the complainant, nature, time and date of the complaint and a summary of the company's investigation and response. Details of these complaints shall be submitted to the planning authority every three months. The developer shall ensure that a responsible and suitably qualified person is available on the site at all times during which emissions to the environment are occurring. A designated member of the company's staff shall interface with the planning authority or members of the public in the event of complaints or queries in relation to environmental emissions.

Reason: To protect amenities and the environment.

5) (a) The mitigation measures contained in the submitted Ecological Impact Assessment submitted to the Planning Authority on the 18th December 2023 and as updated by Compliance Report submitted to the Local Authority on the 17th July 2024 shall be implemented.

(b) All works shall be in accordance with the recommendations set out in Section 6 of the Bat Survey submitted to the Planning Authority on 18th December 2023

(c) Swift (*Apus apus*) boxes shall be incorporated on the external walls of the development as outlined in the Compliance Report submitted to the Planning Authority on 17th July 2024

(d) All works relating to tree removal and tree retention shall be implemented in accordance with measures specified in the Tree Survey received by the Planning Authority on the 17th July 2024

(e) A 5m buffer between the eastern boundary and the development shall be established. Fencing will be erected to protect it during construction. A compliance report shall be submitted to the planning authority at the end of the main construction period.

(f) All works shall be supervised by an on-site Ecological Clerk of Works who will report on compliance with the relevant mitigation measures. The Ecological Clerk of Works shall be empowered to halt works where he/she considers that the continuation of the works is likely to result in a significant pollution or siltation incident. In the event of a water pollution incident, or of damage to the adjacent river, these reports will be made available to the relevant statutory authorities, and on-site works will cease until authorized to continue by the planning authority. A compliance monitoring report shall be prepared by the Ecological Clerk of Works and shall be submitted to the planning authority at the end of the main construction period.

Reason: To protect species and/or habitats of high natural value, to protect the integrity of European Sites and biodiversity and to safeguard the amenities of the area.

- 6) Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

- 7) Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of the agreed landscaping plan. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

- 8) All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

- 9) The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development. Prior to commencement of any development on the overall site, details of the first phase shall be submitted to, and agreed in writing with, the planning authority.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

- 10) A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils,

groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of environmental protection residential amenities, public health and safety and environmental protection.

- 11) Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

- 12) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan. This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

- 13) Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

- 14) A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

- 15) The development hereby permitted shall be carried out and completed at least to the construction standards set out in the Planning Authority's Taking in Charge Policy. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

- 16)(a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs, and the underground car park shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).

(b) Footpaths shall be dishd at road junctions in accordance with the requirements of the planning authority. Details of all locations and materials to be used shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of amenity and of traffic and pedestrian safety.

- 17)(a) The landscaping scheme as submitted to the planning authority shall be carried out within the first planting season following substantial completion of external construction works bar the inclusion of Fuchsia and Berberis. All planting shall be

adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

(c) A suitably qualified Arboricultural Consultant shall be appointed and shall be responsible for tree protection during the course of construction works and to advise the Site Manager. Prior to works commencing the Arborist shall liaise with the Planning Authority to arrange a site visit to inspect tree protection measures and at key project stages thereafter.

Reason: To protect biodiversity and in the interest of residential and visual amenity.

18) The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

19) Proposals for an estate/street name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

20) Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing on the land in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

21) Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure that the public road is satisfactorily reinstated, if necessary.

22) The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution

Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Mary Crowley

Senior Planning Inspector

31st March 2024

12.0 Appendix 1 - EIA Pre-Screening

Form 1

An Bord Pleanála Case Reference	ABP-320750-24		
Proposed Development Summary	Construction of 62 dwellings and all ancillary works.		
Development Address	Maghereen, Kilnagurteen, Macroom, Co. Cork		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Class 10(b)(i) 'Construction of more than 500 dwellings units' Class 10(b)(iv) 'urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere'	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	64 no residential units 0.24 ha site area	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____

Date: _____

13.0 Appendix 2 - EIA Preliminary Examination

Form 2

An Bord Pleanála Case Reference	ABP-320750-24
Proposed Development	Construction of 62 dwellings and all ancillary works
Development Address	Maghereen, Kilnagurteen, Macroom, Co. Cork
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations. This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The proposed development involves the construction of 62 no residential apartment units and associated works on serviced zoned lands.</p> <p>The nature and scale of the proposed development reflects the surrounding pattern of development and it is not considered to be out of character with the existing and emerging surrounding pattern of development.</p> <p>Construction materials will be typical of an urban environment and any construction impacts would be local and temporary in nature and the implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan.</p> <p>The site is not at risk of flooding.</p>

	<p>There are no SEVESO/COMAH sites in the vicinity of this location.</p> <p>The development has a relatively modest footprint and does not require the use of substantial natural resources or give rise to significant risk of pollution or nuisance.</p> <p>The development, by virtue of its type and scale, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>There are no known monuments or other archaeological features on the subject site</p> <p>The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding.</p> <p>The site is served by a local urban road network. No significant contribution to traffic congestion is anticipated.</p> <p>The development is situated on zoned serviced lands within the development envelop of Macroom at a remove from sensitive natural habitats, designated sites and landscapes of significance identified in the Cork County Development Plan 2022-2028</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity,</p>	<p>Having regard to the nature of the proposed development, its location relative to sensitive habitats/ features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>

duration, cumulative effects and opportunities for mitigation).		
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No
There is a real likelihood of significant effects on the environment.	EIAR required.	No

Inspector: _____

Date: _____

14.0 Appendix 3 - AA Screening Determination

Screening for Appropriate Assessment Screening Determination

1. Description of the project

I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

I refer to Section 1.0 and 2.0 of this report above where the site location and proposed development are described.

The application site comprises a stated area of 2.71 ha. The site lies to the north of Macroom town and comprises low density housing and agricultural fields lying to the north of the Sullane River, which flows from the west and skirts around the town of Macroom to the north, before flowing south to join the River Lee. The site lies c220m north of the Sullane River. The Dromree Stream flows through the western portion of the site before joining the River Sullane to the south. The site includes an agricultural field proposed for housing (largely a greenfield site), plus existing access tracks / roads from the west which run from Masseytown Road to the west, via Cornmills residential estate, into the proposed site. The site is bounded to the south by the Mill Road.

The proposed development comprises a residential development of 62 no. dwelling houses (6,837.40 sqm) and all ancillary site works. The proposed development consists of 4 no. detached housing units, 34 no. semi-detached housing units, and 24 no. terraced housing units comprising 9 2-bed, 23 3-bed and 30 4-bed units with 124 car parking spaces. Ancillary site works include the provision of all associated site landscaping, public open spaces, a new public footpath (connecting to Masseytown Road via Cornmills) and servicing proposals. Vehicular access to the

proposed development will be provided by a new entrance from the Mill Road, all at Maghereen, Macroom, Co. Cork.

Surface / Storm Water – Soakways are to be provided in each private garden. It is proposed to install a surface water drainage system designed in accordance with the SUDs principles and divides into two drainage catchments, both of which are proposed for attenuation utilizing stormtech underground chamber systems. The attenuation system is designed with a controlled flow rate of less than the greenfield run-off rate for the catchment area. This results in an overall discharge from the site of 15.66 l/s which is less than the greenfield runoff of 16.09 l/s. The attenuated system will ultimately discharge into the existing watercourse (stream) running under the Mill Road. Details of the attenuation tanks design and size are included in the Engineer Design Report. The attenuation tanks have been designed for a storm return period of 1 in 100 year and with a 20% climate change factor. The construction of the storm sewer pipe network will be in accordance with BS EN 752:2008 drain and sewer systems outside buildings.

Foul Water Management – It is proposed that the development will connect to mains sewerage services which discharge to the Macroom WWTP. A foul sewer pumping station is proposed north of the proposed entrance. It is detailed in the Engineering report that there is no foul sewer located along the Mill Road so the foul water will be pumped to the closest foul sewer which is located at the neighboring housing estate west of the site. A rising main will be required to meet the tie in level required. There are no proposals to alter the Dromree Stream culvert. As set out in the revised CEMP (submitted in response to the RFI):

'the proposed development lands benefit from a foul sewer connection to the public mains. It is proposed that the foul water will be pumped from site to the existing foul sewer located south of the Cornmills housing development. The proposed 100 mm rising main will pass over an existing culvert of the stream running on the western boundary of the site. No proposed excavation works of this culvert are proposed. It has been agreed with the Local Area Engineer that the rising main will be located within a proposed new combined footpath.'

These works will be managed by environmental protection measures as described in the CEMP, including the presence of an ECoW during the works.

Water Supply – It is proposed that the development will connect to mains water services. A 200mm diameter HDPE watermain proposed to supply potable water to all units and fire hydrants within the development. The 200mm mains will be connected to the existing mainline present running through the site.

Flood Risk – Part of the site is located within a Flood zone A, as indicated on the County Development Plan 2022. A Flood Risk Assessment (FRA) was carried out for the proposed development. The site was assessed in accordance with the OPW Flood Risk Management Guidelines. The site is not at risk of flooding and there is no increased risk to any nearby properties or developable land. The FRA concludes that the development is deemed appropriate.

Construction Environmental Management Plan (CEMP) – Details of the construction phase as well as environmental pollution control measures are presented in the CEMP submitted with the application and revised CEMP submitted by way of FI. The applicant submits that this is a live document and will be reviewed and updated / revised as necessary throughout the construction phases. The development will be phased as follows:

- Phase 1 – bulk excavation across the entire site extents
- Phase 2 – build housing units and accompanying infrastructure

The CEMP describes the proposed stages of work in detail, starting with pre-commencement activities, followed by enabling works, development of site compound, phased based construction, civil activities and landscaping. Environmental control measures are provided with regards to noise, dust, light, litter (waste) and control measures to prevent impacts upon soils, ground water and surface water. The CEMP describes the measures to be implemented in order to protect the small stream that flows under Mill Road, and into which the proposed storm water drainage system will discharge.

Baseline Ecology – The habitats recorded within the site are as follows:

- Improved agricultural grassland (GA1) - The main proposed housing area lies within this habitat type which consists of an existing agricultural field. It has been assessed that this habitat is of low local ecological value.
- Buildings and artificial surfaces (BL3) - The site access road has been partially classified as this habitat type, where the composition of same consists of tarmac. It has been assessed that this habitat is of low local ecological value.
- Spoil and bare ground (ED2) / recolonizing bare ground (ED3) - This habitat is located where the site access road where it transitions to a gravel surface. The habitat type is also recorded where the track enters the 'yard' which is currently used to store building materials and spoil. It is noted that this habitat has no ecological value.
- Treelines (WL2) - Bounding the site access track to the north and south is this habitat type in which a number of mature species were recorded. Furthermore, the agricultural field proposed for housing is almost entirely bordered by mature treelines. This habitat has been assessed as high local ecological value. It is stated that there is only a minor requirement to remove trees to allow site access, with 1-2 Beech trees to be affected. It has been assessed that the loss of these trees is considered to be a slight negative, permanent impact at a local geographical scale. Per the report the loss of these trees will be mitigated by extensive planting of native tree species as partly of the landscaping design, following this it is predicted to be an imperceptible - moderate positive impact overall.
- Stonewall (BL1) - This habitat type was recorded in association with a treeline along the northern boundary of the agricultural field.
- Upland eroding stream (FW1) - This habitat consists of the Dromee Stream which occurs within the western portion of the site and where the site access crosses over same by way of an existing culvert. This habitat has been assessed as county to regional ecological value.
- Drainage ditch (FW4) - Occurring in association with the eastern treeline boundary of the agricultural field is this habitat type which was in order to be dry during the survey visits. This habitat has been assessed as moderate local ecological value.

No Annex I habitats were recorded within the proposed development site nor were any rare or protected floral species. However, during the course of the aquatic surveys a section of the Dromee Stream upstream of the site was noted to contain a macrophyte and aquatic bryophyte community that are a good representation of the Annex I habitat 'watercourses of plain to montane levels with the Ranunculus fluitantis and Callitriche-Batrachium vegetation (3260). It was also assessed that this section of the watercourse was an excellent Brown Trout spawning and nursery habitat and very good quality Eel habitat.

With respect to the section of Dromee Stream proximate to and within the proposed site, evidence of historical bank reinforcement works were visible however, this section did support localised examples of the Annex I habitat 'watercourses of plain to montane levels with the Ranunculus fluitantis and Callitriche-Batrachium vegetation (3260). This section of the stream was also considered very good Brown Trout nursery habitat and very good quality Eel habitat.

No high-risk invasive species listed under the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations 2011 were recorded. Evidence of Badger was observed by way of a dropping. Follow up trail camera surveys were conducted in the spring of 2023 however no evidence of Badger was recorded. No Badger setts were detected.

No evidence of Otter was recorded during the site inspections.

With respect to bats a review of existing bat records for the area showed the Soprano pipistrelle and Leisler's bat have been recorded roosting in a building located approximately 300m to the west of the site. No trees within the proposed site were recorded as being used as bat roosts during the surveys and no trees deemed of moderate to high roost suitability were noted. However, 8 bat species were recorded during passive monitoring undertaking over 7 nights in May 2023. The most frequently recorded species was Soprano pipistrelle, followed by Common pipistrelle then Leisler's bat. Brown long-eared, Natterers, Daubentons, Whiskered and Myotis species of bat were recorded commuting and foraging

across the site in relatively low numbers. Lesser Horseshoe bat was also recorded. It has been assessed that it is likely Soprano pipistrelle and Leisler's bat roost the vicinity of the site. Overall, the site is considered to be of high suitability for foraging and commuting bats due to the presence of connectivity to other suitable habitats in the wider landscape and commuting bat species recorded at the site the bat populations are considered to be of high local value.

A total of 17 bird species were recorded during the winter bird surveys, which includes species in flight over the site and species occurring within the adjacent housing estate. Furthermore, a total of 25 bird species were recorded during the breeding bird surveys, with 6 confirmed to be breeding onsite or in its boundaries. It is stated that in general the treelined site boundaries and the treelined stream corridor were the most important habitats and supported the most bird species, with several species noted to be using the grassland field for foraging especially after it was cut for silage. Overall the species recorded are considered common and widespread birds of the Irish countryside. No annex 1 bird species were recorded, and one red listed species of highest conservation concern was noted i.e. Kestrel. This species was recorded flying over the site carrying food and is likely to nest nearby but not within the site or its boundaries. A single amber listed species of conservation concern i.e. Greenfinch was confirmed to be breeding within the site boundaries.

Common frog spawn was observed within the eastern boundary drainage ditch on the 20th of February 2023.

Water Framework Directive - I refer to Section 7.5 of this report above and the report of the Cork County Council Ecologist where it states that available data shows that the River Waterbody Water Framework Directive (WFD) Status of the River Sullane proximal to the site is 'Good - River Waterbody WFD Status 2016-2021' and is further considered 'Not at Risk - WFD Risk 3"d Cycle' of meeting its surface water environmental objectives. Furthermore, it is noted that the status of the river downstream of the wastewater treatment plant is 'High - River Waterbody WFD

Status 2016-2021. On site aquatic biological water quality monitoring of the Dromree Stream by the applicant indicates that the stream is of high-water quality status (Q4-5). Having regard to those mitigation measures proposed in the CEMP and revised CEMP, there are no concerns the proposed development will impede the WFD objectives of maintaining high to good status waters in this catchment.

The submitted AA Screening information report does not identify specific consultations with prescribed bodies but does refer to a desktop review of published documents and information. The planning application was referred to the following prescribed bodies.

- Irish Water
- National Transport Authority
- Inland Fisheries Ireland (IFI)

The submissions received from Irish Water and the National Transport Authority raised no issues in relation to ecology or biodiversity. Inland Fisheries Ireland in their submission to Cork County Council noted that a crossing was proposed for an on-site tributary (Dromree Stream) of the Sullane River but that no design detail had been submitted on this crossing. I refer to Section 7.7 and 7.5 of this report above. There is an existing access route to the site from the west via Corn Mills and the Dromree Stream flows under this road within a culvert. There are no proposals to alter this culvert. No excavation works of this culvert are proposed. It is stated that it has been agreed with the Local Area Engineer that the proposed 100mm rising main will be located within a proposed new combined footpath. These works will be managed by environmental protection measures as described in the CEMP including the presence of an ECoW during the works.

2. Potential impact mechanisms from the project

The potential for significant effects that may arise from the Proposed Development was considered through the use of key indicators:

- Habitat loss or alteration.
- Habitat/species fragmentation.
- Disturbance and/or displacement of species.
- Changes in population density.
- Changes in water quality and resource.

The site is not within or adjoining any Natura 2000 sites and I do not consider that there is potential for any direct impacts such as habitat loss, direct emissions, or species mortality/disturbance.

There is potential for significant effects from the proposed development at construction and operational stage in respect of the following:

Construction Phase

- Uncontrolled releases of silt, sediments and/or other pollutants to air due to earthworks.
- Surface water run-off containing silt, sediments and/or other pollutants into nearby waterbodies.
- Surface water run-off containing silt, sediments and/or other pollutants into the local groundwater.
- Waste generation during the Construction Phase comprising soils, construction and demolition wastes.
- Increased noise, dust and/or vibrations as a result of construction activity.
- Increased dust and air emissions from construction traffic.
- Increased lighting in the vicinity as a result of construction activity.

Operational Phase

- Surface water drainage from the Site of the Proposed Development.
- Foul water from the Proposed Development leading to increased loading on wastewater treatment plant
- Increased lighting in the vicinity emitted from the Proposed Development; and
- Increased human presence in the vicinity as a result of the Proposed Development

Having regard to the nature of the site and its distance and lack of connectivity with Natura 2000 sites, I do not consider that there would be any other potential impact mechanisms.

3. European Sites at risk

The site is not located within or adjacent to any European site and will not result in any direct loss of, or impact on, habitats in such sites.

The site borders the Dromree Stream, an upland depositing stream tributary of the River Sullane to the south. The Dromree Stream and River Sullane are situated in the Sullane_SC_010 sub catchment. The Dromree Stream shares downstream connectivity with the Gearagh SAC because the River Sullane joins the River Lee. There is hydrological flow path separation because effectively, the River Sullane joins with the River Lee downstream of the Gearagh.

Having regard to the foregoing the potential impact mechanisms from the proposal, the European site(s) and qualifying features potentially at risk (i.e. within 15km) are outlined in the following table.

Table 1 European Sites at risk from impacts of the proposed project

The Gearagh Special Area of Conservation (Site Code 00108)
Distance from site – c1.9 km (west)

Conservation Objective	Qualifying interest
To maintain the favourable conservation condition of the QI in The Gearagh SAC, which is defined by the list of attributes and targets set out in the NPWS Conservation Objectives.	Water courses of plain to montane levels with the Ranunculus fluitantis and Callitriche-Batrachion vegetation [3260]

	<p>Rivers with muddy banks with <i>Chenopodium rubri</i> p.p. and <i>Bidens</i> p.p. vegetation [3270]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>
<p>St Gobnets Wood Special Area of Conservation (Site Code 00106) Distance from site – c15 km (west)</p>	
Conservation Objective	Qualifying interest
To restore the favourable conservation condition of Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles in St. Gobnet's Wood SAC, which is defined by the list of attributes and targets set out in the NPWS Conservation Objectives.	Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]
<p>Mullaghaish Bog Special Area of Conservation (Site Code 00106) Distance from site – c15 km (west)</p>	
Conservation Objective	Qualifying interest
To restore the favourable conservation condition of Blanket bogs (* if active bog) in Mullaghanish Bog SAC, which is defined	Blanket bogs (* if active bog) [7130]

by the list of attributes and targets set out in the NPWS Conservation Objectives	
Mullaghanish to Musheramore Mountains Special Protection Area (Site Code 004162) Distance from site – c5.8 km	
Conservation Objective	Qualifying interest
To restore the favourable conservation condition of hen harrier in Mullaghanish to Musheramore Mountains SPA, which is defined by the list of attributes and targets set out in the NPWS Conservation Objectives	Hen Harrier (Circus cyaneus) [A082]
The Gearagh Special Protection Area (Site Code 004109) Distance from site – c2.5 km	
Conservation Objective	Qualifying interest
To maintain or restore the favourable conservation condition of the wetland habitat at The Gearagh SPA as a resource for the regularly-occurring migratory waterbirds that utilise it	Wigeon (Anas penelope) [A050] Teal (Anas crecca) [A052] Mallard (Anas platyrhynchos) [A053] Coot (Fulica atra) [A125] Wetland and Waterbirds [A999]

As previously stated the application site is not located within or adjacent to any European site. A potential hydrological connection arises in the form of surface water run-off and storm overflows to the Dromree Stream a tributary of the Sullane River at construction and operational stages. There is connectivity between the site (stormwater discharge) and Cork Harbour SPA and Great Island Channel SAC via

the River Lee (via the River Sullane). However, given the intervening distance (approx. 50km downstream) and dilution and assimilation capacity provided within the riverine and estuarine environment, the connectivity between the proposed site and these European sites is not considered pose any risk of giving rise to significant effects on these sites and in particular the wetland habitats within the SPA or its conservation objectives. While areas in the immediate vicinity of the site could be potentially utilised by ex-situ bird species which are qualifying interests of the Cork Harbour SPA, the site is significantly distant from the SPA to be satisfied that activities at the proposed site could not result in disturbance related impacts to birds. Additionally, habitats potentially utilised by SCI's of the SPA in the vicinity of the site are not and would not be considered critical resources as to their survival given the abundance of same in the surrounding environment. Therefore, significant effects on these European Sites (Cork Harbour SPA and Great Island Channel SAC) resulting from the proposed development can be excluded and they are therefore 'screened out'.

I would therefore consider that the sites of primary concern in this case would be:

- The Gearagh Special Area of Conservation (Site Code 00108)
- St Gobnets Wood Special Area of Conservation (Site Code 00106)
- Mullaghaish Bog Special Area of Conservation (Site Code 00106)
- Mullaghanish to Musheramore Mountains Special Protection Area (Site Code 004162)
- The Gearagh Special Protection Area (Site Code 004109)

4. Likely significant effects on the European site(s) 'alone'

Taking account of baseline conditions and the effects of ongoing operational plans and projects, the table below considers whether there is a likely significant effect 'alone' from the proposed development at construction and operational stage in respect of the following:

- Habitat loss or alteration (Effect A)
- Habitat/species fragmentation (Effect B)
- Disturbance and/or displacement of species (Effect C)
- Changes in water quality and resource (Effect D)
- Changes in population density (Effect E)

These criteria are considered to satisfactorily capture the potential effects of the proposed development on European sites

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

<u>European Site and qualifying feature</u>	<u>Conservation objective (summary)</u>	<u>Could the conservation objectives be undermined (Y/N)?</u>				
		<u>Effect A</u>	<u>Effect B</u>	<u>Effect C</u>	<u>Effect D</u>	<u>Effect E</u>
The Gearagh Special Area of Conservation (Site Code 00108)	To maintain the favourable conservation condition of these habitats	No	No	No	No	No
St Gobnets Wood Special Area of Conservation (Site Code 00106)	To maintain the favourable conservation condition of these habitats	No	No	No	No	No
Mullaghaish Bog Special Area of Conservation	To maintain the favourable conservation condition of these habitats	No	No	No	No	No

(Site Code 00106)						
Mullaghanish to Musheramore Mountains Special Protection Area (Site Code 004162)	To maintain the favourable conservation condition of these species	No	No	No	No	No
The Gearagh Special Protection Area (Site Code 004109)	To maintain the favourable conservation condition of these species	No	No	No	No	No

Habitat Loss or Alteration (Effect A) - The proposed development is not located within or immediately adjacent to any European sites. Therefore, there is no potential for direct habitat loss or alteration to occur as a result of the construction or operation of the proposed development.

Habitat Fragmentation (Effect B) - As the Proposed Development does not have the potential to directly cause habitat loss or alteration, it likewise will not result in direct habitat fragmentation.

Changes in Water Quality and Resource (Effect C)

- **Surface Water** - The site will be served by the public surface water sewer system. In addition, the proposed development incorporates comprehensive SUDS measures to treat and attenuate surface water runoff to further reduce the already negligible potential for surface water impacts. No potential for impacts to water

quality and resource exists for European sites from surface water runoff or drainage from the Proposed Development.

- **Foul Water** - The proposed development will be served by separate foul water and surface water sewers during its Operational Phase. The potential for foul waters generated at the proposed development to reach these European sites and cause significant effects, during the Construction and Operational Phases, is deemed to be negligible due to the confirmation by Irish Water that a wastewater connection is feasible without infrastructure upgrade.

Disturbance and/or Displacement of Species (Effect D) - No likely significant effects associated with disturbance or displacement of SCI species are likely to occur. Further the site of the proposed development does not provide any significant suitable ex-situ habitat for SCI species of any nearby SPAs and no likely significant effects associated with disturbance or displacement of SCI species are likely to occur.

Changes to Population Density (Effect E) - For the reasons outlined above, the proposed development does not have the capacity to cause any significant changes in the population density of any species within any European Site.

The construction phase will be temporary. The development proposes a range of measures as outlined in the CEMP and revised CEMP. As outlined above these mainly relate to the management of soils, excavations, hydrology & hydrogeology, traffic, accidents/spills/leaks, water utilities, and dust. Consistent with my assessment above I would accept that the potential for significant surface water effects to downstream sensitivities during the construction phase would be satisfactorily addressed by these measures.

For the operational stage, the surface water drainage network has been designed in accordance with SuDS principles. Ongoing regular operational monitoring and maintenance of drainage and the SuDS measures will be incorporated into the overall management strategy to ensure that there are no impacts on water quality

and quantity. Consistent with my assessment above I would accept that the potential for significant surface water effects to downstream sensitivities during the operational phase is negligible considering the inclusion of suitable SuDS measures and a petrol interceptor.

It is my view that these are best practice standard construction management and surface water management measures which have not been designed or intended to avoid or reduce any harmful effects of the project on a European Site. The measures are otherwise incorporated into the applicant's Construction Environmental Management Plan (CEMP) and revised CEMP and other elements of the documentation and drawings submitted, and I do not consider that they include any specific measures that would be uncommon for a project of this nature. Therefore, I am satisfied that these measures can be considered in the AA Screening process.

I therefore conclude that the proposed development would have no likely significant effect 'alone' on any qualifying features of the

- The Gearagh Special Area of Conservation (Site Code 00108)
- St Gobnets Wood Special Area of Conservation (Site Code 00106)
- Mullaghaish Bog Special Area of Conservation (Site Code 00106)
- Mullaghanish to Musheramore Mountains Special Protection Area (Site Code 004162)
- The Gearagh Special Protection Area (Site Code 004109)

5. Likely significant effects on the European site(s) 'in-combination with other plans and projects'

Having regard to the foregoing, I consider that the potential for in-combination effects is limited to the cumulative impact of Surface / Storm Water Drainage and WWTP capacity associated with other developments in the area.

I refer to Section 5.3 of the Screening Report, where granted and pending projects proximate to the proposed development, the Blarney Macroom Municipal District Local Area Plan 2017 and the Cork County Development Plan 2022 – 2028 that includes a range of policies and objectives to protect water quality, water regime, and Natura 2000 sites, and that any approved projects would have to demonstrate compliance with same and the current operation of the Macroom WWTP were considered.

With regard to the Macroom WWTP I note that the AA screening report refers to the Annual Environmental Report (AER) for Macroom D0126-01 (Irish Water 2019) that shows that the WWTP was non-compliant in 2021 in terms of Ammonia (Total as N mg/l) and Orthophosphate (as P mg/l). The annual maximum hydraulic loading is greater than the peak Treatment Plant Capacity. The annual maximum hydraulic loading is greater than the peak Treatment Plant Capacity. The AER results means that Macroom WWTP is currently not meeting ELVs and is downstream effects in the receiving waterbody (River Sullane). However, it is stated that in early December 2023 Uisce Eireann, working in partnership with Cork County Council, announced that works had commenced on the upgrade of the Macroom Wastewater Treatment Plant – *“once operational, the modernised wastewater treatment plant will ensure environmental compliance with national and EU regulations, protect water quality in the Sullane River, and will also support the long-term sustainable growth and development of Macroom”*. This WWTP upgrade will allow the current proposed development, along with those in progress to connect to the new upgraded WWTP with no adverse effects on the environment in terms of inadequate wastewater treatment. I also refer to the report of Irish Water to Cork County Council dated 19th January 2024 where there is no stated objection to the proposal.

As there are no pathways connecting the project site to surrounding Natura 2000 sites and as the project will not result in significant negative impacts it will not have the potential to combine with other projects in the surrounding area to result in cumulative significant effects to the local environment or Natura 2000 sites occurring in the wider surrounding area.

I conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 **is not required**. No further assessment is required for the project.

Overall Conclusion- Screening Determination

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

It is therefore determined that Appropriate Assessment (Stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

This conclusion is based on:

- Objective information presented in the applicant's reports;
- The limited zone of influence of potential impacts;
- Standard construction and operational surface water pollution controls that would be employed regardless of proximity to a European site and the effectiveness of same;
- Distance from European Sites;
- The limited potential for pathways to any European site; and
- The nature and extent of predicted impacts, which would not affect the conservation objectives of any European Sites.

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