



An
Bord
Pleanála

Inspector's Report

ABP-320959-24

Development	Construction of 9 dwellings, new vehicular entrance and all associated site works.
Location	Carrignagroghera, Fermoy, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	236528
Applicant(s)	Blueprint Property Development Ltd
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Michael King
Observer(s)	None
Date of Site Inspection	16 th December 2024
Inspector	Matthew McRedmond

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1.0 Site Location and Description

- 1.1. The subject site is located at Carrignagroghera, Fermoy, Co. Cork. The site is approximately 0.34ha in area, is located to the rear of properties fronting Dublin Road, with no identifiable access point from the public road currently. The proposed access point to the site is via Rathcarrig to the east, which is accessed from Pike Road, further to the east. The site is currently bounded by a c.2m high boundary wall and is largely overgrown with some mature trees on site. Rathcarrig estate adjoins the site to the east and to the south.

2.0 Proposed Development

- 2.1. The proposed development consists of the provision of 9no. residential units, vehicular access, hard and soft landscaping and all associated site works. The residential units consist of three blocks of three terraced dwellings. Each unit is 2-storeys in height and is 3-bed.

3.0 Planning Authority Decision

3.1. Decision

Cork County Council granted permission for the proposed development on the 11th September 2024. The grant of permission was subject to 35no. conditions. Condition 2 required obscure glazing to first floor bathroom windows. Condition 3 required a revised landscape plan to include 1.8m post and timber panel fencing to rear boundaries of each unit.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Local Authority Planner had regard to the material submitted with the application, the locational context of the site, national and local planning policy, the referral responses received, and submissions made on the application. Their assessment included the following:

- Given the nature of the proposed development on residential zoned land, the application is considered acceptable in principle.
- The proposed density of the scheme is 26.5 dwellings per hectare (dph). Given the small scale nature of the site and need to respond to surroundings, as per the Compact Settlement Guidelines, the proposed density is acceptable.
- The subject site is considered brownfield/infill development, which is supported in the County Development Plan (CDP).
- The proposed design and materials are considered acceptable subject to relocation of bin stores that was recommended to be requested by way of further information.
- No instances of overlooking, adequate private open space of 40sqm is proposed, separation distances are below minimum in some instances and clarification is recommended by way of Further Information. All existing vegetation/trees/hedgerows will be retained as part of the biodiversity of the site.
- A construction and environmental management plan will be requested by way of further information to identify any impacts on existing residential amenity.
- A revised landscaping plan is recommended to illustrate all hard and soft areas of landscaping within the scheme.
- Further information will be sought in relation to a confirmation of feasibility from Uisce Eireann. Further details are also required in relation to the proposed public lighting of the scheme.
- Proposed car parking of 2 spaces per unit is considered acceptable. Details on bicycle parking will be requested by way of further information.
- The Planning Authority did not have sufficient information to make a decision on the application, which was therefore the subject to a further information request on a number of items.

Further Information Response

3.2.2. The applicant submitted a further information response in November 2023, which included the following:

- Separation distance to the proposed units to the south are 12.6m, below SPPR1 requirements. Semi mature trees will be planted along this boundary to prevent overlooking.
- Revised landscaping to show a reduction in impermeable surfaces at all dwellings proposed, which included front garden areas at the expense of one car parking space per unit.
- Revised drawings showing proposed 18no. secure bicycle parking spaces and 4no. visitor car parking spaces.
- Relocation of bin store areas for dwellings 2, 5 and 8.
- Drawings illustrating pedestrian connectivity with estates to the south east and vehicular access from Rathcarrig.
- Tree protection drawings, a proposed CEMP, a confirmation of feasibility from Uisce Eireann, an outdoor lighting plan and a foul layout plan.

Planning Authority Response

3.2.3. The Local Authority Planner was satisfied with the information submitted by the applicant at further information stage in relation to separation distances, permeable surfaces within front garden areas, bicycle parking, bin store locations, red brick piers at main entrance, tree protection measures, CEMP, confirmation of feasibility, revised foul layout showing pipe diameters and public lighting details.

3.2.4. Clarification of further information was sought in relation to potential for overlooking from proposed units 7 and 8, total number of car parking spaces proposed in revised layout, bicycle parking within units 2, 5 and 8, bin storage details including materials, removal of pedestrian link to south east due to potential for anti-social issues.

Clarification of Further Information Response

3.2.5. The applicant submitted clarification details including:

- Cross section detail between proposed dwellings 7 and 8 and the adjoining dwelling (single storey) to the south.

- Clarification of 1 space per dwelling and 4 additional visitor spaces.
- Bicycle parking and bin storage for units 2, 5 and 8 to front of these units.
- Proposed pedestrian link removed.

Planning Authority Response

- 3.2.6. Separation distance of less than 16m at properties to southern boundary considered acceptable as the existing property is ground floor only. Semi-mature planting will further mitigate overlooking. 1.8m concrete post and timber panel fencing to be provided between properties, along with planting to north and north-western portion of the site.
- 3.2.7. Proposed car parking is acceptable in the context of CDP and SPPR of Compact Settlement Guidelines.
- 3.2.8. Proposed bin storage and cycle parking for units 2, 5 and 8 is considered acceptable.
- 3.2.9. Omission of pedestrian link accepted and overall the development is considered appropriate. The Planning authority recommended a grant of permission, subject to conditions.
- 3.2.10. Other Technical Reports
- Housing Officer – No Objection to the proposed development.
 - Public Lighting Section – Requested further information in relation to lighting layout, which was provided by the applicant. Recommended grant of permission subject to conditions.
 - Area Engineer – No Objections to the proposed development subject to conditions.
 - Estates Section – No Objections to the proposed development subject to conditions.
 - Water Services – Requested further information in relation to pre-connection enquiry to Uisce Eireann and foul layout drawing showing pipe diameter. This information was provided by the applicant. Recommended grant of permission subject to conditions.

- Architects Department – No Objections to the proposed development subject to conditions.

3.3. Prescribed Bodies

- 3.3.1. Uisce Eireann – Recommended a pre-connection enquiry is submitted by the applicant, which was submitted as further information. In relation to wastewater, Uisce Eireann confirmed there is currently capacity but due to the large number of developments in Fermoy, developer funding may be required at the time of connection. No objection to the principle of the proposed development.

3.4. Third Party Observations

- 3.4.1. A number of submissions were made in relation to this application. The main issues raised can be summarised as follows:
- Connections from Rathcarrig estate not appropriate as existing estate was considered complete as is.
 - Proposed entrance will cause health and safety issues for children at play. Existing parking spaces on-street at the proposed entrance will also be lost.
 - Proposal has the potential to impact on water pressure in the area.
 - Parking in the existing estate is already a concern and causes access issues.
 - Construction impacts including traffic, dust, noise. Estate roads not wide enough to accommodate heavy vehicles.
 - Removal of green space to facilitate entrance.
 - Appearance and design do not blend with existing estate.
 - Traffic impacts as congestion already present at estate entrance and on Pike Road.
 - Waste water capacity already an issue in the area.

- Concern that these 9 houses will lead to more houses within this vacant site and potential connections to Dublin Road. The proposal will lead to a short-cut/rat running and disturbance to existing residents.
- Land ownership in relation to entrance queried.
- Alternative locations for proposed entrance more appropriate given impact of subject proposal.
- Disturbance to trees, wildlife and green areas.
- Lack of any plans for existing estate and how it may change over time.
- Potential for disruptions to power supply, especially for those who work from home.
- Removal of quiet cul de sac after 20 years is unacceptable, and property values will be reduced.
- Loss of daylight and privacy.

4.0 Planning History

There is no planning history for the subject site. Any recent planning history for the immediate locality is not relevant to the current proposal.

5.0 Policy Context

5.1. National and Regional Planning Policy

- 5.1.1. The NPF is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. National Strategic Outcome No. 1 is 'Compact Growth'. Activating strategic areas and achieving effective density and consolidation, rather than more sprawl of urban development, is a top priority.
- 5.1.2. The NPF contains several policy objectives that articulate the delivery of compact urban growth as follows:

- NPO 3 (c) aims to deliver at least 30% of all new homes targeted for settlements other than the five cities, to be within the existing built-up footprints.
- NPO 11 outlines a presumption in favour of development in existing settlements, subject to appropriate planning standards.
- NPO 27 seeks to integrate alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility.
- NPO 33 prioritises new homes that support sustainable development at an appropriate scale relative to location.

5.1.3. Relevant national policy also includes Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities, 2024 ('the Compact Settlement Guidelines') which require appropriate residential densities (no less than 30-50 units per hectare) in key towns with more than 5,000 population. Small infill sites may need to respond to their setting, rather than strict adherence to the densities set out in the guidelines. The Compact Settlement Guidelines supersede the Guidelines on Sustainable Residential Development in Urban Areas and accompanying Urban Design Manual.

5.1.4. It is worth noting the National Planning Framework is currently undergoing a comprehensive review to reflect changing population and demographic projections for Ireland, which will necessitate revised housing targets countrywide. 50,500 new dwellings per annum are required to meet demand, scaling up to 60,000 homes in 2030.

5.1.5. The Regional Spatial and Economic Strategy for the Southern Region, 2020-2032 is relevant in terms of the strengthening of towns and villages and to enable enhanced roles for sub-regional settlements.

5.2. **Rebuilding Ireland – Action Plan on Housing and Homelessness 2016**

5.2.1. This is a government initiative which identifies the critical need for accelerating housing supply.

5.3. **National Biodiversity Action Plan (NBAP) 2023-2030**

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

5.4. **Cork County Development Plan 2022-2028**

5.4.1. The Cork County Development Plan 2022-2028 is the relevant statutory plan that applies to the subject site. The Plan designates Fermoy as a Self Sustaining Medium Growth Town in the settlement typology.

5.4.2. **Objective CS 2-4: Greater Cork Ring Strategic Planning Area** states the following in relation to the Cork Ring, which Fermoy forms part of:

“b) Establish an appropriate balance in the spatial distribution of future population growth, in line with this Core Strategy, so that Bandon, Fermoy, Kinsale, Macroom and Youghal can accelerate their rate of growth and achieve a critical mass of population to enable them to maximise their potential to attract new investment in employment, services and public transport.”

Zoning

5.4.3. The appeal site has a land use zoning of ‘Existing Residential/Mixed Residential and Other Uses’.

5.4.4. A minimum threshold of 30 units/ha is required for key towns. The category allows for the provision of apartments within the unit typology mix but it is not a requirement. This category is generally applicable to suburban and greenfield sites in larger towns >5,000 population and those planned to grow >5,000 population over the lifetime of

the Plan. Fermoy has a population of 6,585 as recorded in 2016, with projected growth to 8,351 by 2028.

5.4.5. Other policies of the Development plan of relevance to the subject appeal are as summarised as follows:

- PL 3-3, Delivering Quality and Inclusive Places: Seeks to be consistent with the Guidelines on Sustainable Residential Development in Urban Areas and accompanying Urban Design Manual. The objective aims to provide a sense of place and distinctiveness, prioritise walking, cycling and public transport and provide a good quality of life in terms of amenity and safety, and provide a good quality public realm and a clear urban structure.
- GI 14-6, Quality Provision of public open space: to promote the provision of high quality, accessible and suitably proportioned areas of open space and to link to existing areas to form a green network.
- GI 14-4, Recreation and Amenity: Seek opportunities to provide recreation and amenity facilities in new development, that are accessible to the whole community.
- BE 15-6, Biodiversity and New Development: Aims to protect and enhance biodiversity through development management and encouraging the retention and integration of existing trees, hedgerows and other features.
- TM 12-2-1, Active Travel: Deliver a high level of priority and permeability for walking and cycling and the provision of safe, convenient and enjoyable routes.
- TM 12-9, Parking: Provide for the appropriate delivery of car parking including ensuring that on street parking does not occupy unnecessary street frontage.

5.5. Natural Heritage Designations

5.5.1. The site is not located within any designated site. The closest Natura 2000 site is the Blackwater River (Cork/Waterford) SAC (Site Code: 002170) which is located approximately 0.8km to the south of the site. The Blackwater Callows SPA (Site Code: 004094) is located approximately 1.2km, also to the east of the site.

5.6. EIA Screening

- 5.6.1. I have had regard to the determination of the Planning Authority in relation to EIAR requirements. Having regard to the nature of the proposed development comprising the development of 9 residential units, within an established urban area and where infrastructural services are available, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. See completed Form 1 and 2 at Appendix 1.

6.0 The Appeal

6.1. Grounds of Appeal

A Third-Party Appeal has been submitted against the decision made by Cork County Council to grant permission for the proposed development.

The grounds of appeal can be summarised as follows:

- Rathcarrig Residents should have been included in the pre-planning consultations for this development proposal. Cork County Council have brought the planning profession into disrepute with the decision to grant permission for this development.
- Inadequate engagement with the community was provided for by Cork County Council in deciding this application. Various correspondences are provided where the residents sought information from the Planning Authority.
- Reference is made to the previous use of the site as a quarry. Signatures included on the planning application form are also queried.
- Alternative entrances to the site could have been used but were not.
- Rathcarrig Residents were denied a meeting with Cork County Council in relation to the application as it was live at the time.
- Resident's submissions were not adequately addressed in the planning assessment of this application.

6.2. Applicant Response

None on file.

6.3. Planning Authority Response

Planning Authority confirmed that all relevant issues were addressed in the technical reports submitted to the Bord with the appeal documentation.

6.4. Observations

None.

7.0 Assessment

- 7.1.1. Having examined the application details and all other documentation on file, including the grounds of appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered can be assessed under the following headings:

- Procedural Issues
- Response to Submissions

7.2. Procedural Issues

- 7.2.1. The third-party appeal raises a number of procedural issues generally in relation to the application. These issues relate to inaccurate information contained on the planning application form in relation to previous uses of this site, queries on signatures provided, undemocratic and unsatisfactory consultation with residents, and no local area plan for the area.
- 7.2.2. While I note there is no Local Area Plan for Fermoy currently, I consider appropriate information to be included in Volume 3 of the County Development Plan that sets out a Settlement Strategy, including a land use zoning map for Fermoy, which includes the subject site. This strategy is identified as replacing the Fermoy Municipal District Local Area Plan 2017 and Fermoy Town Development Plan 2009. The site is zoned for existing residential and the proposed 9no. unit development is acceptable in this

context. I further acknowledge that the Cork County Development Plan 2022-2028 was subject to a detailed public consultation process, as are all development plans across the country, and adequate opportunity was afforded in that process to comment on the land use zoning of the subject site.

- 7.2.3. Issues associated with validation of applications and provision of appropriate information, as raised by the appellant are noted. However, any issues with the validation of applications and compliance with previous permissions on site are a matter for the Planning Authority. Validation and enforcement are not matters for the Board and I do not propose to address these issues in this report. The application was the subject of a period of public consultation and open to public comment over a 5-week period, as is statutorily required for all planning applications and I note the appellants used this period to make written submissions, which I will address in further detail in the following section 7.3.

7.3. Response to Submissions

- 7.3.1. In the first instance, the Third Party appeal queries the Planning Authority reference to 'submissions' and not 'objections', with the appeal party preferring the latter as a more accurate representation of their feedback to the Planning Authority on the proposal. Section 34 (3)(b) of the Planning and Development Act refers to 'submissions or observations'

“(3) A planning authority shall, when considering an application for permission under this section, have regard to—

(a) in addition to the application itself, any information relating to the application furnished to it by the applicant in accordance with the permission regulations,

(b) any written submissions or observations concerning the proposed development made to it in accordance with the permission regulations by persons or bodies other than the applicant.”

- 7.3.2. There is no reference or legal standing in the Planning and Development Act 2000 as amended, to the term 'objection' and the Planning Authority is obliged to consider any submissions or observation in their assessment of the application. I consider the Planning Authority to have undertaken an adequate assessment of the application, at initial application stage, at further information stage and at clarification of further

information stage, under individual headings that vary in how they address the numerous and varied submissions made. For the purposes of my assessment, and based on the grounds of appeal, I will provide my own evaluation of the points raised in the third-party submissions in relation to the subject proposal.

Traffic and Transport Issues

- 7.3.3. The submissions on file and the third-party appeal refer to a range of transport and traffic impacts including the impact of the proposed entrance, removal of car parking spaces on existing estate roads, an alternative entrance should be used and safety impacts on children at play.
- 7.3.4. I have reviewed the submitted drawings, including drawing 2311-03 (Proposed Entrance Details) and the Revised Landscape Plan (Drawing 2311-02) as submitted at further information stage of the application. I consider the proposed entrance to be a natural extension of the existing residential area, with minimal impacts on the existing green space to the northeast. The entrance provides a 6m wide road, which will encourage low vehicle speeds and maintain pedestrian safety in the area, including children at play. The proposed entrance does not include any land take from the existing green space, and I consider the proposed entrance to provide an acceptable width and onward connection from Rathcarrig in line with standard residential design specifications as set out in the Design Manual for Urban Roads and Streets (DMURS), whereby a 6m road width is categorised as a 'Link Street'.
- 7.3.5. It is worth reiterating that a key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. National Strategic Outcome No. 1 is 'Compact Growth'. Activating strategic areas and achieving effective density and consolidation, rather than more sprawl of urban development, is a top priority. While I acknowledge some on-street parking spaces may be lost for existing residents of Rathcarrig, the primary function of estate roads is not to provide on-street parking, particularly when there is existing on-curtilage parking available for existing properties. I do not accept the loss of on-street parking as a valid reason for refusal in this instance and consider the achievement of compact settlement principles to be of a higher priority in this case.

- 7.3.6. The suggestion in the appeal that primacy of car parking in the overall development is contrary to national policy in relation to reducing car dependency, and as set out in the Compact Settlement Guidelines, car parking should be minimised in new developments in order to manage travel demand. I am therefore satisfied that the subject proposal to include 1 car parking space per unit with 4no. visitor spaces is appropriate at this location.
- 7.3.7. The claims in submissions and the appeal that an alternative entrance might have been proposed with the subject application, is not supported by any tangible evidence in terms of suitability of providing an entrance to the west. Based on the information before me in the application documents, the lands to the west are in third party ownership and would therefore require numerous consents as well as land acquisition to provide an appropriate entry point to the Dublin Road. I consider it unreasonable to require the applicant to acquire additional land and provide an access through vacant land, when there is already existing road infrastructure to the boundary of the site to the east.
- 7.3.8. The submissions on file, and the appeal, refer to capacity constraints on the existing road network, including Pike Road to the east. This is based on existing levels of traffic and permitted developments in the area. It is not the purpose of my assessment to undertake an appraisal of already permitted development in the area, however I do acknowledge that the nature of an urban setting is a constantly evolving built environment. The provision of 9no. residential units will not result in a significant number of additional vehicles on the existing road network, and I therefore do not consider road capacity as a reason for refusal in this instance.

Construction Impacts

- 7.3.9. The submissions on file and the third-party appeal refer to various concerns in relation to construction impacts of the subject proposal. These include air and noise impacts during construction, heavy machinery impacts in relation to damage to existing roads, and the existing road not being wide enough to cater for heavy machinery, as well as potential electricity outages during the construction phase.
- 7.3.10. The applicant submitted a Construction and Environmental Management Plan (CEMP) at Further Information stage of the application. This document provides a framework to minimize negative environmental effects during the construction of the

proposed development such as air quality, noise, dust, vibration and includes a complaints procedure for any non-compliance events. A detailed construction traffic management plan (CTMP) is to be prepared by the applicant prior to the commencement of development, as set out in the CEMP. This CTMP will include input from third-parties and can be ensured by way of condition on any grant of permission. Standard procedure for electricity outages is notification of local residents and I would expect this would continue to be the case at this location.

- 7.3.11. Overall, I am satisfied that standard practices in relation to construction management have been provided by the applicant in relation to the subject proposal. Any impacts will be short-term and temporary and with appropriate mitigation measures I am satisfied that construction impacts are not a reason for refusal in this instance.

Site Services

- 7.3.12. The issue of water pressure was raised in a number of submissions on the file. I note the submissions of Uisce Eireann in relation to capacity of water and waste water connections at initial application stage and further information stage of the application. I also note the Water Services Department of Cork County Council raised no issue in relation to the subject proposal.
- 7.3.13. I note specifically that Uisce Eireann have provided a Confirmation of Feasibility for the proposed development that states that water and wastewater connection is feasible without infrastructure upgrade. This would suggest that any water pressure issues are not related to network capacity or supply. I therefore do not consider water supply to be a reason for refusal in this instance.

Siting, Scale and Design

- 7.3.14. The submissions on file relate to the proposed scale and design of the subject proposal as being inappropriate and out of character with the existing estate.
- 7.3.15. The proposed materials and external finishes include blue/black slate roofs, grey upvc windows and doors, cement render to dwelling exterior walls, black fascia and drainage pipes and grey metal front porches. While the materials are different to the primarily red brick and render finishes of the existing Rathcarrig Estate, I consider the proposed development to be sufficiently separate and to have a high quality of design finish, to be acceptable at this location. Amendments at further information

stages to relocate bin storage and provide additional permeable surfaces are welcomed and will enhance the visual appearance and layout of the proposal.

- 7.3.16. There is a proposed tarmacadam roadway to match the existing Rathcarrig estate, as well as a landscape plan that includes semi-mature trees with a mixture of mountain ash, birch and amber. Outside of the opening for the proposed new entrance, the existing dash rendered block wall is to be retained on the eastern and southern boundary and there is a proposed dash rendered 2.4m height block wall proposed along the western boundary that will enclose the subject site effectively and provide a sense of place. 1.8m height concrete post and timber panel fence boundaries are proposed to separate the rear gardens of the dwellings.
- 7.3.17. I note the initial further information request to the applicant requested the provision of a pedestrian connection from the proposed site to the road to the southeast. This was recommended for removal at Clarification of Further Information stage due to anti-social behaviour concerns. While I acknowledge the importance of ensuring safety and security, the County Development Plan provides that new developments should seek to achieve enhanced, safe permeability and linkages for pedestrians. I consider a pedestrian link to the southeast would be a positive addition to the scheme and provide a pedestrian link to the Blackwater Childcare Facility as well as provide enhanced sense of community, connectivity and inclusiveness. A proposed pedestrian link at this location could be enhanced with effective lighting and widening at the entrance from the southeast. The rear private amenity spaces of units 6 and 7, have in excess of 40sqm of rear open space, as required by the Compact Settlement Guidelines, and I consider a small portion of this space at the rear boundary could be transferred to use as a part of a pedestrian entrance. I recommend a condition be included with any grant of permission that would provide for a pedestrian entrance to the southeast, which would overall enhance the layout and design of the subject proposal, provide for pedestrian permeability and connections and provide a sense of place for this new addition to the residential area.

Impacts on Existing Amenity and Green Areas

- 7.3.18. Issues in relation to residential amenity and sunlight and daylight were raised by the third parties in submissions and the appeal.

- 7.3.19. The Compact settlement Guidelines outline specific planning policy requirements (SPPRs) which could impact upon residential amenity, including a separation distance of 16m between opposing windows serving habitable rooms at the rear or side of houses, above ground floor level should be maintained.
- 7.3.20. I note that the separation distances between units 7, 8 & 9 to the rear garden walls to the south is 6.8m and the distance between unit 8 and 77 Rathcarrig Estate (to the south) is c. 12.6m and therefore below the required 16m as set out in the Guidelines. The submitted Landscaping Plan states that all existing trees, hedgerows and established vegetation will remain as part of the biodiversity offering on the site.
- 7.3.21. The applicant submitted a separation distance drawing and section drawing at further information stage. I note the property at 77 Rathcarrig Estate is single storey and existing mature planting along the southern boundary of the subject site will be retained, in addition to additional compensatory planting of semi-mature species. I am satisfied that given there are no opposing first floor windows in question that are below the 16m separation distance requirement of the compact settlement guidelines, and the comprehensive planting provided along the southern boundary, will mitigate any potential for loss of privacy or overlooking.
- 7.3.22. I am satisfied that adequate separation distances of 16.9 and 19m are provided between proposed units 1-6 inclusive and existing properties to the east. Proposed semi-mature planting along this boundary will add to screening and mitigate any instances of overlooking or impacts on privacy at this interface also.
- 7.3.23. Issues of biodiversity impacts on existing trees and wildlife were raised in third party submissions and the appeal.
- 7.3.24. The applicant has submitted a landscaping plan which proposes 470m² of open space which is overlooked by the proposed dwellings. This will provide appropriate additional green amenity space within the estate. A tree protection detail was provided in a revised site layout plan at further information stage. The plan outlines measures to retain and protect trees during construction including a tree & hedgerow protection buffer zone on the eastern and southern boundaries. Given the small scale and minor nature of the subject proposal, and the detailed construction management details submitted and to be confirmed by way of condition, I am

satisfied there will be no adverse impacts on existing trees as a result of the subject proposal.

8.0 AA Screening

- 8.1. The site is not located within any designated site. The closest Natura 2000 site is the Blackwater River (Cork/Waterford) SAC (Site Code: 002170) which is located approximately 0.8km to the south of the site. The Blackwater Callows SPA (Site Code: 004094) is located approximately 1.2km, also to the east of the site.
- 8.2. I have had regard to the AA screening assessment undertaken by the planning authority. Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites, and the absence of an identifiable hydrological connection. It is also not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site, in view of the Conservation Objectives of those sites an Appropriate Assessment (and submission of a NIS) is not therefore required.

9.0 Recommendation

- 9.1. I recommend that permission be granted based on the following reasons and considerations.

10.0 Reasons and Considerations

- 10.1. Having regard to the nature and scale of the proposed development, the location of the subject site in relation to Fermoy Town Centre and the existing built up context of the area, and the policies and objectives of the Cork County Development Plan 2022-2028, it is considered that subject to compliance with the conditions set out below, the development would be acceptable in terms of design and visual impact, would provide an appropriate layout for the site and would provide an appropriate

level of amenity for future residents. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the plans and particulars submitted on the 26th day of June 2024 and further amended on the 15th August 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) Revised site layout showing details of proposed pedestrian link to south east including revised entrance layout that may include a portion of the rear amenity spaces of proposed units No. 6 and No.7.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of residential amenity.</p>
3.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:</p> <p>(a) A plan to scale of not less than 1:500 showing –</p> <p>(i) Existing trees, hedgerows specifying which are proposed for retention as features of the site landscaping</p>

	<p>(ii) The measures to be put in place for the protection of these landscape features during the construction period</p> <p>(iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder</p> <p>(iv) Details of rear boundary treatments between each unit to comprise of 1.8m high concrete post and timber panel fencing</p> <p>(v) Details of planting on northern and north-western portion of the site</p> <p>(vi) Hard landscaping works, specifying surfacing materials, furniture and finished levels</p> <p>(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment</p> <p>(c) A timescale for implementation</p> <p>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.</p> <p>Reason: In the interest of residential and visual amenity.</p>
4.	<p>The access from the public road and internal road and vehicular circulation network serving the proposed development, including turning bays, parking areas, a ramp or similar traffic calming measure at the entrance to the estate, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>

5.	<p>(a) Prior to the commencement of any house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated, to the satisfaction of the planning authority, that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified residential units, in which case the planning authority shall confirm in writing to the developer or any person with an interest in the land, that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good in accordance with the 'Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities', May 2021.</p>
6.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development, including obscure glazing to first floor</p>

	<p>bathrooms, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
7.	<p>Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare 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) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. 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.</p> <p>Reason: In the interest of proper planning and sustainable development.</p>
8.	<p>The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be contoured, soiled, seeded, and landscaped in accordance with the landscaping scheme submitted and agreed with the Planning Authority. This work shall be completed before any of the dwellings are made available for occupation unless otherwise agreed in writing with the planning authority and shall be maintained as public open space by the developer until taken in charge by the local authority.</p> <p>Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.</p>
9.	<p>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 and for the ongoing operation of these</p>

	<p>facilities for each unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
10.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
11.	<p>The developer shall enter into water supply and wastewater connection agreements with Uisce Eireann, prior to commencement of development. A Confirmation of Feasibility for connection to the Irish Water network shall be submitted to the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of public health.</p>
12.	<p>Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Outdoor Lighting Report, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting.</p> <p>Such lighting shall be provided prior to the making available for occupation of any residential unit and shall include lighting of proposed pedestrian link to the southeast of the site.</p> <p>Reason: In the interests of amenity and public safety.</p>
13.	<p>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.</p>

	Reason: In the interests of visual and residential amenity.
14.	<p>Proposals for an estate/street name, house 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 house 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).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
15.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p>Reason: To ensure the satisfactory completion and maintenance of this development.</p>
16.	<p>The construction of the development shall be managed in accordance with a final Construction Environment Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of the intended construction practice for the proposed development, including measures for the protection of existing residential development, hours of working, traffic management during the construction phase, noise and dust management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>

17.	<p>Construction and demolition waste shall be managed in accordance with a final construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
18.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Saturdays inclusive, 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
19.	<p>Prior to commencement of development, the developer 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 in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p>

	<p>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 of the area.</p>
20.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. 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.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
21.	<p>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.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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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.

Matthew McRedmond
Senior Planning Inspector

21st January 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP – 320959-24		
Proposed Development Summary	Development of 9no. residential units, new vehicular entrance and all associated site works.		
Development Address	Carrignagroghera, Fermoy, 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	✓
		No	Tick if relevant. No further action required
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	✓	Class 10(b)(i) – Part 2 of Schedule 5	Proceed to Q3.
No	Tick or leave blank		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No	✓		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	√	This proposed 9no. unit development is considerably below the 500 unit EIAR Threshold.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	√	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes	Tick/or leave blank	Screening Determination required

Inspector: _____ Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-320959-24
Proposed Development Summary	Development of 9no. residential units, new vehicular entrance and all associated site works.
Development Address	Carrignagroghera, Fermoy, 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.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
Characteristics of proposed development (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).	9-unit residential development is not out of context at this urban location and will not result in any significant waste or pollutants.
Location of development (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	Site is adequately removed from the Blackwater River SAC and Blackwater Callows SPA and is adequately setback from protected structures in the vicinity to minimise any potential impacts.

historic, cultural or archaeological significance).		
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).		9-unit residential development is not likely to give rise to any significant impacts locally or transboundary. Construction impacts will be short term and temporary and can be adequately mitigated and managed.
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.	No
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.	
There is a real likelihood of significant effects on the environment.	EIAR required.	

Inspector:

Date:

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)