



An  
Bord  
Pleanála

## Inspector's Report

### ABP-321927-25

#### Development

Construction of 98 residential units, creche and all associated site works. A Natura Impact Statement (NIS) was submitted with the application.

#### Location

Castlepark, Castlelands (townland), Saint Joseph's Road, Mallow, County Cork

#### Planning Authority

Cork County Council

#### Planning Authority Reg. Ref.

24/4519

#### Applicant

Reside (Castlepark) Ltd.

#### Type of Application

Planning Permission

#### Planning Authority Decision

Grant

#### Type of Appeal

Third Party

#### Appellants

Frank Heffernan and others

#### Observers

None

#### Date of Site Inspection

10<sup>th</sup> April 2025

#### Inspector

Gary Farrelly

## **1.0 Site Location and Description**

- 1.1. The subject site has a stated area of 8.36 hectares and is located within the urban townland of Castlelands, which is located approximately 950 metres east of the town centre of Mallow. The site is characterised by agricultural land and partially unfinished housing units within the western part of the site. It is bounded by the existing Castle Park housing estate to the west, Mallow Community National School to the north and agricultural lands to the east. The River Blackwater is located to the south of the site which forms part of the Blackwater River (Cork/Waterford) Special Area of Conservation (SAC).
- 1.2. The topography of the site slopes downwards from north to south towards the River Blackwater. Access to the site is via the existing road network within the Castle Park estate. There is a designated recorded monument within the western part of the site (Fulacht Fia CO033-090----).

## **2.0 Proposed Development**

- 2.1. Permission is sought for the construction of 98 no. residential units and the construction of a 122 place creche. The developable area was reduced from 3.29 hectares to 2.8 hectares at further information stage in order to provide a density amounting to 35 units per hectare. This involved the removal of units within the northern corner of the site (now proposed as an area reserved for future development) and provision of 1 no. and 2 no. bedroom apartments within the southern part of the site.
- 2.2. It is also proposed to connect to the public wastewater network after Uisce Éireann confirmed to the applicant that a connection was feasible without the need for an infrastructure upgrade. As a result, the proposed onsite wastewater treatment system was omitted at further information stage.
- 2.3. The application was accompanied by a substantial number of particulars including a Natura Impact Statement (NIS) and Appropriate Assessment screening report, Environmental Impact Assessment (EIA) screening report (including Schedule 7A information), Traffic and Transportation Assessment (TTA), Road Safety Audit, DMURS Quality Audit and Mobility Management Plan (MMP).

### 3.0 Planning Authority Decision

#### 3.1. Decision

The planning authority (PA) decided to grant permission, subject to 83 no. conditions, by Order dated 11<sup>th</sup> February 2025.

#### 3.2. Planning Authority Reports

##### Planning Reports

There are a total of 2 no. area planner (AP) reports which assessed the proposed development in terms of, inter alia, zoning, density, housing mix, design and layout, amenity provision, traffic, parking, infrastructure, archaeology and flood risk.

The first AP report considered that the proposed 30.1 units per hectare was too low due to the high quality planned public transport at Mallow (i.e. increased services under the Cork Area Commuter Rail programme) and recommended a minimum density of 35 units per hectare in line with objective HOU 4-7 of the Cork County Development Plan. It was considered that the overall approach to landscape, open space and recreation and amenity was of high quality and the provision of the creche would meet the demands of the proposed development. Further information was recommended which was endorsed by the Senior Executive Planner (SEP).

The second AP report noted the reduction in number of proposed units from 99 no. to 98 no., the introduction of a larger quantity of apartment and duplex units and the omission of 0.31 hectares from the northeast corner of the original site which provided a density of 35 units per hectare. The density and revised housing mix was considered acceptable. The AP recommended a grant of permission, subject to conditions, which was endorsed by the SEP.

##### Other Technical Reports

- Area Engineer (*reports dated 14/05/24 and 03/12/24*) – It recommended deferral of the application and required a revised Traffic and Transportation Assessment (TTA) to include additional junctions within the study and to include the impact from other LRD applications in the area. It noted that the Mallow Relief Road was a TII project and funding for the delivery of this was not within

the control of the PA. After submission of a revised TTA it noted that committed and future planned developments were now included in the modelling and it had no objection subject to conditions.

- Sustainable Travel Unit (*reports dated 17/05/24 and 22/11/24*) – It recommended further information on a number of issues including for the TTA to be updated to include an assessment on the existing residential development and for the provision of mitigation measures with regards to the traffic impact on the road network. After submission of the further information and revised TTA, road safety audit, mobility management plan and DMURS quality audit, it recommended a grant of permission subject to conditions.
- Water Services (*reports dated 10/05/24 and 02/12/24*) – It recommended the deferral of the application in order for the applicant to liaise with UÉ for wastewater discharge to the existing network and information on permission to connect to the network within the existing estate as it was not taken in charge. After submission of further information, it had no objection to the development subject to conditions.
- Senior Executive Architect (*email dated 03/12/24*) – They had no objection subject to conditions.
- Ecology (*reports dated 14/05/24 and 04/12/24*) – The biodiversity officer considered that the qualifying interests that could be impacted by the project included freshwater habitats and species of the Blackwater River SAC due to impacts on water quality and disturbance. They requested further information in relation to surface water management and revised NIS. After submission of same they considered the revised NIS to be a positive amendment and welcomed by the PA.
- Environment Section (*reports dated 16/05/24 and 05/12/24*) – It had no objection to the development subject to conditions.
- Archaeologist (*reports dated 14/05/24 and 22/11/24*) – There was no objection to the development subject to conditions since the site has been subject to previous ground disturbance. It was considered that the Recorded Monument was adequately designed out of the development.

- Public Lighting (*report dated 14/05/24*) – This section had no objection to the development subject to conditions.
- Estates (*reports dated 21/05/24 and 30/12/24*) – This section had no objection to the development subject to conditions.
- Housing (*report dated 09/05/24*) – This section had no objection to the development.

### Conditions

- Condition no. 2 clarified that the permission is for 98 no. units.
- Condition no. 6 required the redesign of the open space layout between unit nos. 03-08 and 09-11, the relocation of the temporary turning head closer to unit no. 26 and revised design/typology for unit no. 65.
- Condition no. 10 required the submission of an updated CEMP to include the location of cultural heritage constraints and mitigation measures to be employed.
- Condition no. 32 required the submission of a mobility plan to reduce car borne commuting, to provide facilities for and to increase the use of public transport and cycling with clear and measurable actions and targets.
- Condition no. 34 required the developer to be responsible for the design and construction of improvement works relating to footways and crossings in the adjoining Castle Park estate as identified in the DMURS Quality Audit and Stage 1/2 Road Safety Audit.
- Condition no. 57 required all mitigation measures specified in the submitted Ecological Impact Assessment to be implemented.
- Condition no. 59 required all mitigation measures specified in the Natura Impact Statement to be implemented.
- Condition no. 82 required the payment of a special development contribution of €49,590 for road improvement works on St. Joseph's Road between the site and the N72.
- Condition no. 83 required the payment of a financial contribution of €190,625.73.

### 3.3. Prescribed Bodies

#### An Taisce

It considered that the application appeared to lack consideration of decarbonisation measures and sought commitment for the installation of heat pumps, fabric efficiency upgrades, solar PV installations and EV charging facilities as further information.

#### Inland Fisheries Ireland

It was not in principle opposed to the development, however, recommended a number of measures in relation to silt control, drainage and biosecurity measures.

### 3.4. Third Party Observations

There were a number of third party observations throughout the course of the application stage which raised a number of issues, including in terms of, traffic volumes associated with the development, traffic congestion, pedestrian safety, the route of construction traffic, inadequate community facilities and recreational facilities, density and lack of alternative travel options. A number of cases from the Board were cited as precedent to refuse the application. Mallow Community National School objected to a pedestrian and cycleway through the grounds of the school and requested construction traffic movements to be minimised during school drop off and pick up times.

## 4.0 Relevant Planning History

#### PA ref. 24/6036 - Large Scale Residential Development (LRD) application (*subject site*)

On 23<sup>rd</sup> April 2025, Reside (Castlepark) Ltd. was granted a 10 year permission for a LRD comprising of 469 no. residential units. The 98 units subject to this appeal are included within this LRD application. An EIAR and NIS were submitted with this application.

#### PA ref. 06/55035 (*subject site*)

Castlelands Construction Ltd was granted permission for phase 3 of the development comprising of 141 residential units.

ABP ref. 320648 – Local Authority Development (site approximately 350 metres north)

Cork County Council has applied to the Board for the construction of 138 residential units. No decision has been made to date (6<sup>th</sup> May 2025).

PA ref. 24/4243 – LRD application (site approximately 1km north)

This LRD application was for 186 no. residential units and was granted by the PA. A third-party appeal was lodged to the Board which was later withdrawn by the appellant.

### **Other Relevant Cases**

ABP ref. 316870 – Residential Zoned Land Tax Appeal (lands of subject site included)

The Board considered that the lands met the qualifying criteria and that there were no matters that warranted their exclusion from the map.

*The Board should also note that the third party grounds of appeal reference a number of precedent decisions made by the Board which are addressed within section 7 of this report.*

## **5.0 Policy Context**

### **5.1. Cork County Development Plan 2022-2028**

#### Volume 3 – North Cork

Mallow is designated as a Key Town in the Regional Spatial and Economic Strategy (RSES) for the Southern Region. It aims to ensure new development delivers enhanced quality of life for all, based on high quality residential, working and recreational environments, respectful of the unique character and heritage of the town and supported by a good range of services and community facilities.

#### Objective MW-R-01 Residential/Residential Additional Provision

Medium A Density Residential Development. Proposals will give appropriate consideration to archaeology on the site and seek to maximise physical and ecological connectivity of the site to the Blackwater Amenity Corridor.

## Volume 1 – Written Statement

Mallow designated as a Key Town.

### 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 HOU 4-7: Housing Density on Residential Zoned Land

Medium A: Min Net Density 30 / Max Net Density 50

Must include a broad range of unit typologies and normally involves a combination of unit formats including a higher proportion of terraced units and/or apartment type units.

### Objective TM 12-2-1: Active Travel

a) New development areas will be permeable for walking and cycling, via safe, convenient and enjoyable routes, and the retrospective implementation of walking and cycling facilities shall be undertaken where practicable in existing neighbourhoods, to give competitive advantage to these modes.

### Table 12.6 Car Parking Requirements for New Developments

2 spaces per dwelling unit / 1.25 spaces per apartment unit

## **5.2. National Policy**

- Project Ireland 2040 – National Planning Framework (2018) and National Development Plan 2021-2030
- Climate Action Plan (CAP) 2025 / CAP 2024



Climate Action Plan 2025 builds upon last year's Plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024.

- Ireland's 4<sup>th</sup> National Biodiversity Action Plan (NBAP) 2023-2030

The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the 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.

### **5.3. Regional Policy**

- Regional Spatial and Economic Strategy for the Southern Region

### **5.4. National Guidelines**

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023)
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (Department of Housing, Planning and Local Government, 2018)
- Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities (2023)

## **5.5. Natural Heritage Designations**

The site is not located within any designated natural heritage site. The nearest designated site is the River Blackwater (Cork/Waterford) Special Area of Conservation (SAC) (Site Code 002170) which adjoins the southern boundary of the subject site.

## **5.6. Environmental Impact Assessment (EIA) Screening**

Schedule 7A information was submitted by the applicant. It has been concluded that there is potential for significant effects on a European site and an Appropriate Assessment has been undertaken having regard to the documentation on file including the NIS. The screening carried out for EIA (Appendix 2), has addressed the characteristics of the proposed development, its location and the types and characteristics of potential impacts has also had regard to the mitigation measures proposed in respect of protecting water quality. On this basis I am satisfied that there is no potential for significant effects on biodiversity or water or any other environmental factor, or any requirement, therefore, for environmental impact assessment. Impacts on European sites can be addressed under Appropriate Assessment, which I have addressed in Section 8 and Appendix 1A/1B of my report.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

A third-party appeal was lodged to the Board on 20<sup>th</sup> February 2025 by Frank Heffernan on behalf of a number of residents of Aldworth Heights, Castle Heights and Castle Crest. The grounds of appeal are summarised as follows:

- The 99 no. units are also included in the LRD application ref. 24/6036 and therefore the decision of this application cannot be taken in isolation to the LRD application. This is phase 1 of 4 for a development of upwards of 470 dwellings.
- Local residents are not objecting to housing development, but ask for a balanced strategic and integrated planning approach with priority given initially to the building of the Mallow Relief Road and associated local road infrastructure, together with the provision of local community amenities and

supports, as detailed in Section 2.4.81 of the Cork County Development Plan 2022-2028.

- The Mallow relief road and associated new local road connectivity is an absolute prerequisite before any further LRD in Castlepark or St. Joseph's Road areas.
- St. Joseph's Road does not cater for the existing volume of traffic and requires reconstruction to meet current traffic densities, widening/straightening, footpaths and cycle lanes on either side and proper street lighting. The road has high local and non-local traffic congestion at peak and off-peak times and will not be able to cater for the additional volume of traffic from the proposed development and LRD application.
- The two entrances from the existing Castle park estate with St. Joseph's Road have very limited sight distances which pose a constant traffic hazard in the area. The construction traffic associated with the proposed development will create a further unacceptable traffic hazard and after completion due to the high volume of vehicular traffic.
- Figures are provided showing the projected increased traffic volume from all future residential developments in the area. A total of 2,480 additional vehicles per day is projected.
- The proposed development will not provide high quality residential, working and recreational environment supported by a good range of services and community facilities due to lack of local community facilities and services, recreational facilities, neighbourhood amenities, inadequate roads, poor and unsafe pedestrian footpaths, no cycle paths and no local public transport.
- The construction phase will create noise, dust and vibration nuisance for a considerable period which will be excessively prejudicial to the residential amenity of existing and nearby residences.
- The proposed development lacks sufficient vehicular parking for the number of houses proposed and this will lead to a loss of parking in Castlepark itself. Footpaths will become parking spaces creating a traffic hazard for pedestrians which currently happens in the existing estate.

- The proposed development together with the LRD application is premature which does not take into account additional LRD applications in the Spa Glen and St. Joseph Road areas of Mallow which will result in constant traffic jams in the areas. The proposed development should be considered together with all proposed LRDs in the area.
- Despite its zoning, the proposed development would be overly car dependent due to its peripheral location within the outer area of the town. The application lacks alternative travel options which would be against national, regional and local policy on compact growth and sustainable mobility. The development would therefore be contrary to proper planning and sustainable development.
- The development contravenes Schedule 4 of the Planning and Development Bill 2023 including in terms of prematurity due to a deficiency in the road network serving the area of the proposed development and pending the determination of a road layout for the area, the endangerment of public safety by reason of a traffic hazard, the result in a traffic pattern that would adversely affect the national road, create serious traffic congestion and contravene materially a development objective.
- Six difference cases of refusal by the Board are outlined due to poor access and substandard roads, uncertainty regarding the timing and delivery of a local access road, insufficient level of density for an outer suburban location, inadequate variety of house types and sizes, lack of alternative travel options being against national, regional and local policy on compact growth and sustainable mobility, inadequate open space and inadequate provision of social and physical infrastructure

## 6.2. Applicant Response

The applicant issued a response to the grounds of appeal on 14<sup>th</sup> March 2025 which is summarised as follows:

- A number of the issues relate to the larger LRD application which is currently live and awaiting a decision from the planning authority (PA). The response is based solely on the current application under appeal.

- The proposed development will not give rise to any adverse traffic impacts. A comprehensive Traffic and Transportation Assessment was submitted with the application, amended at further information stage to include additional junctions as raised by the appellants' submission, and concluded that the development would cause negligible impact on the analysed junctions and surrounding area.
- All analysed junctions would be within an acceptable design threshold in the 2041 design year with the proposed development and other large scale developments in the area in operation. The Area Engineer was satisfied with this and the Sustainable Transport Unit (STU) acknowledged that its issues were addressed by the applicant.
- The site is applicable for the residential zoned land tax which confirms all infrastructure is in place to facilitate development of the lands and includes capacity within the local road network and junctions. It is not within the applicant's remit to ensure any road improvements within the wider area are completed prior to submission of a residential development planning application. However, the applicant has committed to improvements and upgrades, including a pedestrian/cycle link to the parklands/amenity area to the south.
- The concerns regarding construction traffic were addressed at further information stage where revised proposals were submitted for construction access and which were considered acceptable by the PA and Area Engineer.
- The proposed development will not seriously injure the residential amenities of properties in the vicinity and will enhance Mallow as a whole by providing additional residential units to the area.
- The development incorporates a 122 no. child creche, a community room and 15.4% of dedicated open space which incorporates multiple play areas, multi-use games area, seating areas and lawn areas. The large parkland area to the south is also enhanced with a dedicated greenway. All of this will be of benefit to future and existing residents of the Castle Park and St. Joseph's Road area. The PA considered the open space and recreation approach to be of high quality.

- There are numerous adequate pedestrian and cycle links connecting the area to the town centre along St. Josephs Road, through the existing Castle Parks estate which provides direct access to the existing Riverbank Walk Greenway. Additional pedestrian and cyclist links are being provided which will tie into the existing greenway. The STU considered that there were good pedestrian and cycle connectivity throughout the site.
- Noise, dust and vibration during the construction stage was addressed in the submitted Construction Environmental Management Plan and mitigation measures were provided to alleviate any impact on existing residents.
- The planning application was accompanied by a very comprehensive list of supporting material which was prepared to a very high standard and contains all the information required and sought by the PA.

### **6.3. Planning Authority Response**

The PA issued a response on 19<sup>th</sup> March 2025 and considered that all relevant issues have been covered in the technical reports already forwarded to the Board as part of the appeal documentation. It had no further comment to make.

## **7.0 Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local, regional and national policies and guidance, I consider that the substantive issues in this appeal to be considered are in relation to the following:

- Zoning
- Density
- Housing Mix
- Traffic Safety and Convenience
- Residential Amenity

7.2. The Board should note that this proposed development of 98 no. units and a creche also encompasses part of a large-scale residential development (LRD) application which was recently approved by the planning authority (PA) under application PA ref. 24/6036. However, in the interest of clarity, this planning assessment only relates to the issues raised with regards to the development subject to this appeal.

### **Zoning**

7.3. The proposed development is located within the settlement boundary of Mallow on lands partly zoned 'MW-R-01 Residential' and partly zoned 'Existing Residential/Mixed Residential/Other Uses' under the Cork County Development Plan 2022-2028 (CDP). Lands within the southern section of the site, which I note are not proposed for residential, are zoned 'Green Infrastructure'. I consider that the proposed development complies with the zoning objectives of the CDP and, therefore, is acceptable in principle.

### **Density**

7.4. I note that the PA originally had concerns with the low density of the scheme at 30.1 units per hectare. After design changes at further information stage the applicant has now proposed a total of 98 no. units on a developable site area of 2.8 hectares, resulting in a net density of 35 units per hectare. I note that the methodology for density calculation was in accordance with the criteria set out in Appendix B (Table 1) of the

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (SRDCSG). Having regard to objective HOU 4-7 of the CDP, to the suburban location of the site being approximately 950 metres from the town centre of Mallow, to the proximity of the site to the train station (c. 2km west) and to the proposed increase in frequency of train services under the Cork Area Commuter Rail programme, as acknowledged by the PA, I consider that the net density of 35 units per hectare to be acceptable in this location and to be in accordance with objective HOU 4-7 and Table 3.5 of the SRDCSG.

### **Housing Mix**

- 7.5. I note that the PA originally had concerns with the high number of 3 and 4 bed units within the development and requested an increase in smaller type units. A statement of housing mix was provided by the applicant in accordance with objective HOU 4-6(b) of the CDP. I note that the proposed development will include for a total of 13 no. 1-bed units (13.3%), 21 no. 2-bed units (21.4%), 48 no. 3-bed units (49%) and 16 no. 4-bed units (16.3%). I am satisfied that this provides for a good mix of unit types in accordance with objective HOU 4-6(a) of the CDP.

### **Traffic Safety and Convenience**

- 7.6. The third party appellants' main concerns with the proposed development are in relation to traffic safety, including the impact of the development on the capacity of the local road network, the car-orientated nature of the development, to its prematurity pending the construction of the Mallow relief road, to the low level of carparking proposed, and to limited sight distances from the existing estate access points onto St. Joseph's Road.
- 7.7. The Board should note that the application was accompanied by a Traffic and Transportation Assessment (TTA) and Road Safety Audit (RSA), in compliance with the requirement of objective MW-R-01 of the CDP (Volume 3), together with a Mobility Management Plan and DMURS Quality Audit.

### **Car Orientated Development**

- 7.8. I note that the subject site is located on the eastern periphery of the settlement boundary of Mallow. The town centre of Mallow is approximately 950 metres from the site. Having visited the site and town, I consider that the site and wider area is



adequately served by footpath infrastructure. Additionally, the proposed development includes provision for 129 no. secure and covered bicycle parking, as illustrated on drawing no. 22043/P/010A P2. The development also includes for a pedestrian and bicycle link to the existing walkway along the River Blackwater which provides segregated access to the amenity space and town centre.

- 7.9. Furthermore, the site benefits from being approximately 2km from the train station, and is in close proximity to Mallow Community National School. I consider that this close proximity and quality of existing pedestrian infrastructure in place would provide children with the option of walking to and from school which would alleviate congestion on the road network.
- 7.10. Therefore, having regard to the proximity of the proposed development to the town centre, to the adequate pedestrian connections to the town centre and to the high quality public transport options within the town, I consider that the location of the proposed development is not car-oriented and there are a number of sustainable transport options in the area. Having regard to this, I consider that the location of the development would be consistent with the Climate Action Plan (CAP) 2025 and CAP 2024 in this regard.
- 7.11. Additionally, it should be noted that the submitted MMP outlines a number of initiatives to promote cycling, walking and use of public transport. I note that the Sustainable Transport Unit (STU) of the PA acknowledged that the development provides good pedestrian and cycle connectivity throughout the site, however, the success of the implementation of the MMP can only be determined when the development is complete. I consider this to be a reasonable conclusion. If the Board are minded to grant permission it is my recommendation that a condition is attached that ensures the measures set out in the MMP are implemented.
- 7.12. Notwithstanding my conclusion above that the proposed development is not car-orientated and that each case is determined on its own merits, I acknowledge that the appellants have referenced a number of cases where the Board have refused permission on grounds of the development being car-orientated. With regards to ABP ref. 312651, I note that this was in an area with no footpath connectivity to Monkstown. ABP ref. 313723 was in a peripheral location of Galway city where there was unsafe

pedestrian linkages due to an inadequate footpath width between the site and the city and ABP ref. 313761 was in an area with no footpath infrastructure.

#### Capacity of local road network

- 7.13. The submitted TTA included a capacity analysis of 9 no. junctions in the area and took into account the Spa Glens residential development (PA ref. 24/4243) and future development at Aldworth Heights (ABP ref. 320648). The Board should note that the TTA concluded that the proposed development will not have a significant impact on the majority of junctions within the existing road network. The modelling results showed that by the design year 2041 the junction capacity will remain below the design threshold for all junctions with the exception of Junction 5a (St. Joseph Road/Spa Square) and Junction 6 (signal-controlled junction of N72 and R883). However, it is stated that with the achievement of the modal split targets proposed within the CDP (Table 12.5), all the analysed junctions would be within the acceptable design capacity in 2041. I note that STU and the Area Engineer accepted the findings of the TTA and recommended approval of the application.
- 7.14. Whilst I agree with the appellants that there are traffic congestion issues within the town of Mallow and along St. Joseph's Road, as confirmed by the TTA, it is my view that the proposed development would not exacerbate the congestion to an unacceptable level. My reasoning for this is due to the close proximity of the site to the town centre, national school and train station, to the existing adequate pedestrian infrastructure in the area, to the provision for bicycle parking and proposed pedestrian and cyclist connections within the proposed development, together with the measures proposed within the submitted MMP, will all help to achieve the modal split targets set out in the CDP. Therefore, I am satisfied that the proposed development can be accommodated and is not premature in terms of the Mallow relief road. I also note that there is no specific objective within the CDP that restricts the development of the subject lands to the delivery of the relief road.

#### Sightlines

- 7.15. I note the concerns regarding sightlines at the existing two junctions on St. Joseph's Road. I note that these junctions are outside the redline boundary and serve established residential estates. However, having inspected the site and junctions, I

observed adequate sightlines in both directions. Therefore, I have no traffic safety concerns in this regard.

#### Car parking

- 7.16. The Board should note that a total of 143 car parking spaces are to be provided within the scheme. The proposed vehicle parking allocation plan (Dwg. no. 22043/P/006 P2) outlines that two spaces will be provided for the 16 no. 4-bed units, whilst one space will be provided for each remaining unit. A total of 11 no. visitor parking and short stay EV spaces will also be provided. I note that this is below the maximum car parking requirements set out in Table 12.6 of the CDP.
- 7.17. I consider that the provision of car parking below the maximum requirements is consistent with the principles of promoting sustainable travel and the conclusions of the submitted MMP. It also complies with Section 5.3.4 and Specific Planning Policy Requirement (SPPR) 3 of the SRDCSG. Therefore, I have no significant concerns with the level of car parking provision within the proposed development.

#### **Residential Amenity**

- 7.18. I note that the third-party appellants' other main concern with the proposed development is the lack of community and recreational facilities and services to support the development. I note that the proposed development includes provision for a 122 place creche, is located next to an existing national school, provides connections to an existing amenity walkway and comprises of a total green space area of 16% of the total site area. I am in agreement with the PA that the open space provision is of high quality. Furthermore, I note that all private amenity spaces comply with the minimum standards set out under SPPR2 of the SRDCSG. Overall, I consider that the proposed development will provide a high standard of amenity for future residents.
- 7.19. With regards to the appellants' concerns in relation to construction stage, I note that the construction route was confirmed to be from the existing laneway to the north of the site and will not access through the existing estate or next to the school. Works will be undertaken in accordance with a construction and environmental management plan (CEMP). Having regard to this and to the short-term nature of the construction works, I have no significant concerns that the construction works would have an unacceptable impact on residential amenity. If the Board are minded to grant

permission, I recommend that a condition is attached that restricts the hours of construction.

## 8.0 Appropriate Assessment (AA)

- 8.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Blackwater River (Cork/Waterford) SAC (Site Code 002170) in view of the conservation objectives of this site and the Appropriate Assessment under the provisions of Section 177U was required.
- 8.2. Following an examination, analysis and evaluation of the Natura Impact Statement (NIS) and all associated material submitted, I consider that adverse effects on site integrity of the Blackwater River (Cork/Waterford) SAC can be excluded in view of the conservation objectives of this site and that no reasonable scientific doubt remains as to the absence of such effects.
- 8.3. My conclusion is based on the following:
- Detailed assessment of the construction and operational impacts.
  - The proposed development will not affect the attainment of conservation objectives or prevent or delay the restoration of favourable conservation condition for the qualifying species and habitats.
  - The effectiveness of the mitigation measures proposed.

## 9.0 Recommendation

I recommend to the Board that permission is **Granted**, subject to conditions, for the reasons and considerations set out below.

### Recommended Conditions

- The Board should note that the PA attached a special financial contribution of €49,590 for road improvement works on St. Joseph's Road which I have attached under condition no. 27 below.

## 10.0 Reasons and Considerations

Having regard to the existing pattern of residential development in the area, to the location and setting of the site within the designated settlement boundary of Mallow, which is identified as a 'Key Town' according to the Core Strategy and Settlement Policy as set out in the Cork County Development Plan 2022-2028, to the 'Residential (RE)' and 'Existing Residential/Mixed Residential and Other Uses (ER)' zoning objectives of the site which consider residential development an appropriate use, to the proximity of the site to the town centre and to the level and quality of existing pedestrian connections to same, and to the design and layout of the proposed development including the extent and quality of open space provision, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of traffic safety and convenience and would not result in a traffic hazard, would not seriously injure the residential amenities of the area, would provide an acceptable standard of amenity for future residents and would be appropriate in terms of design, scale and layout. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, (consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State).

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 11<sup>th</sup> day of October 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 mitigation measures contained in the submitted Natura Impact Statement (NIS), received by the planning authority on the 11<sup>th</sup> day of October 2024, shall be implemented in full.

**Reason:** To protect the integrity of European Sites.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development.

4. The proposed development shall be amended as follows:

(a) The proposed area of open space between unit nos. 3-11 shall be redesigned in accordance with the detailed requirements of the planning authority.

(b) The temporary turning head to the northeast of unit no. 26 shall be relocated closer to dwelling no. 26.

(c) Unit no. 65 shall be redesigned to eliminate views of the rear elevation from the public realm.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual and residential amenity.

5. (a) The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to the planning authority on the 11<sup>th</sup> day of October 2024. 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.

(b) 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) All mitigation measures contained in the submitted Ecological Impact Assessment, received by the planning authority on the 11<sup>th</sup> day of October 2024, shall be implemented in full.

**Reason:** In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose, and in the interest of biodiversity.

6. The development shall be carried out and operated in accordance with the provisions of the Mobility Management Plan (MMP) submitted to the planning authority on the 11<sup>th</sup> day of October 2024. The specific measures detailed in Section 6 of the MMP to achieve the objectives and modal split targets for the development shall be implemented in full upon first occupation of the development. The developer shall undertake an annual monitoring exercise to the satisfaction of the planning authority for the first three years following first occupation of the development and shall submit the results to the planning authority for consideration and placement on the public file.

**Reason:** To achieve a reasonable modal split in transport and travel patterns in the interest of sustainable development.

7. The disposal of surface water shall comply with the requirements of the planning authority for such works and services.

**Reason:** To prevent flooding and in the interests of sustainable drainage.

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

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

9. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.  
(b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

**Reason:** In the interest of public health.

10. 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. 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.

11. 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.



12. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs 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).

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

13. Proposals for an estate/street name, house/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 house/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.

14. All mitigation measures in relation to archaeology as set out in the Archaeological Impact Assessment, received by the planning authority on the 26<sup>th</sup> day of March 2024, shall be implemented in full. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

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

15. 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.

16. The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking In Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. 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.

- 17.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 archaeological assets, 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.

18. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency'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.

19. 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 traffic safety and convenience.

20. Details of road signage, warning the public of the entrance and of proposals for traffic management at the site entrance, shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of traffic safety.

21. Not more than 75% of residential units shall be made available for occupation before completion of the childcare facility unless the developer can demonstrate to the written satisfaction of the planning authority that a childcare facility is not needed (at this time).

**Reason:** To ensure that childcare facilities are provided in association with residential units, in the interest of residential amenity.

22. All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric

connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of sustainable transportation.

23. 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 transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands 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.

24. (a) Prior to the commencement of any unit 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 unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant units 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.

(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 for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(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 housing units, in which case the planning authority shall confirm in writing to the applicant 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.

**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.

25. 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.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

26. 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.

27. The developer shall pay a financial contribution of €49,590 to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of road improvement works on St. Joseph's Road (L1220-25) between the construction site entrance and the junction with the N72 (Olivers Cross) which benefits the proposed development. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development, and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority in respect of public services, which are not covered in the

Development Contribution Scheme or the Supplementary Development Contribution Scheme and which will benefit the proposed development.

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Declaration

*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.*

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Gary Farrelly  
Planning Inspector

6<sup>th</sup> May 2025

## Appendix 1A: Appropriate Assessment Screening Determination

<b>Screening for Appropriate Assessment</b> <b>Test for likely significant effects</b>	
<b>Step 1: Description of the project and local site characteristics</b>	
<i>Brief description of project</i>	The project involves the construction of 98 no. residential units and the construction of a 122 place creche. It is proposed to connect to the wastewater mains that connects to the Mallow wastewater treatment plant. Surface water is to be treated via SuDS, attenuation and fuel/oil separators, to an existing stormwater network that serves the Castle park estate which outfalls directly to the River Blackwater.
<i>Brief description of development site characteristics and potential impact mechanisms</i>	The site is located within the urban area of Mallow. The nearest designated site is the Blackwater River (Cork/Waterford) SAC (Site Code 002170) which adjoins the southern boundary of the site. Potential impact mechanisms is via topographical gradient, surface water runoff and proximity. There are no watercourses within the site.
<i>Screening report</i>	A Report in Support of Appropriate Assessment Screening has been prepared and submitted with the application. The screening report concluded on the basis of the best scientific knowledge available, the possibility of significant effects on the Blackwater River (Cork/Waterford) SAC cannot be excluded, and that the preparation of a NIS was required.
<i>Natura Impact Statement (NIS)</i>	A NIS has been included with the application.
<i>Relevant submissions</i>	The grounds of appeal have raised no concerns with any potential impact of the development on European sites.



## Step 2: Identification of relevant European sites using the Source-Pathway-Receptor model

One European site has been identified as being within a zone of influence of the proposed development due to the proximity of the site to the subject site and to the hydrological connection (via the proposed surface water management) to the site.

European Site (Code)	Qualifying Interests (QIs)	Distance from proposed development	Ecological connections	Consider further in Screening (Y/N)
Blackwater River (Cork/Waterford) SAC (002170)	18 QIs <sup>1</sup>	Adjoins the site	<ul style="list-style-type: none"><li>• Proximity</li><li>• Surface water outfall</li></ul>	Yes

Whilst I note that the Blackwater Callows SPA (004094) is hydrologically connected to the Blackwater River, having regard to the significant hydrological distance, being approximately 25km downstream of the subject site, to the nature of the proposed development and to the level of dilution available within the Blackwater, no significant effects are likely. I am satisfied that this site can be excluded from further consideration.

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<sup>1</sup> [https://www.npws.ie/sites/default/files/protected-sites/conservation\\_objectives/CO002170.pdf](https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002170.pdf) (Accessed 6th May 2025)

**Step 3: Describe the likely significant effects of the project (if any, alone or in combination) on European sites**

Site name Qualifying Interests	Possibility of significant effects (alone) in view of the conservation objectives of the site	
	Impacts	Effects
<p>Blackwater River (Cork/Waterford) SAC (002170)</p> <ul style="list-style-type: none"> <li>• Estuaries [1130]</li> <li>• Mudflats and sandflats not covered by seawater at low tide [1140]</li> <li>• Perennial vegetation of stony banks [1220]</li> <li>• Salicornia and other annuals colonising mud and sand [1310]</li> <li>• Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</li> <li>• Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</li> <li>• Water courses of plain to montane levels with the <i>Ranunculus fluitans</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</li> <li>• Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</li> <li>• 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]</li> </ul>	<ul style="list-style-type: none"> <li>• Surface water run-off containing contaminant or sediment.</li> <li>• Direct emissions to air and water</li> <li>• Increased noise, dust and disturbance</li> <li>• Spread of invasive species</li> <li>• Overloading of Mallow WWTP</li> </ul>	<ul style="list-style-type: none"> <li>• Deterioration in water quality during the construction and operational phases due to contaminated surface water run-off impacting water sensitive species and habitats.</li> <li>• Habitat loss or alteration</li> <li>• Habitat and species fragmentation.</li> <li>• Disturbance to QI species.</li> <li>• Changes in population density.</li> </ul> <p><u>Wastewater</u></p> <p>The development will connect to the existing Mallow WWTP (D0052-01) which has recently been upgraded. Having reviewed Uisce Éireann's 2023 Annual Environmental Report (AER) I note that it</p>

<ul style="list-style-type: none"><li>• Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</li><li>• Austropotamobius pallipes (White-clawed Crayfish) [1092]</li><li>• Petromyzon marinus (Sea Lamprey) [1095]</li><li>• Lampetra planeri (Brook Lamprey) [1096]</li><li>• Lampetra fluviatilis (River Lamprey) [1099]</li><li>• Alosa fallax fallax (Twaite Shad) [1103]</li><li>• Salmo salar (Salmon) [1106]</li><li>• Lutra lutra (Otter) [1355]</li><li>• Trichomanes speciosum (Killarney Fern) [1421]</li></ul>		<p>is compliant with emission limit values, has 6,030 population equivalent (PE) remaining organic capacity and therefore can accommodate the PE from the proposed development.<sup>2</sup></p> <p>Therefore, likely significant effects of a deterioration of water quality from foul water can be excluded.</p>
Yes	Likelihood of significant effects from proposed development (alone) Y/N	
	If No, is there a likelihood of significant effects occurring in combination with other plans or projects?	
Step 4: Conclude if the proposed development could result in likely significant effects on a European site		
Based on the information provided in the screening report, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result in significant effects on the Blackwater River (Cork/Waterford) SAC.		

<sup>2</sup> <https://leap.epa.ie/licence-profile/D0052/compliance/return/6770f071-8338-ef11-a368-0050568a2d1a>  
(Accessed 6th May 2025)

## Appendix 1B: Appropriate Assessment Determination

<b>Appropriate Assessment</b>
<p>The requirements of Article 6(3) as related to appropriate assessment of a project under Part XAB, Section 177V of the Planning and Development Act 2000, as amended, are considered fully in this section.</p>
<p>Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development of 98 no. residential units in view of the relevant conservation objectives of the Blackwater River (Cork/Waterford) SAC based on scientific information provided by the applicant.</p> <p>The information relied upon includes the following:</p> <ul style="list-style-type: none"><li>• Natura Impact Statement (NIS) prepared by Enviroguide.</li><li>• National Parks and Wildlife Service Conservation Objectives Supporting Document (July 2012) and related publications.</li><li>• Appropriate Assessment of Plans and Projects in Ireland, Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009).</li><li>• Managing Natura 2000 sites, The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC (European Commission, 2019).</li></ul> <p>I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.</p>
<p><b>Submissions/observations</b></p> <p>I note that there were no issues raised by submissions in relation to AA. Inland Fisheries Ireland advised that best practice measures to minimise discharges of silt and suspended solids to waters to be incorporated during the construction phase.</p>

### **Blackwater River (Cork/Waterford) SAC (002170)**

Summary of key issues that could give rise to adverse effects (from screening stage):

- Water quality degradation (construction and operational phases)
- Habitat/species loss or fragmentation
- Disturbance of mobile species
- Spread of invasive species

<b>Qualifying Interest features likely to be affected</b>	<b>Conservation Objectives (Targets and Attributes)</b>	<b>Potential adverse effects</b>	<b>Mitigation Measures (summary)</b>
Freshwater Pearl Mussel <i>Margaritifera margaritifera</i> [1029]	To restore the favourable conservation condition, defined by, inter alia, restore to 35,000 adult mussels, restore water quality-macroinvertebrates and restore substratum quality-stable cobble and gravel substrate with very fine material.	Water quality degradation and/or alteration of habitat quality would undermine conservation objectives.	<ul style="list-style-type: none"><li>• Implementation of CEMP.</li><li>• SuDS measures to retain and filter pollutants and remove suspended solids.</li><li>• Hydrobrake and petrol interceptor at surface water outfall.</li><li>• Best practice construction measures during construction phase.</li></ul>
White-clawed Crayfish <i>Austropotamobius pallipes</i> [1092]	To maintain the favourable conservation condition, defined by, inter alia, no reduction in the baseline (illustrated in Map 9 of the NPWS Conservation Objectives supporting document 2012), and water quality with at least a q-value of Q3-4 at all sites sampled by the EPA.		
Sea Lamprey <i>Petromyzon marinus</i> [1095]	To restore the favourable conservation condition, defined by, inter alia, no decline in extent and distribution of spawning beds.		

Brook Lamprey <i>Lampetra planeri</i> [1096]	To maintain the favourable conservation condition, defined by, inter alia, no decline in extent and distribution of spawning beds.		
River Lamprey <i>Lampetra fluviatilis</i> [1099]	To maintain the favourable conservation condition, defined by, inter alia, no decline in extent and distribution of spawning beds.		
Twaite Shad <i>Alosa fallax</i> [1103]	To restore the favourable conservation condition, defined by, inter alia, no decline in extent and distribution of spawning habitats, oxygen levels no lower than 5mg/l and to maintain stable gravel substrate with very little fine material.		
Atlantic Salmon <i>Salmo salar</i> (only in fresh water) [1106]	To maintain the favourable conservation condition, defined by, inter alia, no decline in number and distribution of spawning redds due to anthropogenic causes and q-values of at least Q4 at all sites sampled by the EPA.		
Otter <i>Lutra lutra</i> [1355]	To restore the favourable conservation condition, defined by, inter alia and no significant decline in distribution or habitat (terrestrial and river).	Potential for disturbance and a significant degradation of water quality may adversely affect foraging/fish biomass.	<ul style="list-style-type: none"> <li>• Implementation of CEMP.</li> <li>• SuDS measures to retain and filter pollutants and remove suspended solids.</li> <li>• Hydrobrake and petrol interceptor at surface water outfall.</li> <li>• Best practice construction measures during construction phase</li> <li>• Pre-construction otter surveys</li> </ul>

Estuaries [1130]	To maintain the favourable conservation condition, defined by, inter alia, a stable or increasing habitat area.	None anticipated due to significant hydrological distance between the site and the QI (as illustrated on Map 3 of the NPWS conservation objectives supporting document 2012) and the level of dilution available within the Blackwater.	N/A
Mudflats and sandflats not covered by seawater at low tide [1140]	To maintain the favourable conservation condition, defined by, inter alia, a stable or increasing habitat area.	None anticipated due to significant hydrological distance between the site and the QI (as illustrated on Map 4 of the NPWS conservation objectives supporting document 2012) and the level of dilution available within the Blackwater.	N/A
Perennial vegetation of stony banks [1220]	To maintain the favourable conservation condition, defined by, inter alia, a stable or increasing habitat area and no decline or change in habitat distribution.	None anticipated due to significant hydrological distance between the site and the QI (as outlined within the NPWS conservation objectives coastal habitats supporting document February 2012) and the level of dilution available within the Blackwater.	N/A
Salicornia and other annuals colonizing mud and sand [1310]	To maintain the favourable conservation condition, defined by, inter alia, a stable or increasing habitat area, no decline or change in habitat distribution and the maintaining of the natural circulation of sediments and organic matter.	None anticipated due to significant hydrological distance between the site and the QI and the level of dilution available within the Blackwater.	N/A
Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritimae</i> ) [1330]	To restore the favourable conservation condition, defined by, inter alia, a stable or increasing habitat area, no decline or change in habitat distribution and the	None anticipated due to significant hydrological distance between the site and the QI (as illustrated on Map 6 of the NPWS conservation objectives supporting document	N/A

	maintaining of the natural circulation of sediments and organic matter.	2012) and the level of dilution available within the Blackwater.	
Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) [1410]	To maintain the favourable conservation condition, defined by, inter alia, a stable or increasing habitat area, no decline or change in habitat distribution and the maintaining of the natural circulation of sediments and organic matter.	None anticipated due to significant hydrological distance between the site and the QI (as illustrated on Map 6 of the NPWS conservation objectives supporting document 2012) and the level of dilution available within the Blackwater.	N/A
Killarney Fern <i>Trichomanes speciosum</i> [1421]	To maintain the favourable conservation condition, defined by, inter alia, no decline in distribution, absent or under control invasive species and maintain hydrological conditions.	None anticipated due to significant hydrological distance between the site and the QI (as illustrated on Map 10 of the NPWS conservation objectives supporting document 2012) and the level of dilution available within the Blackwater.	N/A
Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]	To maintain the favourable conservation condition, defined by, inter alia, no decline in habitat distribution, a stable or increasing habitat area and sufficiently low concentration of nutrients in the water column.	Water quality degradation. Spread of invasive species.	<ul style="list-style-type: none"> <li>• Implementation of CEMP.</li> <li>• SuDS measures to retain and filter pollutants and remove suspended solids.</li> <li>• Hydrobrake and petrol interceptor at surface water outfall.</li> <li>• Best practice construction measures during construction phase</li> </ul>
Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]	To restore the favourable conservation condition, defined by, inter alia, a stable or increasing habitat area and no decline in habitat distribution.		
Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i> , <i>Salicion albae</i> ) [91E0]	To restore the favourable conservation condition, defined by, inter alia, a stable or increasing habitat area and no decline in habitat distribution.		



Taxus baccata woods of the British Isles [91J0]	<p>To maintain or restore the favourable conservation condition.</p> <p>There is no site-specific conservation objective as the QI is currently under review.</p>	<p>None anticipated due to significant hydrological distance between the site and the QI (as illustrated on Map 7 of the NPWS conservation objectives supporting document 2012) and the level of dilution available within the Blackwater.</p>	N/A
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## **Assessment of issues that could give rise to adverse effects in view of conservation objectives**

### **(a) Water quality degradation**

Good quality water is necessary to maintain the populations of the qualifying interest species listed. Water quality degradation is the main risk from unmanaged site works during the construction phase and back flows through surface water outflows during extreme flood events could lead to a build-up of surface water run-off from the site. The Blackwater is an important catchment area for the freshwater pearl mussel which is highly sensitive to water quality changes.

#### Mitigation Measures

Avoidance measures by design include sustainable infrastructure (SuDS), such as sales, tree pits and permeable pavements, to retain and filter pollutants and assist with suspended solids removal prior to discharge. A hydrobrake will be provided at the surface water outfall to restrict the flow of water and a petrol interceptor will be provided upstream of the attenuation tanks to ensure that any hydrocarbons or pollutants are treated prior to outfall to the Blackwater river.

During the construction phase, best practice measures will be implemented including the carrying out of the works in accordance with a final Construction and Environmental Management Plan (CEMP), the employment of an ecological clerk of works, the preparation of a water management system, the implementation of a dust management plan, the refuelling of plants in designated locations, the location of stockpiling in designated, secure and impermeable areas onsite, incorporation of silt-fencing along the southern boundary of the site and storage of fuels in designated area.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected aquatic species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Mitigation measures related to water quality are captured in planning condition number 2 recommended above.

### **(b) Disturbance of mobile species**

Previous national and regional studies of Otter in the Blackwater (Munster) have determined that the Blackwater River and Catchment provides an important stronghold for Otter in the southwest, with evidence of this species presence recorded across the Blackwater River

Catchment. The proposed development will not result in any temporary or permanent barriers to movement.

#### Mitigation measures

- Pre-construction otter survey to ensure no otter holt established in intervening period.
- No works to take place within 150 metres of any holts.
- Minimisation of noise during construction works.
- Implementation of best practice construction methods and water quality measures.

I am satisfied that the measures proposed are adequate and will be effective in ensuring that the attributes required to restore the favourable conservation condition for Otter will not be adversely affected and that the proposed development will not prevent or delay the attainment of the conservation objective to restore favourable conservation condition. Mitigation measures are captured in planning condition number 2 recommended above.

#### **Spread of Invasive Species**

Site surveys found two invasive plant species on site, namely butterfly bush (*Buddleja davidii*), and New Zealand flax (*Phormium tenax*). Butterfly bush was observed growing on areas of hardstanding/artificial surfaces to the west of the Site, while New Zealand flax was observed growing behind a rear garden, to the west of the site.

#### Mitigation Measures

Measures to control the spread of invasive species will be employed such as the treatment and eradication of butterfly bush onsite by a specialist and the sourcing of soils and materials from sites that are certified invasive flora free.

I am satisfied that the measures proposed can be implemented, supervised effectively and will be effective in preventing the spread of invasive species. Mitigation measures are captured in planning condition number 2 recommended above.

#### **In-combination effects**

I am satisfied that in-combination effects have been assessed adequately in the NIS. Additionally, I note that the large scale residential development of 469 units, which includes this proposed development, was granted permission by Cork County Council on the 23<sup>rd</sup> April 2025. Having reviewed the NIS submitted with this application, and mitigation and monitoring measures proposed, I am satisfied that no significant residual effects will remain post the application of mitigation measures.

## **Findings and conclusions**

The applicant determined that following the implementation of mitigation measures, the construction and operation of the proposed development alone, or in-combination with other plans and projects, will not adversely affect the integrity of the Blackwater River (Cork/Waterford) SAC.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the Appropriate Assessment. I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects. The proposed development will not affect the attainment of the conservation objectives of the Blackwater River (Cork/Waterford) SAC. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

## Appendix 2: EIA Screening Determination

### Form 1: EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP-321927-25			
<b>Proposed Development Summary</b>	The construction of 98 no. residential units, creche, and all associated ancillary site development works including vehicular access, parking, footpaths, drainage and amenity areas			
<b>Development Address</b>	Castlepark, Castlelands, St. Joseph's Road, Mallow, County Cork			
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	<b>X</b>	
		<b>No</b>	<del>No further action required</del>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>				
<b>Yes</b>	<b>X</b>	Part 2, Class 10(b)(i) Construction of more than 500 dwelling 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 Q.3
<del>No</del>				<del>No further action required</del>
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>				
<b>Yes</b>				EIA Mandatory EIAR required
<b>No</b>	<b>X</b>			Proceed to Q.4

<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
Yes	X	<ul style="list-style-type: none"> <li>The development is for 98 no. residential units on a gross site area of 8.36 hectares.</li> </ul>	Preliminary examination required (Form 2)
<b>4. Has Schedule 7A information been submitted?</b>			
No		<del>Pre-screening determination conclusion remains as above (Q1 to Q4)</del>	
Yes	X	Screening Determination required	

Form 3: EIA Screening Determination Form

A. CASE DETAILS		
<b>An Bord Pleanála Case Reference</b>	321927-25	
<b>Development Summary</b>	The construction of 98 no. residential units, creche, and all associated ancillary site development works including vehicular access, parking, footpaths, drainage and amenity areas	
	Yes / No / NA	Comment (if relevant)
<b>1. Was a Screening Determination carried out by the PA?</b>	No	The PA stated that it would complete an EIA screening determination upon receipt of the further information. However, the planning reports on file do not include for any screening determination after submission of the further information.
<b>2. Has Schedule 7A information been submitted?</b>	Yes	The application was accompanied by an EIA screening report which included Schedule 7a information (referenced by the applicant as Information required by Annex II(a) of the 2014/52/EU).
<b>3. Has an AA screening report or NIS been submitted?</b>	Yes	An NIS was submitted with the application and concluded that subject to avoidance and the implementation of mitigation

		measures, the proposed development will not have an adverse effect on the integrity of the Blackwater River (Cork/Waterford) Special Area of Conservation (002170), individually or in-combination with other plans and projects.	
<b>4. Is a IED/IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?</b>	N/A		
<b>Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</b>	Yes	The subject site is located within the development boundary of Mallow on 'Residential' and 'Existing Residential' zoned lands. The Cork County Development Plan 2022-2028 has been subject to Strategic Environmental Assessment (SEA) and Strategic Flood Risk Assessment (SFRA).	
<b>B. EXAMINATION</b>	<b>Yes / No / Uncertain</b>	<b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b>  (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	<b>Is this likely to result in significant effects on the environment?</b>  <b>Yes / No / Uncertain</b>



		<b>Mitigation Measures</b> – Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect	
<b>This screening examination should be read with, and in light of, the rest of the Inspector's Report.</b>			
<b>1. Characteristics of proposed development</b> (including demolition, construction, operation or decommissioning)			
<b>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</b>	No	The site is located next to the existing Castlelands housing estate and the Scoil Aonghusa Community National School. The development of 98 no. residential units would be consistent with the existing and approved landuse in the area.	No
<b>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</b>	Yes	No demolition is proposed as part of the proposed development. The site consists of undeveloped ground which was stripped as part of construction works of the previously permitted schemes on site. Removal of material is outlined within the submitted Construction and Environmental Management Plan (CEMP).	No

<b>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</b>	Yes	Natural resources such as stone, gravel and water will be used in the construction phase but during the operational phase there will be no out of the ordinary use of natural resources. The development is not expected to generate a high demand for water resources.	No
<b>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</b>	No	The development is residential in nature.	No
<b>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</b>	No	Any waste arising during construction will be managed based on best practice guidelines on the preparation of waste management plans for construction and demolition projects. No out of the ordinary production of water or residues is likely during the operational phase of the development.	No

<p><b>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</b></p>	<p>No</p>	<p>The construction phase will be in accordance with the Construction and Environmental Management Plan (CEMP) which describes the environmental measures and procedures which are to be followed. Fuel and chemicals will be stored in bunded areas designed in accordance with EPA Guidelines. Silt traps and silt fences will be provided.</p>	<p>No</p>
<p><b>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</b></p>	<p>Yes</p>	<p>Due to the nature of construction, noise would be associated with the development. However, noise will be minimised by locating all plant and machinery away from sensitive receptors, the switching off of mobile plant when not in use, the use of exhaust silencer systems for diesel engines and the regular maintenance of mobile plant. Construction operations would also adhere to working hours.</p>	<p>No</p>

<b>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</b>	Yes	<p>A dust management plant is included in the CEMP and aims to ensure good site management by avoiding dust becoming airborne at source.</p> <p>A contingency plan will be developed by the contractor prior to commencement of works which will identify actions to be taken in the event of a pollution incident. An emergency operating plan will be established to deal with incidents or accidents during construction that may give rise to pollution within watercourses.</p>	No
<b>1.9 Will there be any risk of major accidents that could affect human health or the environment?</b>	No	<p>There is no risk of major accidents or disasters having regard to the nature of the development. However, there are risks of water contamination and air pollution as identified in Question 1.8 above.</p>	No
<b>1.10 Will the project affect the social environment (population, employment)</b>	Yes	<p>The project will introduce 98 no. new residential units into the immediate area, thereby increasing the local population.</p>	No

<p><b>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</b></p>	<p>Yes</p>	<p>The development also forms part of a large-scale residential development (LRD) comprising the construction of 469 residential units which is currently with Cork County Council (application ref. 24/6036). An EIAR has accompanied this application on the basis of the site measuring 18.2 hectares.</p> <p>Whilst I note that the project comprising of 98 no. residential units on this 8.36 hectare site is physically linked to the LRD site, I consider that the project can operate on a standalone basis and is not functionally interdependent on the wider LRD scheme. It is proposed to connect to all existing adjoining infrastructure within the Castlelands estate and access to the proposed development is via the existing adjoining road network within the estate.</p> <p>Notwithstanding this, I have considered the environmental impacts of these two proposals as part of a cumulative</p>	<p>No</p>
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		assessment, and in particular, the traffic and water environmental topics. Having regard to the size, location and nature of the development and having reviewed the EIAR submitted as part of the LRD application, including the mitigation and monitoring measures, cumulative effects and residual impacts, I am satisfied that the proposed development of 98 no. units will not contribute to significant cumulative environmental impacts.	
<b>2. Location of proposed development</b>			
<b>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</b> <ul style="list-style-type: none"> <li>- European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>- NHA/ pNHA</li> </ul>	Yes	The proposed development is located adjacent to the Blackwater River (Cork/Waterford) SAC (002170). A Natura Impact Statement (NIS) has been submitted with the application. Whilst the submitted Appropriate Assessment Screening Report has concluded that there is potential for significant effects on a European site, having regard to the	No

<ul style="list-style-type: none"> <li>- <b>Designated Nature Reserve</b></li> <li>- <b>Designated refuge for flora or fauna</b></li> <li>- <b>Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</b></li> </ul>		<p>characteristics of the proposed development, its location and types and characteristics of potential impacts, I consider that there is no potential for significant effects on other environmental parameters. Therefore, I consider that impacts on European sites can be addressed under Appropriate Assessment and I am satisfied that EIA is not warranted.</p>	
<p><b>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</b></p>	<p>No</p>	<p>The application is accompanied by an Ecological Impact Assessment Report (EcIA) which outlines mitigation and monitoring measures to ensure local ecology are protected from adverse impacts. The field surveys did not observe any badger activity and no evidence of bats was observed onsite. No bird nests were observed and the site comprises of</p>	<p>No</p>

		very little hedgerow and treeline habitats to support nesting birds.	
<b>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</b>	Yes	The application is accompanied by an archaeological impact assessment which notes one recorded archaeological site within the site boundary, a fulacht fia (CO033-090----). There is no development proposed in close proximity to the archaeological site which will be protected by a buffer zone.	No
<b>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</b>	No	The subject site consists of undeveloped ground which was stripped as part of previous construction works onsite.	No
<b>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds,</b>	Yes	The River Blackwater is located to the south of the site where surface water will be discharged to. The proposed	No



<b>coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</b>		development will connect to existing surface water services and a stormwater management plan will be applied to control the rate of runoff. Runoff will be controlled by attenuation methods.	
<b>2.6 Is the location susceptible to subsidence, landslides or erosion?</b>	No	No evidence of these risks having reviewed the Geological Survey of Ireland (GSI) Landslide database.	
<b>2.7 Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</b>	Yes	The application has been accompanied by a Traffic and Transport Assessment which has assessed the impact on the local external road network. It concludes that there is capacity for the proposed development traffic to utilise all junctions and that all junctions, with the exception of Infirmary Lane/St. Joseph's Road, will operate at below 85% capacity up to the 2041 Design Year. Whilst the Infirmary Lane/St. Joseph's Road junction reaches 89% capacity for the 2041 Design Year,	No

		this is not considered significant in terms of the EIA Directive.	
<b>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</b>	Yes	The site is located adjacent to the Scoil Aonghusa Community National School. Having regard to the residential nature of the project, no significant impacts are envisaged.	No
<b>3. Any other factors that should be considered which could lead to environmental impacts?</b>			
<b>3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</b>	Yes	Cumulative effects have been considered above under Question 1.11 and are not likely to give rise to significant impacts.	No
<b>3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?</b>	No		
<b>3.3 Are there any other relevant considerations?</b>	No		

C. CONCLUSION		
No real likelihood of significant effects on the environment.	X	EIAR Not Required
<del>Real likelihood of significant effects on the environment.</del>		EIAR Required
D. MAIN REASONS AND CONSIDERATIONS		
<p>Having regard to:</p> <ol style="list-style-type: none"> <li>The criteria set out in Schedule 7, in particular <ol style="list-style-type: none"> <li>The limited nature and scale of the proposed housing development, in an established residential area served by public infrastructure,</li> <li>The absence of any significant environmental sensitivity in the vicinity, and the location of the proposed development outside of the designated archaeological protection zone</li> <li>The location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001, as amended</li> </ol> </li> <li>The results of other relevant assessments of the effects on the environment submitted by the applicant</li> <li>The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, and</li> </ol>		

4. The cumulative effect of the proposed development with the adjoining large-scale residential development which is currently with Cork County Council (application ref. 24/6036) and which an EIAR has been submitted,

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

Inspector \_\_\_\_\_

Date \_\_\_\_\_

Approved (DP/ADP) \_\_\_\_\_

Date \_\_\_\_\_