Inspector's Report

ABP-322434-25

Development	LRD: demolition of existing structures and construction of 550 no. residential dwellings, 1 creche and 3 commercial units together with associated site works. An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) has been submitted to the planning authority with the application. The application may be inspected online at the following website set up by the applicant: www.dunkettlelrd.ie
Location	To the north of Dunkettle House, (Protected Structure - PS1190) and associated, structures (protected structures - PS1238, PS1239,, Dunkettle (townland) Glanmire Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	2443414
Applicant(s)	O'Flynn Construction (Co.) Unlimited
Type of Application	Large-Scale Residential Development

Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party V Grant First Party V Conditions
Appellant(s)	Third Parties Joan Murphy Dunkettle Residents Association Mary Long Jenny Lynch First Party O'Flynn Construction Co. Unlimited Company
Observer(s)	None
Date of Site Inspection	19th June 2025
Inspector	Ronan O'Connor

Contents

1.0 Site Location and Description

1.1. The site currently consists of agricultural fields and woodlands. The subject site has a stated area of 26.47 ha and is located c5km east of Cork City Centre in the townland of Dunkettle to the south of the settlement of Glanmire. The Dunkettle Road (L2998), Woodville Estate and a number of individual detached dwellings are to the east, and the Glashaboy River is to the west. The river forms part of the Cork Harbour Special Protection Area (SPA). Along the eastern riverbank, within the site, is Glanmire Wood Proposed Natural Heritage Area (pNHA). To the north-east, a permitted nursing home and a childcare development is currently under construction, with the Ballinglanna housing development beyond, which is nearing completion. To the south, there are agricultural fields with Dunkettle House, a Protected Structure located further south of same.

2.0 Proposed Development

2.1. The proposed development is for the following:

An 8-year planning permission for the following Large Scale Residential Development (LRD) comprising the demolition/removal of existing ruins/structures (including a former dwelling on the northern part of the site) and the construction of 550 no. residential units to include 394 no. dwelling houses (comprising a mix of 2,3 and 4 bed semi-detached and townhouse/terraced units) and 156 no. apartment/duplex units (comprising a mix of 1 and 2 bed units in 10 no. blocks ranging in height from 2 to 6 storeys), 1 no. creche, 3 no. commercial units (comprising a shop, cafe and medical/general practice facility) and all associated ancillary development works including a new vehicular access, new pedestrian access, a traffic signal controlled Toucan pedestrian crossing and upgrades to the road markings on the L2998 Road to the east, a new greenway through the development connecting to the L2998 to the north and to the existing (Dunkettle to Carrigtwohill) Greenway to the south, drainage (including attenuation pond), footpaths & cycle lanes, landscaping, amenity and open space areas, boundary treatments, bicycle and car parking, bin storage, 7 no. ESB substations, the undergrounding of the existing overhead electricity lines currently traversing the site,

public lighting and all other ancillary development located to the north of Dunkettle House (protected structure – PS1190) and associated structures (protected structures – PS1238, PS1239, PS1240, PS1170), Dunkettle (townland), Glanmire, Cork.

2.2. The following tables set out some key aspects of the proposed development.

Table 2.1 – Key Figures

Site Area (Gross/Net)	26.469 Ha (Gross)/13.08 Ha (Net)
Number of Units	550 units (394 no. houses, 156 no. duplexes/apartments)
Height	394 Dwelling houses with a max 2 storeys 156 no. apartment/duplex units ranging in height from 2 to 6 storeys
Net Density (Units per Hectare (uph))	42.05 dph
Open Space	Open Space – 1.63 ha hectares (approx. 12.46% of net site area) of public open space.
Car and Bicycle Parking	Car – 869 no. spaces (within curtilage for housing units; communal car parking area for duplexes and apartments. Bicycle – Apartments, townhouses, duplex units, and terraced units are provided with bike stores which can accommodate two bicycles per unit. Remaining units can store bicycles in their private open space areas
Part V	55 no. dwellings on site consisting of: • 20 no. 3 bed townhouse units; • 16 no. 2 bed townhouse units; • 4 no. 2 bed duplex units;

	• 4 no. 1 bed duplex units; • 7 no. 2 bed apartments; and • 4 no. 1 bed apartments.

Table 2.2 – Unit Breakdown

	Bedroom Number				
Type	1-Bed	2-Bed	3-Bed	4-Bed	Total
Houses		104 (26.40%)	260 (65.99%)	30 (7.61%)	394
Duplex /Apartments	75 (48.08%)	81 (51.92%)			156
Total	75	185	260	30	550

3.0 Planning Authority Pre-Application Opinion

3.1.1. A Section 32 Consultation Meeting (Stage 1) took place on the 25th April 2024 with representatives of the applicant and planning authority in attendance. A follow-up meeting (Stage 2) Consultation Meeting took place on 18th July 2024.

3.1.2. A Large-Scale Residential Development (LRD) Opinion issued on 20th August 2024. This set out that the documentation submitted pursuant to section 32D(2) required further consideration with respect to:

- Architectural Design and Layout
- Parks and Recreation
- Childcare Provision
- Traffic and Transport
- Pedestrian and Cycle Accessibility
- Surface Water Management

- Built Heritage
- Environment

3.1.3. The application includes a response to the LRD Opinion issued by Cork City Council and a response to the points of specific information requested.

4.0 Planning Authority Decision

4.1. Decision

4.1.1. The planning application was received by Cork City Council on 18/11/2024. Further information was sought on 21/01/2025 and a response was received by the planning authority on 14/02/2025.

4.1.2. On 9th April 2025, Cork City Council decided to Grant Permission subject to 63 no. conditions.

4.2. Planning Authority Reports

4.2.1. Planning Reports

The Executive Planner's Report [dated 20/01/2025] is summarised below:

The report sets out the site description, planning history, development description, summary of third party submissions and both internal and prescribed body reports, relevant policy context, planning assessment, EIA, and AA. In terms of the planning assessment it is noted:

- Proposal acceptable in principle having regard to zonings of the site.
- Proposed density considered acceptable.
- Overall site layout is considered acceptable.
- Reference is made to the report of the City Architect's Directorate (18/12/2024) which requests FI (see report summary below).
- Not considered there would be any negative impact on residential amenity.
- Proposed units meet residential standards.

- Housing Mix – noted that the number of 1 bed units is below the target range set out in the Development Plan/No. of 3 bed units is well above the targets set out in the Development Plan.
- Applicant has justified mix with reference to *inter alia* the Housing Need Demand Assessment (HNDA) – mix is acceptable in this instance.
- Reference is made to report of Acting Senior Parks and Landscape Officer (09/12/2024) which requests FI.
- Reference is made to the report of the Biodiversity Officer (20/12/2024) which states there is no objection to the proposed development.
- Visual Impact/Impact on Views/Scenic Routes – Photomontages show limited impact on the surrounding area.
- Childcare Facility – Reference is made to the report of the Cork City Childcare Committee (dated 13/12/2024) – see summary of same below.
- Reference is made to the report of the Senior Executive Transport Officer (Roads & Transportation Directorate) – which recommends FI (see report summary below).
- Car and cycle parking provision is consistent with standards in the City Development Plan (CDP).
- FI requested in relation to SuDs proposals.

4.2.2. FI was recommended, in line with Article 33 of the Planning and Development Regulations, as amended.

4.2.3. I would note the subsequent report of the Senior Executive Planner (21/01/2025) agreed with the request for Further Information and included an additional point requiring clarification of housing mix.

4.2.4. Further information was sought by the planning authority on 21/01/2025 in relation to the following items:

- Design Issues including clarity on materials, road signage and cycle permeability, additional views for 3D images, use of green roofs, bike storage details.

- Traffic Issues include clarification of trip rates, modal share targets, traffic volumes on East Cork Parkway Slip Off, discrepancies in the TTA, design changes.
- Infrastructure issues included revised drawings, revised surface water infrastructure details, vehicle tracking, interaction with Glanmire Road Improvement Scheme, clarification of parking details, updated TTA to include 2 no. existing toucan crossings on Dunkettle Road, lighting design.
- Parks and Recreation – additional details of play area, cross-sections required, standalone Landscape Management Plan required, inaccuracies in the Planning and Design Statement.

4.2.5. The FI response was received on 14/02/2025 and consisted of the following:

- Cover Letter dated 14/02/2025
- Revised Engineering Drgs from JODA Consulting Engineers
- 3 No. additional photomontages
- Revised Drgs. (Bin Storage/Bike) – 19034-1200-2-FI_BIN BIKE STORES & ESB SUBSTATION LAYOUTS prepared by DMNA
- Response from MHL Consulting Engineers (Technical Note)
- Revised Drgs (Open Space/Labelling)
- Landscape Management and Maintenance Plan by DMAN
- Justification for the mix proposed.
- Examples of Recreation, Play and Active Travel
- Letter to Cork City Council in relation to works to Ballinglanna Junction with Dunkettle Road

4.2.6. Responses to FI received, which were not deemed to be significant, were summarised and assessed in the second Planning Report.

4.2.7. The second Executive Planner's Report (dated 08/04/2025) recommends that permission be Granted, subject to conditions. This was also the recommendation of

the second Senior Executive Planner's Report (dated 08/04/2025) and of the Senior Planner's Report (dated 09/04/2025).

4.2.8. Other Technical Reports

Drainage – No objection subject to conditions (14/01/2024)

Environment - No objection subject to conditions (20/12/2024)

Traffic Regulation and Safety (13/01/2025) – Requests further information in relation to elements of the TTA and details of design changes to junction upgrades.

Infrastructure Development (19/12/2024) – Requests further information in relation to revised proposals for the proposed pedestrian crossing, revised surface water drainage proposals/details of same, details of vehicle tracking movements and other details.

Housing - No objection subject to conditions 19/12/2024

Area Engineer (17/12/2025)- Considers roads and transportation, surface water and flood risk issues. No objection subject to conditions

Architects - Requests further information (18/12/2024)

Parks & Recreation - Requests further information (09/12/24)

Biodiversity - No objection subject to conditions (20/12/2024)

Conservation Officer (16/01/2025) – No objection.

<u>Technical Reports Received after submission of Further Information</u>

Contributions Report – No objection subject to conditions (07/04/2025)

Architects Report - No objection subject to conditions (26/02/2025)

Traffic: Regulation & Safety - No objection subject to conditions (04/03/2025)

Parks and Recreation - No objection subject to conditions (10/03/2025)

Infrastructure - No objection subject to conditions (19/12/2024)

4.2.9. Conditions

The PA imposed 63 no. Conditions. Those of note are as summarised follows:

Condition 7. Phasing of Development.

Condition 8 – Proposed childcare facility shall be constructed and fully operational prior to the occupation of any residential dwelling…(I would note that this Condition is subject to a First Party Appeal, as set out in Section 7 below).

Condition 13 – Prior to occupation of any permitted units….. Active Travel Route north towards Dunkettle Road included the required safe crossing point of Dunkettle Road shall be completed.

Condition 14 – Prior to occupation of any permitted units of Phase 1 Stage 3 .. Active Travel Route south towards Dunkettle to Carrigtwohill Greenway included the required safe crossing point of Dunkettle Road shall be completed.

Condition 15 – Future active travel and vehicular access points serving the 'Woodville Lands) shall be constructed to the boundary of the scheme.

Condition 16 – Details of pedestrian connection to the north of Duplex Block H6 to tie in to footpath running adjacent to unit No. 393.

Condition 18 – Details of Lighting

Condition 20- – Following works to be completed prior to occupation (a) Link road through Fernwood to mitigate against potential queuing at Glanmire Bridge (b) Ballinglanna Crossroads shall be upgraded as per the TTA.

Condition 24 -Haul roads via Dunkettle Road form the south/No HGVs via Glanmire Bridge

Condition 28 – Operation of the 2 no. toucan crossing on Dunkettle Road shall be monitored and adjusted if necessary.

Condition 37 – (a) noise control (b) details of piling.

Condition 38 – (a) details of rock breaking/limitation of hours (b) Liaison strategy (c) details of noise screening measures (d) monitoring.

Condition 49 – Details of Natural Play areas.

Condition 51 – Commission a qualified ecologist to survey the site for bats prior to commencement of site clearance works/appropriate measures followed if bat usage is found.

Condition 52 – A suitably qualified Ecological Clerk of Works (ECoW) to be present during construction phase.

Condition 53 – Invasive Species Management Plan.

Condition 54 – Revised details of Swift bricks.

Condition 55 – Details of min of 6 bat roosts.

Condition 56 – Details of log piles, insect hotels.

Condition 57 – Detailed Hedgerow Management Plan.

Condition 58 – Appropriate lighting

Condition 59 – Arboricultural Impact Assessment.

Condition 60 – Retain services of a n Arborist.(a) tree constraints plan (b) tree protection plan (c) summary of all trees and hedgerows proposed for removal (d) Arboricultural Method Statemen (e) subsequent tree surveys.

Condition 61 – Financial contribution under the General Development Contributions Scheme.

Condition 62 – Financial contribution under the Supplementary Contribution Scheme (Cork Suburban Rail)

Condition 63- Management company for areas not taken in charge.

4.3. **Prescribed Bodies**

An Taisce (23/12/204)

- Concern raised in relation to capacity of site to accommodate development. Impact on the setting and vistas associated with Dunkettle House
- Impact on Landscape Preservation Zone
- Refer to relevant Policies of the CDP.
- Reference is made to Volume 3 of the CCDP – Strategic View towards Blackrock Castle/Strategic Linear View towards the Lota Ridge.

Inland Fisheries Ireland (dated 28/11/2024)

- No objection provided Irish Water/Cork City Council signify that there is sufficient capacity in the public sewer.

Cork City Childcare (dated 13/12/2024)

- Sets out existing spaces, availability and future needs for childcare facility in the Glanmire Area.
- States that without the inclusion of an adequately sized childcare facility, the area would be unable to support the proposed development from a childcare prospective.

Irish Water (20/12/2024)

- Confirmation of Feasibility has been issued to applicant advising that water/wastewater connections are feasible.
- Recommend conditions.

4.4. Third Party Observations

4.4.1. The file contains submissions that were received on foot of the application. The main issues are summarised in the Executive Planner's Report of 20/01/2025 and I have had regard to same. Generally, the issues raised within the submissions related to the following concerns:

- Traffic and Transport issues including additional traffic, car dependency, lack of public transport access arrangements and existing infrastructure, flaws within TTA.
- Lack of social infrastructure facilities.
- Biodiversity impacts.
- Impact on Dunkettle House.
- Contrary to policies of the CDP.
- Poor integration into existing environment.
- Impacts on residential amenity.
- Drainage proposals/Impacts on Glashaboy River.

5.0 **Planning History**

On Site

P.A. Reg. Ref. 08/4584 / ABP Reg. Ref. PL04.233061

On 08th September 2010, following an appeal of Cork County Council's decision to grant permission, planning permission was refused by An Bord Pleanála for a mixed-use development including 1210 no. dwelling units, conversion of Dunkettle House (Protected Structure) for use as offices, 2 no, retail units, café, creche, parking and other works for the following 4 no. reasons:

1. It is considered that the proposed development would be premature pending the determination of a future road layout for the area, including, in particular, improvements in the vicinity of the Dunkettle Interchange. In the absence of such works, it is considered that the proposed development would, by reason of the generation of large volumes of additional local traffic onto the Dunkettle Interchange, adversely affect the use of and contribute to congestion at the Interchange, a major junction on the national road network. The proposed development would contravene national policy to preserve the level of service and carrying capacity of the national road network and to protect the public investment in the road. The proposed development would also contravene objectives, as set out in the current Development Plan for the area, which seek to safeguard the strategic role of the national road network in catering for the safe and efficient movement of major inter-urban and inter-regional traffic and to protect the capacity of interchanges in the County from locally generated traffic. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the scale of the development proposed and resulting volumes of vehicular and pedestrian/cyclist traffic generated, it is considered that the proposed development would be premature by reference to existing deficiencies in the local road network in terms of capacity, width, alignment, public lighting and pedestrian facilities, which deficiencies would render it unsuitable to carry the increased road traffic likely to result from the proposed development, and the period within which the constraints involved may reasonably be expected to cease. The proposed

development would, therefore, endanger public safety by reason of traffic hazard and be contrary to the proper planning and sustainable development of the area.

3. Having regard to the zoning objective O-06 'Open Space' and notwithstanding the zoning objective X-01 which refers to the potential to accommodate residential development in the stable block and walled garden as set out in the Blarney Electoral Area Local Area Plan, 2005, and to the existing landscape layout and topography of the site, it is considered that the proposed development, incorporating an inappropriately designed and located retail element (immediately adjacent to the protected structure Dunkettle House), a garden centre lacking context in relation to the landscape layout or existing built fabric within the site together with housing development within the walled garden, would result in an unacceptable and inappropriate form of overall development within this area of the site which would materially and adversely affect the character and setting of the protected structure. The proposed development would, therefore, seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

4. Having regard to: (a) the layout of development proposed on the Ballinglanna portion of the lands, in particular the location of the school and community buildings in a peripheral part of the site and adjoining the nearby M8 motorway (which would have implications for the amenities of future occupants in terms of noise), and (b) the absence of any large scale playing pitches for active recreation, which is it considered should be integrated into a development of such a scale, the Board is not satisfied that the proposed development would adequately provide for community, recreation and educational facilities to serve the needs of future residents. The proposed development would, therefore, seriously injure the amenities of future residents of the scheme and be contrary to the proper planning and sustainable development of the area.

P.A. Reg. Ref. 04/4986 / ABP Reg. Ref. PL04.213655

Change of use Dunkathel House, 629 residential units, retail unit, garden centre, equestrian centre, creche, shop, car parking areas, new access and site development works. ABP refused permission for 3 no reasons as follows:

1. Having regard to zoning provision O-06 ‘Open Space’ and notwithstanding zoning provision X-01 ‘potential to accommodate residential development in the stableblock and walled garden’ as set out in the current development plan for the area,and to the existing landscape layout and topography of the site, it is considered that the proposed development incorporating a large, visually obtrusive equestrian centre, inappropriately designed and located retail element (adjoining the protected structure Dunkathel House), a garden centre lacking context in relation to the landscape layout or existing built fabric within the site together with housing development within the walled garden, would result in an unacceptable and inappropriate form of overall development within this area of the site which would materially and adversely affect the character and setting of the protected structure and introduce additional built elements, outside the walled garden and stable complex, to the detriment of the reuse and refurbishment of the existing fabric. The proposed development would, therefore seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed extensive layout of housing served by communal ‘courtyard style’ car parking to the rear of houses together with houses fronting the rear of other houses would result in a substandard and inappropriate form of development that would seriously injure the amenities of future occupants. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the large scale residential component of the proposed development and the location of the site remote from existing local services and facilities, it is considered that the proposed development, notwithstanding the zoning provisions relating to the site as set out in the current development plan for the area, would by reason of the underprovision of such facilities result in a substandard and unsustainable form of development for future occupants. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

6.0 **Policy Context**

6.1. **Local**

Cork City Development Plan 2022-2028

Land - Use Zoning

The site is situated in two separate zoned areas - ZO 02 New Residential Neighbourhoods and Zoning Objective 17: To preserve and enhance the special landscape and visual character of Landscape Preservation Zones.

The majority of the site is located in an area zoned ZO 02 New Residential Neighbourhoods with the objective to 'provide for new residential development in tandem with the provision of the necessary social and physical infrastructure'

Paragraph ZO 2.1 of the plan states that 'lands in this zone are designated as Tier 1 or Tier 2 zoned lands in the Core Strategy. Any development proposals must satisfy the requirements for developing on Tier 1or Tier 2 lands set out in Chapter 2 Core Strategy'.

Paragraph ZO 2.2 of the plan states that 'this zone covers primarily greenfield, undeveloped lands for new sustainable residential areas. Development in this zone, while primarily residential, must provide an appropriate mix of housing types and tenures along with the amenity, social, community and physical infrastructure required to promote compact growth, balanced communities and sustainable, liveable communities'.

Paragraph ZO 2.3 of the plan states that 'uses set out under ZO 1 Sustainable Residential Neighbourhoods are appropriate under this zone subject to such uses supporting the creation of sustainable communities and not conflicting with the primary objective of this zoning'.

To the northern, western and southern extremities of the site the land is zoned as Zoning Objective 17: To preserve and enhance the special landscape and visual character of Landscape Preservation Zones. The following provisions apply.

ZO 17.1 These areas have been identified due to their sensitive landscape character and are protected due to their special amenity value, which derives from their distinct topography, tree cover, setting to historic structures or other landscape character.

ZO 17.2 Many of these sites have limited or no development potential due to their landscape character. There is a presumption against development within this zone, with development only open for consideration where it achieves the specific objectives set out in Chapter 6 Green and Blue Infrastructure, Open Space and Biodiversity.

Core Strategy

The Core Strategy is set out in Chapter 2.

SO 1: Compact Liveable Growth

SO 2: Delivering Homes and Communities

SO 3: Transport and Mobility

SO 4: Climate and Environment

SO 5: Green & Blue Infrastructure, Open Space and Biodiversity

SO 8: Environmental Infrastructure

SO 9: Placemaking and Managing Development

Objective 2.10 ‘The 15 - Minute City’

Objective 2.14 ‘Walkable le Neighbourhoods’

Key Growth Areas

10.280 Population and Housing

Glanmire has an approximate population of 9,903 people, with approximately 38% under 25 years of age. There are 13.4% of the population at pre-school level and 14.9% of the population at early school level. 10% of residents have a disability and 2.5% live in a deprived area.

10.286 Future Growth

Glanmire will require significant infrastructure including a new road bridge over the Glashaboy River (forms part of the Cork Harbour Special Protected Area), additional

school services, passive and active open space, local shops, community services and facilities, water and wastewater services, energy, telecommunications etc. The Proposed Natural Heritage Areas of Glanmire Wood and Dunkettle Shore form the western part of this large land area. This site should incorporate native mixed woodland to complement the adjoining riparian woodland.

The site lies within the South Glanmire Urban Expansion Area (Fig 2.20 of the CDP)

Objective 10.69 South Glanmire Expansion Area

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

Objective 10.71 South Glanmire Framework Plan

Cork City Council will work with relevant stakeholders to produce a Framework Plan to support the sustainable growth of Glanmire and provide a coherent and coordinated land use plan for south Glanmire and its immediate environs.

<u>Delivering Homes & Communities</u>

Objective 3.4 ‘Compact Growth’

Objective 3.5 ‘Residential Density’

Objective 3.6 ‘Housing Mix’

Transport and Mobility

Objective 4.5 ‘Permeability’

Economy and Employment

7.92 Small local shops such as corner shops selling convenience goods are generally located in residential areas serving the daily needs of nearby residents and are of such a small scale that does not merit inclusion in the Retail Hierarchy. It is recognised that these shops can play an important role in urban or village life, however any new proposals should be of a size and scale which would not be detrimental to the health of nearby centres defined within the retail hierarchy and

should not have a negative impact on residential amenity. Guidance on petrol filling station shops is included in Chapter 11 Placemaking and Managing Development.

Placemaking & Managing Development

Strategic Objective 9 ‘Placemaking and Managing Development’

Chapter 11

Objective 11.1 ‘Sustainable Residential Development’

11.66 When assessing proposals for residential developments a broad range of issues will be assessed..

Objective 11.2 ‘Dwelling Size Mix’

Where a clear justification can be provided on the basis of market evidence that demand / need for a specific dwelling size is lower than the target then flexibility will be provided according to the ranges specified.

Objective 11.3 Housing Quality and Standards

11.89 The minimum size of habitable rooms for houses and apartments / flats shall conform with appropriate National guidelines or standards in operation at the date of application for planning permission, including the minimum dimensions as set out in ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’ (2018), and ‘Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes Sustaining Communities’ (2007).

Objective 11.4 ‘Daylight Sunlight and Overshadowing (DSO)’

11.100 Privacy and overlooking are important for quality of life. Levels of privacy will gradually diminish as urban densities increase above 25 dph. This will be taken into account in assessing planning applications.

11.101 Traditionally a minimum separation distance of 22m between the rear elevations of buildings was required to provide sufficient privacy and avoid over looking of back gardens. This rule - of – thumb was derived from the Parker Morris Standards of 1919 and was intended to provide adequate privacy for people to enjoy their back gardens. Best practice has since evolved, and lesser separation distances

are often appropriate, particularly in an urban context, subject to design solutions and site - specific context. All development proposals will be required to demonstrate that they have been designed to avoid overlooking.

11.103 Proposals for apartment developments and those over three storeys high, shall provide for acceptable separation distances between blocks to avoid negative effects.

11.104 Overbearance

11.105 Overlooking may be overcome by a multitude of design tools , such as:

1. Building configurations (bulk and massing);

2. Elevational design / window placement;

3. Using oblique windows;

4. Using architectural features;

5. Landscape and boundary treatments.

Objective 11.5 ‘Private Amenity Space for Houses’

Table 11.11: Residential Public Open Space Provision.

Area Public Open Space Provision

Greenfield Sites / Areas for which a local area plan is appropriate 15%

General Provision 10%

11.113 Qualitative criteria relating to the provision of public open space are set out in Chapter 6: Green and Blue Infrastructure, Open Space and Biodiversity and the Sustainable Residential Development Guidelines 2009 and the Urban Design Manual 2009. Public open space is intended to be usable as well as provide visual amenity and biodiversity value, and will normally be required in addition to land required for landscape reasons, such as woodland, habitats, tree belts, floodplains, etc.

Transport/DMURS

11.226 The layout of proposed new residential, commercial or mixed - use developments must be designed in accordance with the Design Manual for Urban Roads and Streets (DMURS).

11.229 Applications for proposed new residential, commercial, mixed use, industrial and educational developments shall be accompanied by a Traffic and Transport Assessment (TTA) to be prepared in accordance with the TII Traffic and Transport Assessment Guidelines, 2014.

Car parking standards for both residential and non - residential developments are set out in Table 11.13. These standards are maximums in order to constrain car trip generation and promote patronage of active travel and

public transport.

11.245 Bicycle parking facilities shall comply with the standards set out in Table 11.14

Childcare Facilities

11.162 Childcare is an essential part of sustainable communities.

11.163 Purpose - built childcare facilities will generally be required as part of proposals for new residential developments of more than 75 dwelling units.

11.166 Childcare facilities in new residential developments or as part of new or extended employment facilities should be provided at ground floor level in purpose built, preferably standalone buildings.

Climate Resilience

12.20 Development proposals in every zone must consider climate resilience from the design to implementation stages.

Land Uses and Flooding

Sustainable Community and Neighbourhood Development

12.24 Development proposals in every zone must consider how they contribute to the development of sustain able communities and neighbourhoods, with larger development proposals providing community uses or facilities commensurate with

the scale of the development and the neighbourhood. Chapter 11 Placemaking and Managing Development provides further detail and development guidance.

6.2. National

National Planning Framework First Revision (April 2025)

The National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of our country out to the year 2040. This Framework is revised and updated to take account of changes that have occurred since the publication of the National Planning Framework in 2018 and to build on the framework that is in place.

Section 6.6 sets out that there is a projected total requirement to accommodate approximately 50,000 additional households per annum to 2040.

Several national policy objectives (NPOs) are applicable to the proposed development, a new residential scheme within Cork City and suburbs. These include NPO 4, NPO 7, NPO 8, NPO 16, NPO 42, NPO 43 which support the provision of new homes and targeted population growth in Cork City and suburbs, and NPO 22, NPO 37, NPO 45, NPO 78, NPO 79, NPO 85 and NPO 87 which seek the delivery of well-designed urban schemes that incorporate sustainable modes of transport and water management systems, whilst protecting local biodiversity and the environment.

Housing for All – A New Housing Plan for Ireland to 2030, 2021.

The government's housing plan to 2030. It is a multi-annual, multi-billion-euro plan which aims to improve Ireland's housing system and deliver more homes of all types for people with different housing needs.

National Biodiversity Action Plan 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.

Climate Action Plan, 2025 [CAP25]

It is noted within CAP25 that Key targets to further reduce transport emissions include a 20% reduction in total vehicle kilometres travelled relative to business-as-usual, a 50% reduction in fuel usage, and significant increases to sustainable transport trips and modal share.

In relation to buildings, it is noted that operational emissions in the built environment sector have decreased by 21% since 2018, and achievement of the first sectoral emissions ceilings is within reach. In 2025 it is proposed to transpose the Energy Performance of Buildings Directive, publish a roadmap to phase out fossil fuel boilers, and increase the numbers of building energy rating (BER) assessors, One-Stop-Shops, and Sustainable Energy Communities.

It is stated within the Plan that, CAP25 is to be read in conjunction with CAP24, and as such I have set out a summary of same below.

Climate Action Plan, 2024. [CAP24]

Implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.

6.3. **Regional**

Regional Spatial and Economic Strategy for the Southern Region, 2020

The Regional Spatial and Economic Strategy (RSES) for the Southern Region

provides for the development of nine counties (Cork, Clare, Kerry, Limerick, Tipperary, Waterford Carlow, Kilkenny and Wexford) including the Cork City area, and supports the implementation of the National Development Plan (NDP). Cork City and suburbs is the largest settlement in the Region with a population of over 208,000. Cork City is one of three cities categorised as Metropolitan Areas.

One of the Guiding Principles outlined in the Cork MASP is to 'promote consolidation of Cork City and suburbs, refocus on the development of brownfield and infill lands to achieve a target of a minimum 50% of all new homes within the existing built up footprint in Cork and 30% in other metropolitan settlements'. More specifically, the Urban Expansion Area of Ballyvolane is expected to provide 3,600 units.

Cork Metropolitan Area Transport Strategy (CMATS) 2040

Provides a framework to deliver an accessible integrated transport network. Measures proposed include Bus Connects Cork, Cork Light Rail and Cork Cycle Network Plan.

6.4. Section 28 Ministerial Guidelines

6.4.1. The following Section 28 - Ministerial Guidelines are considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2023).[1]
- Planning Design Standards for Apartments – Guidelines for Planning Authorities (2025).
- Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024).

[1] Circular letter NSP 04/2025 states that "The revocation of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities', 2023 (and all preceding updates) does not apply to current appeals or planning applications, i.e. that were subject to consideration within the planning system on or before the 8th of July 2025. These will be considered and decided in accordance with the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities', 2023, or as set out below, where applicable."

- Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines - Quality Housing for Sustainable Communities.
- Urban Development and Building Heights - Guidelines for Planning Authorities (2018).
- The Planning System and Flood Risk Management, including the associated Technical Appendices (2009).
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- Childcare Facilities, Guidelines for Planning Authorities (2001).
- Architectural Heritage Protection – Guidelines for Planning Authorities (2011).
- The Planning System and Flood Risk Management (including associated Technical Appendices) 2005
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, August 2018 (updated 2019)
- EPA Guidelines on the Information to be contained in Environmental Impact Assessment Reports 2022.

6.1. Natural Heritage Designations

6.1.1. The closest Natura 2000 site is the Cork Harbour SPA (Site Code 00430) which is located directly to the west of the application site. The Glanmire Wood pNHA is also located directly to the west of the application site.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. 5 no. appeals have been received. There are 4 no. Third-Party appeals against the decision of Cork City Council to grant permission. There is also 1 no. First-Party appeal v conditions. I have summarised the grounds of appeal below:

Third Party Appeals

1. Mary Long

- Impact on Right of Way – proposed cycle lane blocks long established right of way.
- Residence is the original gate lodge on the estate.
- Noise pollution.
- Anti-social behaviour.
- Will undermine property value.
- Is Phase 1 of a 3 phase development – no masterplan submitted.
- Project splitting.
- Material contravention of the CDP – including Biodiversity and Green Infrastructure Policies/preservation of ecological corridors.
- EIA is inadequate – cumulative impacts, no buffer zone, inadequate mitigation in relation to impacts on habitats/impacts on birds/impact on surface water, flooding and drainage.
- Contrary to Habitats Directive and Birds Directive.
- Undermines objectives of the National Biodiversity Action Plan.
- Health and safety risks associated with cycle infrastructure.
- Previous refusal by ABP.
- Impact on Architectural Heritage.
- Visual impacts.
- Impacts on Historic Landscape.
- Increased vehicle emissions.
- Zoning maps are outdated/fail to account for the Climate and Low Carbon Development (Amendment) Act 2021/EU Biodiversity Strategy 2030.
- Lack of consultation.

2. Jenny Lynch

- CCC did not take account of submissions made.

- Will impact on amenity.
- Over-scaled.
- Car reliant development/lack of public transport infrastructure.
- Impact of additional traffic on L2998.
- Additional traffic congestion.
- Road is a ‘rat run’ for traffic to Little Island and from the M8.
- Impacts of existing construction traffic (Ballinglanna development)/additional 10 years of development.
- Impact of additional emissions.
- Amenities have not been delivered.
- No extra school facilities.
- Not determined when the creche will be available.
- Not supported by Cork City Child Care.
- Playing and recreational facilities to cater for children and young teenagers have not been considered.
- Location of Medical Care Centre in a cul-de-sac.
- Impacts on biodiversity including bats, short-eared owl.
- Loss of trees including Oak trees.
- Absence of infrastructure is not compatible with the tiered approach of the Plan/Lands are designated as Tier 2.

<u>3. Dunkettle Residents Association</u>

- Application is premature pending a South Glanmire Framework Plan/should permission be granted the proposed Framework Plan would be redundant.
- Planning and Design Statement fails to refer to Objectives 10.70 and 10.71 of the CDP, as related to South Glanmire.

- Only a small proportion of workers and students in Glanmire commute to work or school by green travel modes.
- Glanmire is an outer dormitory suburb.
- Few existing services and facilities within a ten minute walk.
- Listed amenities are within 2km and 4km of the site, which are far beyond walking distances.
- Services granted permission in 2018 as part of the Ballinglanna scheme are not yet operational (ABP 300543-17).[table included]
- Insufficient public transport/existing high frequency service 214 route is amount the most unreliable services in the city.
- Substandard connection between the route and the site.
- Contrary to assertion in EIAR residents do not have a choice of rial or bus/site is a 3km walk to Little Island train station.
- Reference is made to current application 25/4378 for a 285 space car park extension to Apple Plant at Hollyhill – reason give for application is delay in public transport improvements.
- Roads are frequently congested – dispute findings of the TTA/query the findings of 10 hour traffic survey.
- Predicted model shift as set out in the EIAR is unrealistic – therefore conclusions should be discounted/impact would be significantly negative.
- No planning application for Greenway cited in the EIAR.
- Proposed bus service linking the site to the train station does not feature in any current plan.
- Does not include a workable pedestrian-cycleway connection to Glanmire Village/link as proposed is unsuitable due to gradient and width of road and bridge (which is a Protected Structure
- Scale of development planned in South Glanmire and impact on local communities/lack of services.

- 3 no. schemes will be built out by 2035.
- No primary school or medical practice in the immediate locality.
- Insufficient funding to facilitate the public transport infrastructure required.
- Glanmire requires a public transport project of its own to facilitate the quality of public transport services envisaged by the Cork Suburban Rail Project/requires a special contribution scheme.
- Proposal is not consistent with the NPF, in particular NPO 15 and NPO 37.
- CCC has materially contravened its own Development Plan by choosing not to make a South Glanmire Framework Plan (Objective 10.71).
- Has not adhered to other objectives in the Plan.
- Requests that Planning Permission is refused.

Joan Murphy

- Property adjoins the proposed development.
- Western boundary of appellant's property is elevated and is in excess of 2m above ground level/development rises steeply above client's home and garden.
- Applicant has placed 9 no. houses (No.'s 42 to 50) on this boundary.
- Will cause overshadowing including blocking daylight and the skyline.
- Would remove all views of the rural landscape.
- Would result in overlooking of house and garden/Impact on privacy.
- There is no means of screening the houses due to elevation of proposed houses.
- Previous permission granted in 2009 – current proposal has a greater impact.
- Fails to provide for consistency of decision making – contrary to the Development Management Guidelines (2009).
- Request that ABP require the applicant to submit amended plans which reinstate the original plans for the areas of the site adjoining client's property.

- Relocate house no.s 42 to 50 to the green areas west of this row of houses/designate current position as green area.
- Proposed dwellings should be dormer in design to avoid first floor windows facing Broomhill.
- Applicant has previous agreed to removal windows on the first floor side elevation of units facing Broomhill, during an oral hearing in relation to a previous application.
- No 2 no. windows overlooking.
- Impact of noise from communal car parking area.
- Request that ABP removal all side elevation windows that face appellants property.
- Remove house no. 2, which adjoins House G will enable House G to be pushed back from the common boundary.
- Density is excessive/is overdevelopment of the site.
- Request that ABP require the applicant to provide a solid wall between the scheme and appellant's property/stone finish.
- Impact on development potential of appellant's property/minimal setbacks provided.
- ABP is asked to amend the CCC decision to strike a fair balance between the interests of both parties.
- Application is not compliant with the zoning.
- Proposal will require cut and fill and a retaining structure on the south of appellant's property/has not agreed to this.
- Will cause overlooking/perception of overlooking.
- Will be light overspill into appellant's property.
- Only trees to be retained are shown on the appellant's property – no guarantee these will be retained.

- No boundary treatment details available.
- EIAR fails to consider alternative sites for the proposed development.
- Site has been the subject of two previous refusals.
- Fails to provide adequate social infrastructure/existing social infrastructure is inadequate.
- Applicant cannot address wider roads, footpath, cycle infrastructure, and public transport deficiencies.
- Application is premature pending significant infrastructure investment in the area.
- EIAR fails to fully assess impact of cut & fill and soil exports/impact of temporary retaining structures/these are identified as significant without mitigation.
- Lack of detail in the EIAR in relation to the excavated material/noise levels/dust generation.
- Chapter 9 of the EIAR is primarily based on a desk study – walkover was carried out Friday 27th September/no year is stated/represents minimal site investigation/inadequate to reach the conclusions claimed in Chapter 9.
- Dust Impact Assessment appears to contradict that carried out for the previous planning application – proximity of appellants property confirms adverse intrusion of dust/no details of enclosure of dust generating activities.
- Noise – Noise Impact Assessment appears to contradict that carried out for the previous planning application on this site (refused by ABP on appeal)/limits will be exceeded at appellant's property.
- Screening is referred to be no screening is proposed.
- Hedgerow is deemed to be high significance – is proposed to be removed due gaps- such hedgerows are protected within the CDP.
- Reference is made to previous refusal on the site/Previous reasons for refusal remain unaddressed.
- Proposed development remains premature.

- Unacceptable and inappropriate form of development, having regard to the existing landscape and topography of the site.
- Significant car parking provided/car based scheme.
- Traffic volumes on L2998 are already high.
- Local infrastructure not built to cope with current traffic.
- TTA does not accurately reflect conditions at Junction No. 6 (L2998/L3004).
- Access is unsuitable.
- Lack of public transport in the area/no adequate capacity to serve an LRD.
- Contrary to ZO 02 'New Residential Zoning' - does not have sufficient social and physical infrastructure.
- Reference is made to refused appeal 233061.
- Lack of school and creche places.
- Contrary to ZO 17 Landscape Preservation Zone.
- Contrary to Objective NE15 – presumption against development in this zone.
- Shares views of An Taisce in relation to likely impact of the scheme on the setting of Dunkettle House.
- EIAR and Planner's report fail to properly address this concern.
- Has failed to properly survey bats, owls, squirrels, Herons and Kestrels.
- Removal of hedgerows.
- EIAR is inadequate.
- Does not provide sufficient details of the project.
- Zone of influence is not reasoned or explained.
- Does not fully consider impact on hydrological features.
- Surface water impacts at construction and operational stage.
- Does not accord with Climate Action Plan 2023.

- Appropriate Assessment is incomplete.
- Zone of influence is not reasoned or explained.
- Does not comply with PDA 2000, as amended or the Habitats Directive.
- Insufficient detail and data is provided.
- ABP cannot grant permission for the proposed development.
- Ecological connectivity between River Barrow and Nore SAC.
- Insufficient surveys carried (bird flight paths).
- *Ex-situ* impacts.
- Impact on Dunkettle House - Reference is made to the submission of An Taisce/concurs with An Taisce's submission.
- Would set poor precedent.
- Depreciation of property value.
- Sets out 8 no. recommended reasons for refusal.

First Party Appeal

Applicant – First Party Appeal V Condition No.'s 8 and 41(a) only

The appeal seeks to

(i) **Remove** Condition No. 8 which requires the creche to be constructed and fully operational prior to the occupation of any residential dwelling.

(ii) **Modify** Condition 41(a) so that the working hours are extended to 07:00 to 19:00 hours, Monday to Fridays.

Condition No. 8

- Places an unreasonable and impossible requirement on the developer to have the creche built and operational.
- Only the facilities required for this development can be considered as per s34(4) of the Planning and Development Act 2000, as amended.
- Any existing childcare requirements cannot be considered.

- Contrary to the Development Management Guidelines (2007)
- It is not necessary or reasonable.
- Would need to obtain consent of some other party.
- Creche would be operated by an external operator/opening operating of the creche is outside of the developer's control.
- Precedents referred to – 319654-24 (Midleton) – Board agreed it would be unreasonable to expect the creche to be operational.
- Refer to difficulties in the childcare sector.
- Housing is a top priority.
- Would require ceding of land.
- Condition should require no more than reservation of a site for childcare/notwithstanding client remains willing to construct the childcare facilities in Phase 1B as proposed.
- Developer has already provided a creche as part of the Ballinglanna SHD – located 500 m from the Dunkettle Site/has capacity for 81 children.

<u>Condition No. 41(a) Working Hours</u>

- Restricting working hours to 08:00 to 18:00 is unnecessary and will only prolong the overall duration of construction works/delay delivery of housing.
- Start time of 07:00 is standard practice/allows avoidance of peak hour traffic.
- Is inconsistent with hours imposed on other large schemes – including ABP 316101; ABP 316101; ABP 317290; ABP 320996.
- All of the above examples were in built up residential area – this site has good separation distances to existing houses.
- No valid reason to restrict works hours – required condition be amended to allow work hours of 07:00 to 19:00 Monday to Friday and 08:00 to 16:00 on Saturdays.

7.2. **Applicant Response**

7.2.1. The applicant's response to the 4 no. third-party appeals was received on 30th May 2025. This is summarised below:

General

- Site is zoned for New Residential Development.
- Is one of the largest urban expansion areas within Cork City.
- Will help to deliver housing targets.
- Development of lands have been hindered by infrastructural constraints, mainly the upgrading of the Dunkettle Interchange.
- Infrastructure has now been delivered.
- Will benefit from planned enhancements as part of the Cork Metropolitan Area Transport Strategy (CMATS)/Appendix A illustrates same.
- Grounds of appeal are almost identical to matters raised by the appellants during the planning application process/have been addressed by the PA.

Compliance with Government Policy and Cork City Development Plan 2022-2028

- South Glanmire Framework plan – will be prepared during the lifetime of the plan/non-statutory plan and will be prepared by Cork City Council.
- Masterplan and EIAR was prepared for the entire landholding.
- Social Infrastructure Audit was submitted which assessed all available amenities within a 15min cycle from the site/there are also amenities within a 15min walk of the site.
- Full compliant with zoning objective for the site.
- No development is proposed within the landscape Preservation Zone/therefore complies with Objective ZO 17.
- With mitigation measures, there will be no negative impacts associated with the proposed development/no objections raised the PA's Biodiversity Officer.

- Actions 1A and 3C of the National Biodiversity Action Plan have been integrated into the design of the proposed development.

Residential Amenity

- Applicants have ensured that there will be no amenity impacts.
- Submitted Daylight and Sunlight assessment demonstrates negligible impact on daylight and sunlight.
- Previous application was at a much lower density.
- Compliant with setback standards/over 11m from appellants rear boundary/over 34m from the rear of her property.
- Proposed dwellings adjoining the property are in fact lower than appellants property.
- No overlooking will result.
- Submitted EIAR gives details of mitigation measures in relation to noise and dust impacts.
- Area in which the cycle lane is proposed is in full ownership of the applicant/do not require consent from the appellant.
- Will be no impact on Dunkettle House.
- Sufficient community facilities in the area/Social Infrastructure Audit submitted with application.
- School demand report shows existing capacity in the area/site for school has been reserved in Ballinglanna development to the north.
- Childcare demand report shows existing capacity in the area.
- Applicant is proposing a childcare facility with 144 no. capacity /sufficiently sized to meet the maximum childcare yield scenario.
- TTA shows all junctions are within an acceptable design threshold in design year 2041 with the development, and other large scale developments, in place.
- PA Senior Executive Transport Officer satisfied with same.

- Extensive pedestrian and cycle links are proposed within the development/Significant infrastructure has been delivered in the wider area.
- A masterplan was submitted.
- Cumulative impacts have been considered in the EIAR and ecological reports.
- Mitigation measures are outlined in the various reports to reduce impacts on biodiversity, water quality.
- Chapter 9 Land and Soils of the EIAR considers the impact of cut and fill and soil exports.
- Previous EIAR referred to is almost 20 years out of date/EIAR submitted is fully complaint with current guidelines.

7.3. **Planning Authority Response**

7.3.1. None received.

7.4. **Observations**

7.4.1. None received.

8.0 **Planning Assessment**

8.1.1. In terms of assessing the planning application there are three separate elements: a planning assessment, an environmental impact assessment (EIA), and an appropriate assessment (AA). This planning assessment section addresses issues that are not addressed in the EIA, and it should be read in conjunction with both the EIA and AA sections.

8.1.2. Having examined the application details and all other documentation on file, including the grounds of appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal, other than those set out in detail within the EIA and AA sections of this report, are as follows:

- Zoning

- Social Infrastructure
- Density and Height
- Impact on Existing Residential Amenity
- Residential Standards including housing mix
- Other Matters
- First Party Appeal V Conditions
- Planning Authority Conditions

8.2. **Zoning**

8.2.1. The proposed uses include residential uses (550 no. residential units in total),1 no. creche and 3 no. commercial units (comprising a shop, cafe and medical/general practice facility).

8.2.2. In terms of zoning, the site is subject to two separate zoning objectives, ZO 02 New Residential Neighbourhoods and Zoning Objective 17 " to preserve and enhance the special landscape and visual character of Landscape Preservation Zones".

8.2.3. The majority of the site is located in an area zoned ZO 02 New Residential Neighbourhoods with the objective to "provide for new residential development in tandem with the provision of the necessary social and physical infrastructure".

8.2.4. Paragraph ZO 2.1 of the CDP states that "lands in this zone are designated as Tier 1 or Tier 2 zoned lands in the Core Strategy. Any development proposals must satisfy the requirement for developing on Tier 1 or Tier 2 lands set out in Chapter 2 Core Strategy. In relation to same, Tier 1 sites are zoned lands that are currently serviced by physical infrastructure. Tier 2 sites are zoned land that are considered serviceable by physical infrastructure within the life of this Plan. The site lies within Tier 2 zoned land, with reference to Figure 2.21 of Volume 1 of the CDP. In relation to same I would note that significant social and physical infrastructure has been, and will be delivered, as considered in the assessment below.

8.2.5. In terms of the principle of development, I would note that the proposed uses (residential, creche, shop, café and medical/GP facility) are acceptable in principle on the Z02 zoned lands.

Zoning Objective 17

8.2.6. Areas to the north, west and south of the site is zoned as Zoning Objective 17 " to preserve and enhance the special landscape and visual character of Landscape Preservation Zones". Relevant provisions of the CDP include:

ZO 17.1These areas have been identified due to their sensitive landscape character and are protected due to their special amenity value, which derives from their distinct topography, tree cover, setting to historic structures or other landscape character.

ZO 17.2 Many of these sites have limited or no development potential due to their landscape character. There is a presumption against development within this zone, with development only open for consideration where it achieves the specific objectives set out in Chapter 6 Green and Blue Infrastructure, Open Space and Biodiversity.

8.2.7. As set out in the Executive Planner's Report, and as set out in the applicant's response to the appeal, there is no development proposed within the area zoned as ZO 17 Landscape Preservation Zones. I would refer the Board also to Section 9.17 of this report, where I have considered potential effects of the proposed development on landscape and visual amenity, and I have concluded that there would be no significant effects on same.

8.2.8. As such, I am satisfied that the proposal is also in compliance with the zoning objectives as relates to Landscape Preservation Zones.

8.3. Social and Physical Infrastructure

8.3.1. I would note that a number of appeal submissions have raised concerns in relation to the lack of physical and social infrastructure in the area to accommodate the scale of development proposed, and the appeals cite An Bord Pleanala's previous refusals on this site and on the wider landholding.

8.3.2. In relation to social infrastructure, I note that the application was accompanied by a Social Infrastructure Audit (SIA), a School Assessment and a Childcare Demand Report. The SIA sets out facilities within a 15-minute cycle of the site, and identifies 485 no. in total, as illustrated in Figure 4 of same, with community, childcare, healthcare and education facilities illustrated on same, as well as retail and convenience uses. I would note that this proposed development is also delivering a childcare facility, with capacity for 144 no. children, as well as 488.7 sq. m of commercial space which includes a shop, café and medical GP facilities.

8.3.3. Specifically in relation to childcare, the childcare demand report sets out expected demand for facilities arising from the proposed development, and has provided a list of current facilities within the study area (within a 13 min travel time). It is estimated that existing facilities are at 86.1% capacity. Future demand from the proposed development will be 85 no. children. As noted above, the proposal is providing a creche facility with capacity for 144 children.

8.3.4. In relation to schools, the School Assessment sets out the primary school demand from the proposed development (which is defined as the overall masterplan area) will be 310 no. enrolments. There is an estimated capacity of 488 primary spaces within the primary school catchment area. In relation to post-primary spaces, it is estimated that the two phases of development (Phases 1 and 2) could generate 231 no. enrolments, which is less than the estimated 436 no. capacity. I would note that the applicants have referred also to a site that has been reserved for a school, within the Ballinglanna development to the north.

8.3.5. I am satisfied, therefore, that the site is served, and will be served, by sufficient social infrastructure, noting that same is within walking distance of Glanmire Village, with the facilities therein, and is within a reasonable cycling distance or via public transport of a wide range of other social infrastructure, as would be expected for a site that is located within the boundary of a major metropolitan area. Specifically in relation to childcare, I am satisfied that there will be sufficient childcare capacity, with the proposed creche in place. In relation to the provision of school places, the documentation submitted has shown that there is existing school capacity in the wider area to accommodate the development proposed here (and would appear to be sufficient capacity to accommodate future phases of development, noting

however that the Phase 2 proposal to the south of this site is not under assessment here).

8.3.6. In relation to physical infrastructure, the immediate and wider site has undergone significant transformation in recent years, noting in particular the delivery and opening of the Dunkettle Interchange. Other infrastructure delivered in the immediate vicinity include works on the Dunkettle Road, including new pedestrian and cycle facilities, as well as signalised junctions. The Ballinglanna development has also delivered new pedestrian and cycle infrastructure. The Council's Infrastructure Development Report on file (dated 19/12/2025) also sets out that the works to deliver infrastructure upgrades for the remainder of Dunkettle Road south of Woodville to the M8 Bridge, and to deliver the Glounthaune Greenway, are currently at tender stage.

8.3.7. Under this proposed development, infrastructure works proposed include a new vehicular access and a new pedestrian access with a traffic signal-controlled junction. Other works include a toucan pedestrian crossing and upgrades to the road markings on the L2998 to the north and to the existing (Dunkettle to Carrigtwohill) are proposed, as well as provide for the construction of a section of cycle way and pedestrian walking routes to tie in to the Greenway to the south. The proposal also includes for the construction of 7 no. ESB substations including the undergrounding of the existing overhead electricity lines currently traversing the site.

8.3.8. I am satisfied, therefore, and having regard to the considerations above, that the site is served, and will be served, by sufficient physical infrastructure, including road, pedestrian and cycle infrastructure (see also discussion in Section 8.7 in relation to the previous refusals on this site).

8.4. **Density and Height**

8.4.1. The Joan Murphy appeal has stated that the proposed density is excessive and the proposal represents an overdevelopment of the site. The Jenny Lynch appeal has stated that the proposal is over-scaled.

8.4.2. In relation to the issue of height, the Board will note that the Planning Authority have not raised any concerns in relation to height. I would note also that, while an appeal

submission has stated that the development is over-scaled, the issue of height is not expressly raised as a concern, and I would note that other appeal submissions have not raised the issue of height as a specific concern, not has the applicant referred to the issue of height in the response to the appeals. As such, the issue of height could be considered as a New Issue in the context of this appeal.

8.4.3. Notwithstanding the above, I have considered both the issues of density and height below.

Density

8.4.4. The density of a proposed development is an important consideration in the assessment of an application. There is an onus on relevant authorities to ensure that residential development is carried out at a suitable density to ensure the appropriate development of land. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) and the Cork City Development Plan are relevant documents in this regard.

8.4.5. The application proposes 550 no. dwellings on an overall size of 26 ha. The developable site area is a stated size of 13.8 ha. This developable area excludes the proposed spine cycleway and roadway through the development, with some green spaces deemed unsuitable for development due to topography and existing ecological conditions, the large areas of existing trees to be retained and the areas surrounding the proposed greenway including the slopes leading to same. As such the proposed residential density is calculated as 42 units per hectare (net).

8.4.6. With reference to the 'Sustainable Residential Development and Compact Settlement Guidelines' (2024), the site lies within an area that can be defined as a 'City – Suburban/Urban Extension'. In relation to same Table 3.1 'Areas and Density Ranges Dublin and Cork City Suburbs' is of relevance and therein it is stated:

City - Suburban/Urban Extension

Suburban areas are the lower density car-orientated residential suburbs constructed at the edge of cities in the latter half of the 20th and early 21st century, while urban extension refers to the greenfield lands at the edge of the existing built up footprint that are zoned for residential or mixed-use (including residential) development8. It is a policy and objective of these Guidelines that residential densities in the range 40

dph to 80 dph (net) shall generally be applied at suburban and urban extension locations in Dublin and Cork, and that densities of up to 150 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations (as defined in Table 3.8)

8.4.7. As such the net density of 42 dph is in line with the above guidelines.

8.4.8. In relation to the CDP, I would note that Paragraph 11.71 is of relevance and this *states that:*

Most of Cork City has been designed around the use of the private car and is built at densities of less than 25 dwellings per hectare in traditional suburban formats, with one particular model of dwelling type, gardens, amenity space and parking. Developing Cork City as a compact city will require housing to be built at higher densities utilising different models of development. Most of the new development in Cork City and the Urban Towns will be built at a "gentle density" of 40-70dph and a scale of 2-4 storeys. Some areas will be developed at densities higher than this (e.g. the City Centre, City Docks, Tivoli Docks, the inner city areas, Blackpool and the light rail corridor at Wilton and Mahon).

8.4.9. Glanmire is also located in the 'Outer Suburbs' as illustrated in Fig. 3.3 and Fig 11.1 of the CDP. Chapter 11 sets out a density and building height strategy for various locations within Cork City, and for the outer suburbs a lower target of 40 dph and an upper target of 60 dph is set out. As such the proposed density of 42 dph (net) is within those parameters as set out in the CDP.

8.4.10. In conclusion, then, I consider the proposed density to be acceptable.

Height

8.4.11. The Cityscape and Building Height section of Chapter 11 of the CCDP sets out Cork City's building height and tall building strategy and is based upon work prepared as part of the Cork City Urban Density, Building Height and Tall Building Study 2021. As noted above, Glanmire is located in the 'Outer Suburbs' as illustrated in Fig. 3.3 and Fig 11.1 of the CDP. Chapter 11 sets out a density and building height strategy for various locations within Cork City, and for the outer suburbs, For the Outer Suburbs, Table 11.1 and Table 11.2 set a lower 'target' of 2 storeys is set out and an upper 'target' of 4 storeys is set out. In relation to same I would note that the heights here

range from 2 to 6 storeys, with 1 no. block consisting of 6 no. storeys (Apartment Block J1, located to the north of the site).

8.4.12. I would note that only Block J1, at 6 no. stories, is over the 'target' height of 4 no. storeys outlined for Glanmire (within the Outer Suburbs). Notwithstanding, the relevant tables in the CDP refer to 'target' upper and lower heights. Section 11.33 of the CDP is of relevance here and this states that *'the building height of development will respond directly to the proposed density of development, the character of an area, as well as block development typologies, site coverage and a range of other factors.'* Therefore, I am of the view that, within the CDP, there is scope for increased building height in excess of the 'target' height as expressed in Tables 11.1 and 11.2, having regard to the provisions of section 11.33. I am also of the view that, should the proposal comply with the relevant criteria that allow for flexibility in the target heights proposed, it would not represent a material contravention of the CDP, given the inherent flexibility set out in Section 11.33 of the Plan. I will consider these criteria below.

8.4.13. I would also note the provisions of SPPR 3 of the Building Height Guidelines sets out that where a planning authority concurs that an application complies with the criteria outlined in Section 3.2 of the Guidelines, taking account of the wider strategic and national policy parameters, the planning authority may approve such development even where specific objectives of the relevant Development Plan may indicate otherwise.

8.4.14. Given the flexibility allowed within the CDP, I am not of the view that the development relies of the provision of SPPR 3 in this instance. However, in the interests of completeness, and also in order to address, at the same time, the broad criteria as set out in Section 11.33 of the CDP (in terms of character and building typologies and other relevant factors), I have considered the provisions of Section 3.2 below.

City Scale

8.4.15. In terms of accessibility, the site is located approximately 5km north-east of Cork city centre, with the proposed northern pedestrian access point located approximately 200m from the village of Glanmire. In terms of public transport, the nearest bus stops

to the subject site are at Glanmire (Stop No. 237801) which is an approximately 220m (3 min) walk from the proposed northern pedestrian/cyclist entrance. Glanmire is served by route 214 (Glanmire-City Centre- CUH). With reference to the Bus Eireann website[2], this route runs relatively frequently (approximately every 20 minutes Monday to Saturday, every 30 mins on Sundays). It is also served by route 245 (Cork - Fermoy - Mitchelstown - Clonmel) which runs once an hour, and with half-hourly frequencies at peak times. Of note also is the proposed future expansion of bus services through the Cork BusConnects Programme. The Cork Network Redesign, a project under this programme, will introduce new high-frequency bus connections from the city centre to Glanmire, replacing the existing routes. These proposed routes are described in the Traffic and Transport Assessment that accompanies the application (Section 14 of same refers), and information in relation to same is also set out on the Bus Connects website[3], and include the following routes:

- Route 2A - MTU to Glanmire Hazlewood Centre (15 minute frequency, 30 minute frequency on Sundays)
- Route 14 A[4] - MTU to St. Stephen's Hospital
- Route 31[5] – Knockraha to Cork Bus Station (120 minute frequency)

8.4.16. I would note that the Joan Murphy appeal has stated that there is no adequate capacity in the public transport network to cater for a large-scale residential development (LRD). The Dunkettle Residents Association appeal has stated that the public transport network is insufficient, and the 214 route is one of the most unreliable in Cork City. In relation to the issue of capacity, I would note that the applicant has not submitted any information in relation to the capacity of the existing bus services serving the site. Notwithstanding, there is no evidence that the route is over capacity, notwithstanding the assertions in relation to the reliability of same. In relation to the issue of reliability, such issues are beyond the scope of this appeal in

[2] https://www.buseireann.ie/routes-and-timetables/214
[3] https://busconnects.ie/wp-content/uploads/2025/05/Cork-New-Network-North-East.pdf (correct as of 3rd June 2025 – accessed 22nd July 2025)
[4] This is referred to as route 15 in the TTA
[5] This is referred to as Route 51 in the TTA

my view, and I am satisfied that the service as timetabled provides a sufficient public transport option serving the site, noting also the proposed improvements to the bus routes as set out above.

8.4.17. In conclusions, then, I am satisfied that the site is well served by existing public transport, with future improvements seeing the accessibility of the site increase.

8.4.18. In terms of character, I would note that the character of the immediate area is one that is changing to one of an urban character, noting in particular the development of the Ballinglanna Development to the north (which is providing 608 no. houses, as well as pedestrian and cycle infrastructure and services, permitted under ABP Ref 300543-17). In relation to impacts on the wider landscape character, I would note in particular the conclusions of Section 9.17 of this report, which has concluded that there would be no significant effects on the landscape or on visual amenity as a result of the proposed development. This is a result in particular of the appropriate scale of development, and as a result of the topography of the site, which allows for the buildings of a higher scale, such as the 6 no. storey block proposed here, to sit on the lower elevations of the site, which reduces the apparent height of same. It is a result too of the significant screening surrounding the site. In this regard, I would refer the Board to Section 19.17 of this report, where the impacts on landscape and visual amenity are considered in more detail.

8.4.19. In terms of impacts on architectural heritage, I would refer the Board to Section 9.16 of this report, which considers same in details, noting in particular that I have concluded that there are no significant negative effects on same from the development proposed here.

8.4.20. I am of the view that the proposal makes a positive contribution to place making, with new streets and public spaces provided throughout the site, noting also the provision of the commercial element of the proposal which adds a variety in the uses provided, and also provides a new public square that s located centrally within the development. I note also a variety of scale and typologies have been provided throughout the development.

District/Neighbourhood/Street

8.4.21. As noted above the proposal has responded positively to the existing natural and built environment. Also of note is the variety in scale and materials proposed, as set out in the Architectural Design Statement which accompanies the application, noting in particular that the proposal is broken up into a number of different character areas (5 in total) with different finishes, layouts and building typologies, in order to create distinct individual neighbourhoods. In terms of flood risk, this issue is considered in Sections 9.9 and 9.12 of this report, where it is concluded that the site is not at risk of flooding, nor does the proposal increase the risk of flooding off site.

Site/Building

I would note that the application is accompanied by a Daylight and Sunlight assessment which has demonstrated that the proposal has allowed sufficient daylight and sunlight within the proposed units, with 392 of the 393 rooms tested (99.75%) achieving BRE recommendations for internal daylight. The report also demonstrates that the proposed open spaces will receive sufficient sunlight and demonstrates that the proposal does not see an unacceptable reduction in daylight and sunlight to neighbouring properties (see discussion in Section 8.5 below).

Specific Assessments

8.4.22. In terms of specific assessments. I note the application is accompanied by a comprehensive suite of assessments include, but not limited to, an EIAR, an Architects Design Statement, a Housing Quality Assessment, a Building Lifecycle Report, a Daylight and Sunlight Assessment, a Mobility Management Plan and a Social Infrastructure Audit.

Site Coverage (criteria of Section 11.33 of the CDP)

8.4.23. The site coverage (of net developable area), as set out in the Design Statement, is stated as being 20%. I would note that there are no standards in relation to site coverage within the CDP. I would further note that the Planning Authority have not expressed any concern in relation to same. I am satisfied then that the proposed site coverage is acceptable, and, in turn, I am satisfied that this criteria within Section 11.33, has been satisfactorily addressed.

Conclusions on Height

8.4.24. I have assessed the proposed development in accordance with section 11.33 (as relates to character, building typologies, and site coverage - also see discussion on density above) of the CDP, as well as the criteria set out in Section 3.2 of the Building Height Guidelines and I am satisfied that the proposed height and scale would be acceptable at this location and can be accommodated without significantly detracting from the character of the area.

8.5. Impacts on Existing Residential Amenity

8.5.1. Appeal submissions have raised concerns generally in relation to overlooking, noise pollution, loss of daylight and sunlight, light overspill and anti-social behaviour. 1 no. appellant (Joan Murphy), who occupies a property bordering the site, has cited the impacts of the cut and fill of the site, and stated that same will result in adverse impacts on the property. In relation to noise impacts, and the impacts of cut and fill of the site, I refer the Board to Section 9.10 of this report, where impacts of same are considered. The Joan Murphy appeal, in relation to impacts on Broomhill, has stated that the Board should require the applicant to submit amended plans which reinstate the original plans for the areas of the site adjoining client's property. Other amendments are requested including relocating house no.s 42 to 50 to the green areas west of this row of houses and designate current position as green area. It is also set out that other proposed dwellings in proximity to the property should be dormer in design to avoid first floor windows facing Broomhill. It is requested that ABP remove all side elevation windows that face appellants property.

8.5.2. The applicants, in the response to the 4 no. appeals, have stated that the scheme has been designed to ensure that there will be no amenity impacts. In relation to daylight and sunlight, it is stated that the Daylight and Sunlight Assessment demonstrates negligible impact on daylight and sunlight. In relation to overlooking, it is set out that the dwellings are compliant with setback standards, and in relation to the appellant's property abutting the boundary the dwellings are over 11m from appellants from the rear boundary of same, and are over 34m from the rear of her property. It is also set out that the proposed dwellings adjoining the property are lower than appellants property and that no overlooking will result.

<u>Overlooking</u>

8.5.3. In relation to overlooking generally, I would note that the only properties that have the potential to be overlooked are those located on the Dunkettle Road, included the aforementioned Broomhill dwelling, and those dwellings located to the north, which are currently under construction.

8.5.4. Specifically in relation to Broomill, I would note there are units proposed to the west and south of this property. In relation to those units to the west, the closest is 11.1m from the boundary (Unit 50, House Type C1a), and this is set back 34.5m from the property itself. In relation to those units to the south, the flank elevation of proposed Duplex Unit 01 (Unit Type G), is set back 6.8m from the boundary, and is set back 17.4m from the property itself. I would note that the flank elevation of Unit 01 has windows that at serving an ensuite and bedroom. I would note the ensuite window will be obscured. In relation to the bedroom window, I note the setback of 17.4m, which is sufficient to ensure no overlooking result. In addition, I note that the boundary of Broomhill has a substantial boundary of mature trees, which will also mitigate against any perceived overlooking. The appellant has stated that this could be removed at any time. Notwithstanding, I am satisfied that the setback distances are sufficient so as to ensure no overlooking will result.

8.5.5. In relation to the properties under completion to the north, I am satisfied that there are sufficient setbacks from same so as to ensure no overlooking results. No existing properties will experience overlooking.

Daylight & Sunlight

8.5.6. A Daylight & Sunlight Assessment was submitted with the application. The assessment has been carried out in line with best practice guidance.[6] This considered daylight and sunlight impacts to neighbouring dwellings, as well as internal conditions. Broomhill is the only identified sensitive receptor, and this is the closest property to the proposed unit. It is set out that if it is shown that windows to this property are not adversely impacted, therefore it follows that buildings at a greater distance will not be impacted upon. The “25-degree line test’ was carried out for the Broomhill property and it was shown that none of the 25-degree planes cut the proposed development (the obstruction angle is less than 25 degrees for all of

[6] BRE, 2022 & BE En 17037.

the windows tested). Therefore, it is concluded that the proposed development will have a negligible impact on the skylight of Broomhill.

8.5.7. A Vertical Sky Component (VSC) analysis (daylight) was carried out for this property also, and while reductions in VSC are shown (as per Table 7: VSC results of the assessment), all of the windows have a reduction in VSC of less than 20% (of existing VSC). The most affected window is window W3, at ground floor, with an existing VSC of 20.22, and a 'proposed' VSC of 17.46, with the resulting reduction being 9% of existing. The report notes that the impacts are within the BRE Criteria, and the report concludes that the impact on same will be negligible. I concur with same, and I am satisfied that the methodology and the result of the assessment are sound, noting that no parties have questioned the methodology, nor any specific conclusions of same.

8.6. Residential Standards including Housing Mix

Housing Mix

8.6.1. I would firstly note that no parties have raised the issue of housing mix within the grounds of appeal. As such, the issue of housing mix is a New Issue in the context of this appeal. In relation to same I would note the following.

8.6.2. The application is accompanied by a Housing Mix Statement. This notes that dwelling mix targets are set out in Table 11.9 of the CDP. Objective 11.2 of the Plan sets out that Objective 11.2 of the Development Plan states that all planning applications for residential developments or mixed use developments which comprise more than 50 dwellings will be required to comply with the target dwelling size mix specified, apart from exceptional circumstances, where a clear justification can be provided on the basis of market evidence that demand and need for a specific dwelling size is lower than the target then flexibility will be provided according to the ranges specified.

8.6.3. The mix proposed under this application is as follows (CDP targets also shown):

Unit Size	No. units	%	CDP Min %	CDP Max%	Target %

1 bed	75	13.6	**15**	**25**	**21**
2 bed	185	33.6	**30**	**40**	**34**
3 bed	260	47.3	**25**	**35**	**30**
4 bed	30	5.5	**10**	**20**	**15**
Total	550	100			

8.6.4. The Executive Planner's report notes that, in relation to Housing Mix, that the number of 1 bed units is below the target range set out in the Development Plan and that the No. of 3 bed units is well above the targets set out in the Development Plan. However, it is accepted that the applicant has justified mix with reference to *inter alia* the Housing Need Demand Assessment (HNDA) and the PA were of the view that the mix is acceptable in this instance.

8.6.5. Section 5 of the Housing Mix Statement sets out an analysis of the population trends in the catchment area (which is delineated as Glanmire City Area as illustrated in Figure 1 of the Housing Mix Statement). It is set out that the population can be seen to be growing older, and therefore there is a need for smaller dwelling units. It is also set out that there is an increase in the number of people aged 20-29, who may wish to start families, and this in turn justifies the number of 3 and 4 bed units proposed under this application. Further trends identifies that support the housing mix as proposed here include a high percentage of families that have adult children living in the housing, leading to a need for a variety of housing in the area; the size of household is trending towards 2 persons which underlines the need for smaller dwelling types; and a high percentage of 4 person households which demonstrates the demand for such housing options in the catchment area. A limited stock of housing it the area is also identified.

8.6.6. I am satisfied that the applicant has sufficiently justified the proposed mix, and the Planning Authority are also of this view. I would note that no parties have raised the issue of housing mix, nor have any parties raised a contrary view to that set out in the Housing Mix Statement or questioned the conclusions of same. I would note also that the relevant objective of the Plan (Objective 11.2) allows for a diversion from the

target dwelling mix, with sufficient justification based on market evidence, which has been provided in this instance, and, as such, I am not of the view that the mix as proposed would represent a material contravention of this objective

Other Residential Standards

8.6.7. I would note that no parties have questioned compliance with residential standards in terms such as internal space standards, dual aspect ratios, floor to ceiling heights, Apartments to stair/lift core ratios, storage spaces and amenity spaces. In relation to same, I would note the PA were satisfied the proposal complies with the relevant standards, as set out in the 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2023) and as set out in the CDP.

8.7. Other Matters

8.7.1. Impacts on Right of Way – An appellant (Mary Long) has set out that the proposed cycleway (it is not stated but it is likely the cycle way referred to is the cycle way running north to south, to the western extent of the site) blocks a long-established right of way. I would note that no additional evidence has been submitted in this regard. The applicant has stated that the land required for same is within the applicant's ownership. I do not have any other evidence before me to dispute this claim, nor is there additional documentation or evidence in support of the claim submitted from the appellant that the Board can consider. Notwithstanding, I note that the Board is not an arbiter of title, and I refer to Section 34(13) of the Planning and Development Act which provides that if the applicant lacks title or owner's consent to do works permitted by a planning permission, the permission does not give rise to an entitlement to carry out the development.

8.7.2. Anti-social behaviour – The Mary Long appeal raises concerns in relation to potential anti-social behaviour. In relation to same I note the proposed development does not introduce a form of development, or particular uses, that would be associated with the potential for anti-social behaviour. Notwithstanding, I acknowledge that the existing context will change (from an essentially rural character, to an urban character). However, this in and of itself does not mean than anti-social behaviour would necessarily stem from this, and where appropriate the site has provided for a

balance between sufficient public lighting along the proposed cycleways and walkways, and other routes, and the protection of biodiversity. Open spaces and routes through the development are passively overlooked. I would accept that the cycleway running to the west is not overlooked for its entirety, given its location running adjacent to Dunkettle Wood. I would accept then that the risk of anti-social behaviour may increase slightly on this element of the proposed development, as a result of access gained that was not previously possible. However, I would also note that such issues are a matter for An Garda Siochana, and other relevant authorities. I am satisfied that the risk of same however, and the subsequent impact on residential amenity, is not so great so as to warrant a refusal in this instance, noting that such cycleways and greenways are becoming a more prevalent feature in both urban and rural areas, and noting also that it is not always possible to provide passive or active surveillance over the entire length of same.

8.7.3. Property Value – 2 no appeals (Mary Long and Joan Murphy) have set out that the proposed development will impact negatively on property values. In relation to same, There is no particular element of the proposal referred to that would in itself result in an undermining of property values. As per the discussion of anti-social behaviour above, the context within which surrounding properties will change, with the areas surrounding same changing from a rural character to an urban one. As such, this may impact on potential purchasers of a property who are seeking said rural character. That said, I would note that the site is zoned for residential development and as such a development such as the one proposed is foreseen on the site, and is considered appropriate. In addition, the provision of additional amenities, such as the proposed cycleway and open spaces throughout the development may well have a positive impact on property values. However, I would conclude that there is insufficient evidence either way to determine if the proposed development would impact on property values, either in a positive or negative way.

8.7.4. Previous Refusals on Site – A number of appeals (Joan Murphy, Mary Long) have referenced the previous refusals on this site[7] (see details of same in Section 5 of this report). In relation to ABP Ref PL04.233061, I would note that this was refused in

[7] P.A. Reg. Ref. 08/4584 / ABP Reg. Ref. PL04.233061 & P.A. Reg. Ref. 04/4986 / ABP Reg. Ref. PL04.213655

2010 for 4 no. reasons, related to provision of road infrastructure, impacts on Dunkettle House and location of development adjacent to the motorway and lack of active recreation. In relation to this decision, I would note would note that every proposal is considered on its merits I would note that since this decision, which is some 15 years old, significant infrastructure has been provided, including the opening of the Dunkettle Interchange, and works to the Dunkettle Road (as set out in the Traffic and Transport Assessment that accompanies this application). In relation to impacts on Dunkettle House, I have considered impacts on same in Section 9.16 of this report, and I am satisfied that no significant impacts will result on same, noting in particular that the development proposed here has significant setbacks from Dunkettle House itself, and is set outside the historic demesne of the property. In relation to the location of the development, the development as proposed here is set back from the M8 motorway and the N8 National Road sufficiently so as to ensure no impacts from same, and I am satisfied with the level of open space and active play and other amenities provided.

8.7.5. In relation ABP Reg Ref PL04.213655, this was refused for 3 no. reasons (decision date 27/03/2006) including impacts on Dunkettle House, impacts on amenity (arising from the proposed parking arrangements) and lack of services and facilities. I have considered impacts on Dunkettle House above. I am satisfied the proposed parking arrangements in this current proposal are acceptable and I have considered the provision of social infrastructure in Section 8.6 above, and I am satisfied that sufficient services and facilities exist in the area. I would note also the significant amount of time that has passed between this decision and now, with the context of the wider landholding changing significantly over this time period.

8.7.6. South Glanmire Framework Plan/Lack of Masterplan - Objective 10.71 of the CDP sets out that Cork City Council will work with relevant stakeholders to produce a Framework Plan to support the sustainable growth of Glanmire and provide a coherent and coordinated land use plan for south Glanmire and its immediate environs. Appeal submissions have set out the Council have materially contravened their own plan by not producing this plan. In this regard, I am of the view that the production of said plan is within the remit of the PA, and the absence of same should not prejudice the outcome of this current LRD application. In relation to a masterplan,

I would note that the applicant has produced indicative plans for the development of the wider site (including Phase 2 of the development (see for example Drg. 1001 09 Site Layout Plan) and I am satisfied that consideration has been given as to how the wider landholding will be developed at a later date.

8.7.7. Development Potential – The Joan Murphy appeal has raised the issue of the impact on the development potential of Broomhill. In relation to same, I am satisfied that the proposed development has allowed for sufficient setbacks from Broomill (as discussed in Section 8.5 of this report) so as not to prejudice any future development on this site, and I am not of the view that there are any other aspects of the development that would impact on the development potential of the Broomhill site.

8.7.8. Duration of Permission – The applicants have sought an 8-year permission. The PA have not stated any objection to same. While objectors have raised concerns in relation to the overall duration of construction works, I have concluded that no significant impacts will arise from same, with mitigation in place. There is no specific objection raised to an 8 year permission within the appeal submissions however. I am cognisant of the scale of development and I accept than an 8 year permission is appropriate in this instance. While the PA have not included a condition in relation to same, I consider it appropriate to do so, and same is reflected in recommended condition No. 2 below.

8.8. First Party Appeal V Condition (Conditions 8 and 41a)

8.8.1. In this section I consider the first party appeal v conditions No. 8 and 41(a). The appeal seeks to:

8.8.2. The appeal seeks to

(iii) **Remove** Condition No. 8 which requires the creche to be constructed and fully operational prior to the occupation of any residential dwelling.

(iv) **Modify** Condition 41(a) so that the working hours are extended to 07:00 to 19:00 hours, Monday to Fridays.

Condition No. 8

8.8.3. In relation to condition No. 8, the crux of the appellant's case is that is unreasonable to expect to have the creche built and operational prior to any occupation, the condition is not necessary, it would require the consent of a third party and would therefore be contrary to the Development Management Guidelines (2007).

8.8.4. It is further set out that the condition should require no more than reservation of a site for childcare. However, it is clarified that, notwithstanding, client remains willing to construct the childcare facilities in Phase 1B as proposed.

8.8.5. In relation to same, I would concur that requiring the creche to be operational prior to occupation of the residential units would not be necessary or reasonable in this instance, noting that the provision of the creche is designed primarily to accommodate the demand of the proposed development rather to accommodate existing childcare demand. It would also require the applicant to enter into an agreement with a third party who interests may not align with that of the development, and this places an unreasonable requirement on the developer. The first-party appellant has also cited a precedent decision from the Board (ABP Ref 319654-24, Midleton) where the Board agreed it would be unreasonable to expect the creche to be operational. I am of the view that the condition should be modified as per previous Board decisions on this matter (e.g. 319654-24, 319434-24, 318365-23).

8.8.6. I would note that the first-party appellant has suggested that the creche be removed altogether with a space reserved for same. I am not of the view that this is reasonable, as it forms a fundamental part of the overall development, and the removal of the creche is not justified, having regard to the information as submitted on the file, and furthermore, the removal of same would be beyond the scope of this appeal, as it would entail a material alteration to the development as proposed.

8.8.7. My recommendation on this matter is reflected in Condition No. 6 below, wherein I have recommended a modified wording as follows:

'Prior to the completion of development hereby permitted, the permitted childcare unit shall be fully fitted out and suitable for immediate occupation and operation'.

Condition No. 41(a)

8.8.8. The first party appellant has set out that restricting working hours to 08:00 to 18:00 Monday to Friday is unnecessary and will only prolong the overall duration of construction works and delay delivery of housing. It is further set out that a start time of 07:00 is standard practice and allows avoidance of peak hour traffic. Reference is made to other appeal decisions where longer construction hours were conditioned by the Board, and these examples relate to site which have a similar context i.e. were in built-up residential areas (e.g. ABP 316101; ABP 316101; ABP 317290; ABP 320996).

8.8.9. In relation to same, I would accept construction hours of 07:00 to 19:00 and 08:00 to 16:00 on Saturdays are reasonable and would be consistent with other decisions of the Board as cited above. I would be of the view that such hours would not materially impact on amenity, over and above, the original hours as conditioned by the PA, noting in particular the mitigation measures as set out in the EIAR, and other application documentation, that seek to reduce any impacts on residential amenity, as a result of noise for example, and noting that the development is required to adhere to here.

8.8.10. My recommendation on this matter is set out in Condition 22 below,

8.9. Planning Authority Conditions

8.9.1. I would note the PA have imposed a total of 63 no. conditions. I have set out in the table below details of same, and where I have not imposed a condition that was imposed by the PA, I have set out reasons for same.

Condition No (s)	Topic	Comment
1	Standard Condition	Reflected in Recommended Condition 1.
2	Mitigation Measures EIAR/CEMP	Reflected in Recommended Conditions 2, 23 and 24.
3	Bond	Reflected in Recommended Condition 33.

4	Uisce Eireann	Reflected in Recommended Condition 9.
5	Occupancy Condition (duplex/dwelling)	Reflected in Recommended Condition 32.
6	Part V	Reflected in Recommended Condition 31.
7	Phasing	Reflected in Recommended Condition 5.
8	Childcare Facility	Amended Condition as per Recommended Condition 6 below, and for reasoning as set out in Section 8.8 of this report.
9	Materials	Reflected in Recommended Condition 7.
10, 11, 12, 13, 14, 15, 16, 17	Transport	Reflected in Recommended Condition 12.
18	Public Lighting	Reflected in Recommended Condition 10.
19, 20	Transport	I would note that this condition requires the Fernwood Link Road[8] to be opened prior to occupation. However, this Link Road is not within the scope of this application, and such I am not satisfied then that this aspect of the condition is

[8] A link road through Ballinglanna Residential Development to Fernwood and the L3010 Glanmire Village. The EIAR states that this will be opened in 2024. However, there is no evidence that on file that this has opened.

		appropriate or reasonable, I have recommended that this aspect of the condition is omitted. The remaining requirements are reflected in Recommended Condition 12.
21	Mobility Management Plan	Reflected in Recommended Condition 13.
22, 23, 24	CEMP	Reflected in Recommended Conditions 23 and 24.
25, 26	Parking spaces Dunkettle Road	Not imposed. Details as per submitted drawings.
27, 28	Transport	Reflected in Recommended Condition 12.
29	Drainage	Reflected in Recommended Condition 8.
30, 31	Sight distances	Reflected in Recommended Condition 17.
32, 33, 34, 35	Construction Management	Reflected in Recommended Condition 23 and 24.
36	Waste Management	Reflected in Recommended Condition 21.
37, 38	Noise	Reflected in Recommended Condition 25 and 26.
40	Waste	Reflected in Recommended Condition 20.
41	Construction Hours	Amended Condition as per Recommended Condition 22

		and as per reasoning as set out in Section 8.8 of this report.
42	Construction Management/Waste	Reflected in Recommended Conditions 23 and 24.
43,44, 45, 46, 47	Drainage	Reflected in Recommended Condition 8.
48,49	Landscaping	Reflected in Recommended Condition 27.
50	Timing of site clearance	Reflected in Recommended Condition 2.
51, 52, 53, 54, 55, 56, 57, 58	Biodiversity	Reflected in Recommended Condition 28.
59, 60	Biodiversity/Trees/Hedgerows	Reflected in Recommended Condition 29.
61	Development Contribution (General)	Reflected in Recommended Condition 36.
62	Development Contribution (Supplementary)	Reflected in Recommended Condition 35.
63	Taking in Charge	Reflected in Recommended Condition 30.

9.0 Environmental Impact Assessment (EIA)

9.1. Statutory Provisions

9.1.1. This section sets out the EIA of the proposed project and should be read in conjunction with both the planning assessment and appropriate assessment sections of this report. The proposed development provides for:

- The demolition/removal of existing ruins/structures (including a former dwelling on the northern part of the site).
- The construction of 550 no. residential units to include 394 no. dwelling houses comprising a mix of 2,3 and 4 bed semi-detached and townhouse/terraced units and 156 no. apartment/duplex units comprising a mix of 1 and 2 bed units in 10 no. blocks ranging in height from 2 to 6 storeys
- 1 no. creche:
- 3 no. commercial units comprising a shop, cafe and medical/general practice facility:
- New vehicular access, new pedestrian access, a traffic signal controlled Toucan pedestrian crossing and upgrades to the road markings on the L2998 Road to the east:
- new greenway through the development connecting to the L2998 to the north and to the existing (Dunkettle to Carrigtwohill) Greenway to the south:
- All associated ancillary development works including drainage (including attenuation pond), footpaths & cycle lanes, landscaping, amenity and open space areas, boundary treatments, bicycle and car parking, bin storage, 7 no. ESB substations, the undergrounding of the existing overhead electricity lines currently traversing the site, public lighting and all other ancillary development:
- An 8 year permission is sought for the above works.

9.1.2. The above development represents Phase 1 of the development, and was the subject of the LRD application to the PA, and is the current subject of this appeal. I would note that 2 no. Phases of the Development are set out in the EIAR, with a further future development at Dunkettle House, and these are all within what is defined as the 'EIAR Study Area'. These include the following:

- LRD Phase 1 - Permission for 550 no. units, comprising a mix of semi-detached and terraced dwelling houses and duplex/apartment units, a childcare facility and commercial floorspace and the provision of landscaping and amenity areas and all associated infrastructure and services including vehicular and pedestrian/cycle access, roads, parking, lighting and drainage. Vehicular access will be provided

from Dunkettle Road (east of the site), including pedestrian and cycling facilities. There will also be a connection to existing bicycle network connections to Glanmire in the north and to the existing urban Cycling network to the south.

- LRD Phase 2 – Permission for 486 no. units comprising a mix of semi-detached and terraced houses, duplex and apartment units and the provision of landscaping and amenity areas and all associated infrastructure and services, vehicular and pedestrian/cycle access, roads, parking, lighting and drainage. A second access point from Dunkettle Road will be included.
- Dunkettle House – This House will remain in its current traditional residential use. At the time of writing this EIAR, no detailed design proposals have been prepared but a feasibility study is being undertaken to identify potential future uses including the sympathetic re-use of the eighteenth- and nineteenth-century buildings. It is not envisaged that any future development at Dunkettle House would necessitate an assessment under EIA requirements on its own, but for completeness, the concept of the future development proposals is included in this EIAR.

9.1.3. However, noting above, the EIAR submitted with the application was prepared to accompany Phase 1 only, with a future LRD application being made on Phase 2 land.

9.1.4. The extent of the Study Area is set out, and the EIAR sets out the extent of the lands are c63.78 Ha, which are located to the south of the defined settlement boundary of Glanmire, and are approximately 5km to the east of Cork City Centre. The study area has an undulating topography generally sloping in a westerly and southwest direction towards the Glashaboy River, which bounds the site to the west. It generally consists of a mix of agricultural lands and woodland. There are 3 main wooded areas including the Riparian woodland along the entire western boundary of the site above the Glashaboy River. Figure 1.2 of the EIAR sets out the extent of the Study Area. The application site boundary is set out in Figure 2.2. The application site area extends to c26Ha.

9.1.5. In terms of the construction programme, Section 2.5.1 of the EIAR states that the construction phase of the both phases of the development (Phase 1 and 2) is

expected to take approximately 10 years, and it is envisaged that c125 dwellings will be constructed annually. The indicative phasing for Phase 1 (the subject of this appeal) is as follows:

Stage A – 152 residential units

Stage B – 213 residential units, creche, commercial units

Stage C – 185 residential units

9.1.6. Figure 2.6 provides an illustration of the Construction Phasing Plan for Phase 1. A detailed programme of construction activities is set out in Chapter 2 of the EIAR.

9.2. EIA Structure

9.2.1. Section 9 of this report comprises my EIA of the proposed development in accordance with the Planning & Development Act, 2000 (as amended) and the associated Planning & Development Regulations, 2001 (as amended), which incorporate the European directives on environmental impact assessment (Directive 2011/92/EU as amended by 2014/52/EU). Section 171 of the Planning & Development Act, 2000 (as amended) defines EIA as:

(a) consisting of the preparation of an EIAR by the applicant, the carrying out of consultations, the examination of the EIAR and relevant supplementary information by the Board, the reasoned conclusions of the Board and the integration of the reasoned conclusion into the decision of the Board, and,

(b) includes an examination, analysis and evaluation, by the Board, that identifies, describes and assesses the likely direct and indirect significant effects of the proposed development on defined environmental parameters and the interaction of these factors, and which includes significant effects arising from the vulnerability of the project to risks of major accidents and/or disasters.

9.2.2. Article 94 of the Planning & Development Regulations, 2001 (as amended) and associated Schedule 6 set out requirements on the contents of an EIAR.

9.2.3. This EIA section of the report is therefore divided into two sections. The first section assesses compliance with the requirements of Article 94 and Schedule 6 of the Regulations, 2001 (as amended). The second section provides an examination,

analysis, and evaluation of the development and an assessment of the likely direct and indirect significant effects of it on the following defined environmental parameters, having regard to the EIAR and relevant supplementary information:

• population and human health,

• biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive,

• land, soil, water, air and climate,

• material assets, cultural heritage and the landscape,

• the interaction between the above factors, and

• the vulnerability of the proposed development to risks of major accidents and/or disasters.

9.2.4. The second EIA section also provides a reasoned conclusion and allows for integration of the reasoned conclusions into the Board's decision, should it agree with the recommendation made. It should be noted that reasoned conclusion refers to significant effects which remain after mitigation. Therefore, while I outline the main significant direct, indirect, and cumulative effects at the conclusion of my assessment of each environmental factor, only those effects that are not or cannot be appropriately mitigated are incorporated into my reasoned conclusion in subsection 9.17.

9.3. Issues Raised in Respect of EIA

9.3.1. I would note that all 4 no. appeals have raised issues in relation to matters which are relevant to the issue of EIA, and I have summarised these issues within the individual topics, and I refer the Board to same.

9.3.2. The submission from An Taisce, at application stage, raises issues in relation to architectural heritage and protected views, and I have summarised this submission in the relevant section below, and considered the issued raised therein in the same section.

9.3.3. The submission from Inland Fisheries Ireland, at application stage, seeks to ensure that adequate WWTP is available to serve the proposed development, and I have considered same in the relevant section below.

9.3.4. The Planning Authority did not raise any objections to the content or the quality of the EIAR, although I would note that, in granting permission, the PA have imposed some additional environmental conditions, over and above the specific measures set out in the EIAR, and I have considered same in the assessment below.

9.4. Compliance with the Requirements of Article 94 and Schedule 6 of the Planning Regulations

9.4.1. In the table below, I assess the compliance of the submitted EIAR with the requirements of article 94 and schedule 6 of the Planning & Development Regulations, 2001 (as amended).

Table 9.1 – Compliance with the Requirements of Article 94 and Schedule 6 of the Planning Regulations

Article 94(a) Information to be contained in an EIAR (Schedule 6, paragraph 1)
A description of the proposed development comprising information on the site, design, size, and other relevant features of the proposed development, including the additional information referred to under section 94(b).
A description of the proposed development is contained in Chapter 2 (Development Description of the EIAR. Chapter subsections include a description of the phases of development (Phases 1 & 2), description of existing structures, details of drainage and water supply arrangements, details of services as well as details of the construction programme, and construction activities. Health & Safety issues are considered in this chapter also. I am satisfied that the development description provided is adequate to enable a decision.
A description of the likely significant effects on the environment of the proposed development, including the additional information referred to under section 94(b).
An assessment of the likely significant direct, indirect, and cumulative effects of the development is carried out for each of the technical chapters of the EIAR. I am

satisfied that the assessment of significant effects is comprehensive and sufficiently robust to enable a decision on the project.
A description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent, or reduce and, if possible, offset likely significant adverse effects on the environment of the development, including the additional information referred to under section 94(b).
Mitigation is addressed in each of the EIAR technical chapters. Chapter 17 (Summary of Mitigation Measures) sets out a summary of the range of methods described within the individual chapters which are proposed as mitigation and for monitoring. I am satisfied that proposed mitigation measures comprise standard good practices and site-specific measures that are capable of offsetting significant adverse effects identified in the EIAR.
A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment, including the additional information referred to under section 94(b).
Chapter 3 (Alternatives) provides an overview of the alternatives considered. A do-nothing alternative would see the site remain in its current condition in the short to medium term and will remain in agricultural use. However, it is likely that another residential development would be progressed on the site having regard to the location, the zoning of the site and the need for housing. No alternative sites were considered as the development of the site for the uses proposed have been identified in the City Development Plan, in line with the National Planning Framework. In terms of alternative designs, it is set out that the design was an iterative process, and a number of previous design options are set out (Alternative Designs No.s 1 and 2), before the current layout (Design No. 3) was progressed and reasons for not progressing the previous options are set out.

I am satisfied that reasonable alternatives were considered, the main reasons have been set out for opting for the layout proposed, and potential impacts on the environment have been taken into account.
Article 94(b) Additional information, relevant to the specific characteristics of the development and to the environmental features likely to be affected (Schedule 6, Paragraph 2)
A description of the baseline environment and likely evolution in the absence of the development.
The baseline environment is addressed in each technical chapter within the EIAR and the likely evolution of the environment in the absence of the proposed development is described, with particular reference to 'do nothing' scenarios. I am satisfied with the descriptions of same.
A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved.
The relevant methodology employed in preparing the EIAR, including desk-based assessment, consultations, site visits, site investigations and excavations, impact assessment etc. is set out in the individual chapters. The applicant has identified any difficulties encountered in each technical chapter. No specific difficulties were identified except in Chapter 11 (Biodiversity) wherein it is stated that there was a limitation in relation to available datasets of rare and protected species, and change in the overall area surveyed for bats between 2023 and 2024, although same was not considered to be a barrier to an accurate assessment of the use of the area by bats. Chapter 10 (Water & Hydrology), states that '*No difficulties were encountered in accessing information during the preparation of this chapter. While there are no site-specific monitoring boreholes available for groundwater level measurements, given the generally shallow nature of the excavations required for the development it is considered that the risk of encountering the natural water table would be very low'.* I am satisfied that the

matters referred to above do not in any way undermine the conclusions of the EIAR and I am satisfied that the forecasting methods overall are adequate in respect of likely effects.
A description of the expected significant adverse effects on the environment of the proposed development deriving from its vulnerability to risks of major accidents and/or disasters which are relevant to it.
Section 4.15 (Risk of Major Accidents or Disasters) identifies and assesses the likelihood and potential significant adverse impacts on the environment arising from the vulnerability of the proposed development to risks of major accidents and/or natural disasters. It considers whether the proposed development is likely to cause accidents and/or disasters and its vulnerability to them. No risk of major accidents and disasters has been identified. Of note is that the proposed development will be located within 1 km of the BASF facility located in Little Island, and Calor Tivoli, which are Upper Tier SEVESO sites, and within 1km of Chemical Bulk Storage Ltd. (Tivoli) which is a Lower Tier SEVESO site. It is noted within the EIAR that the Cork City Development Plan 2022-2028 sets out buffer zones for all Seveso Sites within its boundaries; no such buffer zones overlap with the subject site. Equivalent information is not provided for Cork County Council. It is set out that the wider site (the Study Area site) does overlap with an approximate 1,000m "notification zone" from the BASF (Little Island) Seveso Site. This is illustrated in Fig. 4.16 of the EIAR. I would note that the application site boundary is not within this 'notification zone'. Notwithstanding, the EIAR sets out that such SEVESO sites are regulated by The Chemicals Act (Control of Major Accident Hazards Involving Dangerous Substances or COMAH) Regulations 2015 and are subject to strict safety regimes operate by both the EPA and HSA[9], and as such a major accident or disaster is considered unlikely. Where relevant, a number of the individual chapters also consider the topic of Major Accidents or Disasters (Chapter 5, Landscape and Visual; Chapter 6 Traffic & Transport; Chapter 7 Material Assets: Built Services; Chapter 9 Land and Soils;

[9] The EIAR refers to HSE, but I am satisfied that this is a Typo, and the correct body is HSA (Health and Safety Authority).

Chapter 10 Water & Hydrology; Chapter 11 Biodiversity; Chapter 12 Noise and Vibration; Chapter 13 Air Quality; Chapter 14 Climate; Chapter 15 Cultural Heritage). No major risks are identified, however Chapter 5 Landscape and Visual sets out that mitigation would be required to ensure the protection of the Cork Harbour SPA, and the Dunkettle Wood pNHA. However, I would note that this Chapter has not identified a particular risk of a Major Accident or Disaster. Overall, I am satisfied the issue of Major Accidents or Disasters has been adequately addressed in the EIAR.
Article 94 (c) A summary of the information in non-technical language.
The EIAR submitted with the application comprises Volume I (Non-Technical Summary), Volume II (Main Report (in two parts)), and Volume III (Technical Appendices (in three parts)). I am satisfied that the Non-Technical Summary is concise, suitably comprehensive, and would be easily understood by members of the public.
Article 94 (d) Sources used for the description and the assessments used in the report
Each chapter provides a list of documents and information used to inform the chapter assessment. I consider the sources relied upon are generally appropriate and sufficient in this regard.
Article 94 (e) A list of the experts who contributed to the preparation of the report
A list of the various experts who contributed to the EIAR and their specialist topic(s)/input, are set out in table 1.1 (EIAR Chapters and Contributors) of the EIAR. The expertise and qualifications of contributors are also set out in each individual Chapter of the EIAR, where relevant. I am satisfied that the EIAR demonstrates the competence of the individuals who prepared each chapter of the EIAR.

Consultations

9.4.5. The application has been submitted in accordance with the requirements of the Planning & Development Act, 2000 (as amended), and the Planning & Development Regulations, 2001 (as amended), in respect of public notices. Submissions have been

received from statutory bodies and third parties and are considered in this report, in advance of decision making.

9.4.6. I am satisfied, therefore, that appropriate consultations have been carried out and that third parties have had the opportunity to comment on the proposed development in advance of decision making.

Compliance

9.4.7. Having regard to the foregoing, I am satisfied that the information contained in the EIAR, and supplementary information provided by the developer is sufficient to comply with article 94 of the Planning & Development Regulations, 2001 (as amended).

9.5. Assessment of Likely Significant Effects

9.5.1. The following subsections of the report set out an assessment of the likely environmental effects of the proposed development under the environmental factors as set out in section 171A of the Planning & Development Act, 2000 (as amended). It includes an examination, analysis, and evaluation of the application documents, including the EIAR and submissions received and identifies, describes, and assesses the likely direct and indirect significant effects (including cumulative effects) of the development on these environmental parameters and the interactions of these effects.

9.6. Population and Human Health

Issues Raised

9.6.1. Issues indirectly related to health have been raised by third parties, including noise impacts at construction and operational stage, concerns in relation to traffic hazards and impacts related to dust. Other issues indirectly related to health raised as concerns include a lack of social infrastructure. I have considered the issue of social infrastructure, in Section 8.2 ‘Zoning’ above. I have considered the issues of noise, dust and traffic hazards raised in the relevant sections of this report

Examination, Analysis, and Evaluation of the EIAR

9.6.2. Chapter 4 (Population and Human Health) of the EIAR notes that human health is a very broad factor that is highly project dependent. The chapter addresses human

health in the context of other factors addressed in further detail in other chapters e.g. air quality, noise, and the risk of major accidents and disasters. It is undertaken in accordance with best practice guidelines. The existing environment is considered under the headings of surrounding land uses, transport and accessibility, population and demographics, employment and social infrastructure.

9.6.3. I would note that the chapter has considered the effects of both Phase 1 and Phase 2 of development, and I have commented on same below, where relevant.

Demolition and Construction Stage Effects and Mitigation/Monitoring

9.6.4. Subsection 4.9.1 outlines the demolition and construction stage potential effects. Of note are the following:

- Land Use – Permanent significant change in land use for agricultural lands. The change is concluded as being positive in line with the land use zoning and national policy to increase housing supply.
- Employment & Economics – Likely effects on the local economy and employment during the construction phase are positive, short-medium term and significant.
- Health & Safety – In relation to construction workers, and unauthorised access to the site by members of the public, likely effects could be slight to profound, depending on the nature of any incident on site. However, with best practice measures in place, such impacts are not considered likely.

9.6.5. Other potential impacts such as construction traffic, noise, dust or visual effects are considered in the relevant chapters of the EIAR.

9.6.6. Construction phase mitigation includes adherence to a Construction Environmental Management Plan (CEMP) and a Resource and Waste Management Plan (RWMP) as well as working to set construction working hours.

9.6.7. I note that other construction stage mitigation, indirectly relating to population and human health, is set out in the individual chapters e.g. Chapter 6, Traffic and Transport, Chapter 10 Water & Hydrology, Chapter 12 Noise & Vibration, Chapter 13 Air Quality and Chapter 14 Climate). I refer the Board also to Chapter 17 (Summary of EIA Mitigation and Monitoring Measures).

Operational Stage Effects and Mitigation/Monitoring

9.6.8. Section 4.9.2 also outlines the potential operational stage impacts, which can be summarised as:

- Land Use/Housing Supply – Delivering of housing on zoned land on an accessible sit will lead to positive, permanent and significant impacts.
- Population – It is set out that the residential population of the proposed housing units in Phase 1 and Phase 2 will be c2,400 persons, and the likely effects on the local population is considered to positive, long-term and moderate.
- Health – Overall benefits are considered to be result form the use of the greenway and reduced car dependency, with significant CO2 savings and improved air quality resulting from energy efficient design measures integrated into the design of the scheme. Likely effects on the health of future residents are considered to be positive, permanent and significant.
- Residential Amenity/Local Amenity – Significant, positive and permanent effects on the amenity of future occupiers of the scheme are expected, due to the proposal being designed to a high standard. The provision of 1.81 Ha of usable Public Open Space (2.48 Ha gross is provided) and the location adjacent to the greenway will likely result in positive, permanent and significant effects on local amenity.

9.6.9. As per the construction stage, other potential operational impacts such as construction traffic, noise, dust or visual effects are considered in the relevant chapters of the EIAR.

9.6.10. No operational stage mitigation is considered necessary.

Other Effects

Cumulative

9.6.11. The chapter considers that the overall cumulative impact of the proposed development, in conjunction with other residential, social infrastructure and transport infrastructure developments. It is concluded that the likely cumulative effects on health are positive, permanent and very significant.

Residual

9.6.12. In relation to employment, it is concluded that the likely residual effects on the local economy and employment during the construction phase are positive, short-medium term, and significant. No other significant residual impacts are expected at construction stage. At operational stage, residual impacts on land use, health and local amenity are likely to be positive, significant and permanent. Cumulative impacts on local population are considered to be positive, permanent and significant, with cumulative impacts on health considered to be positive, permanent and very significant.

Assessment: Direct, Indirect, and Cumulative Effects

9.6.13. I have examined, analysed, and evaluated Chapter 4 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of population and human health. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on population and human health, as a consequence of the proposed development, have been identified.

9.6.14. I would accept that the overall benefits to population and human health, as a result of the employment and economic benefits at construction stage, and as a result of the use of the amenities provided, including the greenway, the provision of open space and the introduction of housing and additional population, would be positive and significant. I would note that such positive significant effects relate to both phases of the development, as the EIAR has assessed the impacts of both, however I am of the view that such effects would also arise when Phase 1 is considered on its own, noting the scale of the proposed development, the provision of the greenway as part of Phase 1 and the open space proposed as part of Phase 1 (which totals 1.63 Ha) would also accept that such significant effects on human health also arise when the project is considered cumulatively with other projects in the area, in particular the nearly completed Ballinglanna Development (which is providing 608 no. houses, as well as pedestrian and cycle infrastructure and services), which, when considered in conjunction with all phases of this development, will introduce additional housing and population to the area, with significant positive effects as described above.

9.6.15. I note that any potential significant negative effects, such as health and safety aspects at construction stages, can be successfully mitigated against by adherence to best practice construction measures.

9.6.16. As noted above. I have considered other aspects of the development that may indirectly have effects on population and human health, in the relevant sections of this report.

Conclusion: Direct, Indirect, and Cumulative Effects (Population and Human Health)

9.6.17. I consider that the main significant direct, indirect, and cumulative effects on population and human health is as follows:

- Significant direct, and cumulative positive effects on population, due to the substantive increase in the housing stock during the operational phase, as a result of this proposed development, and as a result of surrounding developments in the area, in particular the Ballinglanna development to the north.
- Significant, short term indirect effects on the economy during the construction phase as a result of employment and benefits to local shops and services,
- Significant indirect impacts on human health as a result of the provision of amenities including the proposed cycleway and public open space provided,
- Significant, direct negative effects on health & safety at construction phase, which would be mitigated by appropriate construction phase management measures.

9.7. Biodiversity

Issues Raised

9.7.1. I would note that the Mary Long appeal raises a number of concerns in relation to relate either directly or indirectly to biodiversity, including that the proposal represents a material contravention of the CDP, with regard to Biodiversity and Green Infrastructure Policies/preservation of ecological corridors. It is further stated that the EIA is inadequate. It is stated that the proposal will undermine the objectives of the National Biodiversity Action Plan. The Jenny Lynch appeal raises concerns in relation to impacts on biodiversity including bats, short-eared owl and loss of trees.

The Joan Murphy appeal refers to impacts on hedgerows on the site, noting that same are deemed to be of high significance, and are protected by the CDP. It is stated also that insufficient surveys were carried out including a survey of bird flight paths.

9.7.2. The PA have not raised any particular concerns in relation to impacts on Biodiversity. However, in granting the proposed development, the PA have imposed a number of conditions, that relate to protection of Biodiversity, and I have considered same below.

Examination, Analysis, and Evaluation of the EIAR

9.7.3. Chapter 11 (Biodiversity) of the EIAR provides for an ecological assessment of the proposed development and its potential impacts to biodiversity. I would note that Appendices 11.1 to 11.3, as contained within Volume III of the EIAR, are also of relevance to this chapter and include, but are not limited to, a Bat Report.

9.7.4. Chapter 4 describes elements of Phase 1 and Phase 2 of the project and has assessed effects of same on Biodiversity. I note the assessment has been carried out in accordance with best practice methodology. The surface water environment, proposed SuDS measures and foul drainage measures are set out and are as described in Section 9.9 of this report. Reference is made to the proposed landscaping of the site within Phase 1 of the lands, as well as reference to a Lighting Plan.

9.7.5. It is noted that surveys were carried out at various times between 2023 and 2024, and included site walkovers, invasive species surveys, non-volant mammal surveys and bat surveys, which included a preliminary bat roost assessment, a preliminary bat habitat suitability assessment. Further surveys included otter/badger surveys, bird surveys, including a breeding bird survey and a winter bird survey, as well as general fauna survey.

9.7.6. A description of the surface water and groundwater environment, including the WFD status of same, is set out and I have considered impacts on same in Section 9.9 of this report.

9.7.7. I In relation to designated sites within the Zone of Influence of the Development, the EIAR concludes that 4. No. sites fell within same as follows:

- Cork Harbour SPA (directly adjoining site)
- Glanmire Wood pNHA (directly adjoining site)
- Dunkettle Shore pNHA (75m south)
- Douglas River Estuary pNHA

9.7.8. Habitats with the Study Area (which includes Phase 1, Phase 2 and Dunkettle House Lands) described in Section 11.6.3 of the EIAR and it is set out that the dominant habitat type within the study area is Arable Crops (BC1), with an area of Riparian Woodland (WN5) and Oak Bird Holly Woodland (WN1 – Glanmire Wood pNHA), which runs the entire length of the western boundary and halfway across the northern edge of the study area. This habitat is also present on the southwest side in the northern section of the study area surrounded by Horticultural Land (BC2). Habitats with the study area are illustrated in Figure 11-6 'Habitat Map' of the EIAR.

9.7.9. The Riparian Woodland was classified as of National Importance, due to the low abundance of such largely undisturbed habitat remaining in Ireland. The EIAR also considers habitats within the wider landholding, noting that Buildings and Artificial Surfaces (BL3) in proximity to Dunkettle House were of local importance for bats and birds, with moderate roosting potential for bats. In the adjacent Glashaboy Estuary, there are pockets of Annex 1 habitats including 'Mudflats and sandflats (c75m linear distance) and 'Atlantic salt meadows' (c900m linear distance).

9.7.10. A total of 6 no. invasive species were recorded on the site and are listed in Section 11.6.4.1.2.2 'Field Study Results' of the EIAR. The potential of the site to support non-volant mammals, and the results of the field survey in relation to same is set out in the EIAR.

9.7.11. In relation to bats, I would note that a Bat Report is included in Appendix 11.3 of the EIAR. The results of same are summarised in the EIAR, and no evidence of bats was detected within the trees and buildings within the site, and those trees proposed for removal were assessed as having negligible value for roosting bats. 8 no. trees to be retained were assessed as having potential for roosting bats. Buildings adjoining Dunkettle House were considered to have moderate bat roosting potential. The site

was considered to have high suitability for foraging and commuting bats, and 5 no. species were detecting using the site during the bat activity surveys.

9.7.12. Key Ecological Receptors are highlighted in Table 11-8 of the EIAR, and the reasoning for including same are set out. I have summarised same below

Species/Species Group	**Evaluation**
Cork Harbour SPA (004030)	International Importance
Glanmire Wood pNHA	National Importance
Dunkettle Shore pNHA	National Importance
Douglas River Estuary pNHA	National Importance
WN5 – Riparian Woodland	National Importance
WN1 – Oak Birch Holly Woodland	Regional/County Importance
WL2 – Treeline (Western Boundary)	Local Importance (Lower Value)
BL3 – Buildings and Artificial Surfaces	Local Importance (Higher Value)
WD5 – Scattered Trees and Parkland	Local Importance (Higher Value)
WS1 – Scrub	Local Importance (Higher Value)
MW4 – Glahaboy Estuary (Cork Harbour SPA)	International Importance
Bat Assemblage	Local Importance (Higher Value)
Bird Assemblage	Local Importance (Higher Value)
Badger	Local Importance (Higher Value)
Pine Martin	Local Importance (Higher Value)
Hedgehog	Local Importance (Higher Value)
Pygmy Shrew	Local Importance (Higher Value)

9.7.13. Section 11.8 outlines Potential Significant Effects, noting that there are number of measures that are integral to the design and completion of the proposed

development, including SuDS measures, foul water treatment and landscaping elements, including bat and nocturnal wildlife friendly lighting.

Construction Stage Effects

- Impacts on Designated Sites - The EIAR notes potential for significant, negative short-term effects on the adjacent Cork Harbour SPA, in the absence of mitigation, as a result of contaminated surface water entering the river. [see discussion of same in Appendices 1 and 2 of this report].
- Impacts on Habitats and Flora – It is noted that the overall diversity on site was considered low, outside of the higher value areas (Woodlands and Treelines). The removal of vegetation could lead to run off and sediment to the Glashaboy Estuary. The implementation of the landscape plan and other measures will ensure that there are no significant impacts on habitats and flora, with potential for negative, short-term, slight impacts on flora and fauna on the site due to the proximity of the developable area to Glanmire Wood pNHA and Cork Harbour SPA.
- Spread of Invasive Species – The introduction or spread of same to the site or adjacent could have a negative, local, long, term significant impact on local habitats.
- Impacts on Native Fauna – Impact on bats, birds, non-volant mammals, amphibian, otter and fauna of the Glashaboy Estuary are all considered. Potential significant impacts identified relate to bird assemblage, should vegetation be cleared during the breeding season, and in the absence of precautionary measures potential impacts could be negative, short-term and significant, and relate to the Glashaboy Estuary where surface water discharges have the potential to cause negative, short-term, significant impacts to aquatic fauna.

Operational Stage Effects

- Impacts on Designated Sites – Impacts on same are considered in the EIAR, and also fully considered in the NIS. As such, and in the interests of preventing repetition, I would refer the Board to Appendices 1 and 2 of this report.
- Impacts on Native Fauna – Impact on bats, birds, (including collisions risk from bats and birds) and non-volant mammals are considered. No potential significant

impacts are identified. In relation to bats, lighting from the development could have the potential for negative, permanent and moderate impacts on same. In relation small (non-volant) mammals, potential impacts are negative, permanent and moderate, as a result of the fragmentation of commuting and foraging habitat.

Cumulative Effects

9.7.14. No significant cumulative impacts are identified.

Construction and Operational Phase Mitigation

9.7.15. General mitigation measures are considered in Section 11.9, and include those measures which are 'Incorporated Design Mitigation' which include SUDS measures, landscaping and lighting design. Biodiversity enhancement measures are included within the landscaping plan including but not limited to enhancing the proposed attenuation pond for amphibian and reptile use, provision of bird boxes/swift bricks, provision of bat boxes and low intervention hedgerow and treeline management.

9.7.16. Mitigation measures at construction stage include best practice measures, as set out in the CEMP, and relate to proper management of excavations, stockpiling, and removal of soils from the site, management of invasive species, measures for the protection of birds and birds, as well as other site management measures. A list of all construction stage mitigation measures is set out in Table 11-23 of the EIAR. It is noted that the CEMP will be reviewed during the duration of the project by the main contractor/project manager in consultation with an Ecological Clerk of Works during the lifetime of the project.

9.7.17. Other specific mitigation measures include those measures related to the cut and fill elements of the project, with sufficient management of same in place. Other measures, include but are not limited to, appropriate management of water on site, access restrictions to the Glanmire Wood pNHA, tree protection measures, invasive species management, noise reduction measures and appropriate timing of vegetation clearance. As referred to above, an Ecological Clerk of Works will be present on site for the duration of the work to ensure the relevant mitigation measures are adhered to.

9.7.18. Mitigation measures at operational stage include management of invasive species, lighting that minimises impacts on bats, and designed according to best practice

guidelines, hedgehog highways, public signage in relation to Glanmire Wood access restrictions and monitoring of the Glanmire Wood for a period of 10 years post construction.

9.7.19. No significant residual impacts on biodiversity are expected, will impacts on all key ecological receptors concluded as being imperceptible, with mitigation measures in place, as set out in Table 11-25 of the EIAR. Monitoring measures are set out in Section 11.14 and 11.15 of the EIAR

Assessment: Direct, Indirect, and Cumulative Effects

9.7.20. I have examined, analysed, and evaluated chapter 4 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of biodiversity. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on biodiversity, as a consequence of the proposed development, have been identified.

9.7.21. I would note that potential significant effects on the Cork Harbour SPA have been identified, at construction phase, and mitigation is set out to reduce the impact of same. I have considered this issue in Appendices 1 and 2 of this report (Appropriate Assessment).

9.7.22. Other potential significant effects at construction phase relate to the impacts on birds, aquatic fauna and the spread of invasive species. I am satisfied same can be adequately mitigated by the application of mitigation measures as set out in the EIAR. At construction stage, potential significant effects on bats are highlighted, namely as a result of inappropriate lighting from the development. Bat friendly lighting, designed in accordance with best practice guidance on same and other measures including the provision of bat boxes, and pre-felling and clearance surveys, will also ensure that residual impacts will be reduced to less than significant, and I am satisfied that the residual impacts on same will be as described in the EIAR.

9.7.23. In relation to specific issues raised at appeal stage, I would note the following-

Short-eared owl/adequacy of bird surveys – The EIAR sets out details of amber and red listed bird species within a 10km grid square. I would note the short-eared owl is not identified on same (the Barn owl and long eared owl is however). In addition, the field survey results did not identify this species, noting that the surveys were carried

out in accordance with best practice methodology, and included breeding bird surveys carried out on 6 no. occasions over the course of 6 no. months (April 2024 to September 2024). I would note also that winter bird surveys were carried out between October 2023 and March 2024. I am satisfied that the proposed development will not impact on the short-eared owl, and I am also satisfied that sufficient bird surveys were carried out in order to evaluate the potential impact on birds. I would note that bird assemblages were identified as a key ecological receptors, with effects on same adequately identified within the EIAR, and sufficient mitigation measures set out at both construction and operational stage to reduce effects on same, noting in particular measures relating to appropriate timing for clearance of vegetation.

Impacts on bats – Potential impacts on bats are as described above, and I am satisfied the EIAR has adequately considered same. I would note that standalone Bat Report is included in Appendix 11.3 of the EIAR. Surveys in relation to same were carried out in accordance with best practice methodology and include a Preliminary Bat Roost Assessment, a Preliminary Bat Habitat Suitability Assessment and Bat Activity Surveys (commencing in September 2023 to August 2024, 7 no. surveys in total). I am also satisfied that mitigation measures as described in the EIAR will reduce any impacts on same to less than significant, and I am satisfied that residual impacts on same are as described in the EIAR.

9.7.24. Loss of Tree/Hedgerows/CDP Policies – In relation to trees, I would note that the woodland to the west of the site (Dunkettle Wood pNHA) will be retained and protected, with an appropriate buffer zone put in place. I note too that the woodland to the south-east, adjacent to the existing Woodville estate, is also to be protected. The EIAR sets out that treelines are also to be retained apart from the planned removal of one north/south treeline in the centre of the Site area. A small number of trees are also scheduled for removal due to condition and to facilitate necessary greenspace and walkways as part of the Proposed Development. The Tree Survey submitted with the application sets out that of a total of 663 trees surveyed on site, a total of 86 Category 'U' trees are proposed for removal (although it is noted that some additional category U trees may require removal at design stage – see discussion on same below). In relation to the issue of tree removal, I would note that some removal of trees is to be expected, given the nature of the proposed development, and noting that the site is

zoned for residential development. I would also note that the only trees proposed for removal are category U trees on the site, with no category A or B trees proposed for removal.

9.7.25. In relation to hedgerow, I would note that the EIAR sets out that that it is proposed to minimise tree and hedgerow removal, which are being retained for the most part (within the wider study area) apart from the northern Phase 1 area of the development (which is the subject of this appeal). I would note that the 'Woodville' oak woodland is being retained. The landscaping plan also includes native planting, including the creation of a new woodland area to the east, and planting of *inter alia* hedgerow. The EIAR also sets out details of low intervention hedgerow and treeline management.

9.7.26. As per the Planning Authority's assessment, I would concur there is some lack of detail in relation to the extent of tree removal as it is stated that some additional category U trees may be removed. I would note that the Planning Authority have imposed additional environmental conditions, over and above the measures which are contained in the EIAR, including a detailed Arboricultural Assessment, which details the trees to be removed, and a detailed hedgerow management plan. I would accept that this condition is necessary, and I am recommending that this condition be included in any grant of permission. However, I am satisfied that, even in the event of some additional category U trees being removed from the site, over and above that set out in the Tree Survey, no significant impacts on biodiversity would result, noting that all of the category A and B trees on the site are proposed for retention.

9.7.27. In relation to CDP policies, policies in relation to hedgerow include Objective 6.9 Landscape and Objective 10.98 'Protection of Natural Landscape' which *inter alia* seeks to discourage proposals that result in the removal of extensive amount of tree and hedgerows. Objective 6.22 Natural Heritage and Biodiversity seeks to enhance the connectivity of hedgerows.

9.7.28. In relation to same, I would note that the development as proposed has sought to minimise hedgerow removal, and the landscaping strategy for the wider site also seeks to improve and enhance the connectivity of same. As such I am satisfied that the proposal does not contravene polices of the Development Plan, as relates to hedgerows. I am satisfied also that the proposal does not contravene any other polices

relating to biodiversity including those related to green infrastructure and preservation of ecological corridors.

9.7.29. In conclusion, and in relation to those impacts that have been identified in the EAIR, suitable mitigation measures have been proposed which I consider are sufficient to ensure that there would be no significant adverse impacts on biodiversity. I am also satisfied that there would be no significant cumulative adverse impacts.

Conclusion: Direct, Indirect, and Cumulative Effects (Biodiversity)

9.7.30. I consider that the main significant direct, indirect, and cumulative effects on biodiversity [and which are not considered as part of Appropriate Assessment] are as follows:

- likely, short-term negative, significant effects at construction phase on bird assemblages should vegetation be cleared during the breeding season, which would be mitigated by appropriate and lawful timing of vegetation clearance.
- likely, short-term negative, significant effects on aquatic faunae which can be mitigated by appropriate surface water management measures.
- Likely, long-term, negative, significant effects at construction phase as a result of the introduction and/or spread of invasive species which can be mitigated by way of appropriate site management practices, including the preparation of a project specific Invasive Alien Plant Species (IAPS) standard operating procedure document.

9.8. Land and Soil

Issues Raised

9.8.1. The Joan Murphy appeal has cited the impacts of the cut and fill of the site and states that same will result in adverse impacts on her property. It is stated that a retaining structure on the south of appellant's property will be required, and that the applicant has not agreed to this. It is set out that the impact of temporary retaining structures has been identified as significant without mitigation.

9.8.2. The applicant's response has stated that Chapter 9 of the EIAR has considered the impact of any cut and fill on the site, including export of soils.

9.8.3. I would note the PA's Environment Department has examined this chapter (Chapter 9 Land and Soils) of the EIAR and have raised no objection to same (as per Environment Report of 20/12/24).

Examination, Analysis, and Evaluation of the EIAR

9.8.4. Chapter 9 (Land and Soils) of the EIAR assesses and evaluates the potential impacts of the proposed development on these aspects of the site and surrounding area. Appendices 9.1 to 9.8 to the EIAR are of relevance to this chapter, and these appendices include, but are not limited to, OSI Contour Mapping, a Geotechnical Site Investigation Report and a Cut & Fill Assessment and Access Detail Drawing. The chapter was prepared in accordance with European and national guidelines. The principal attributes that were assessed and the sources of data are outlined.

9.8.5. It is noted within this chapter that some cut and fill works will be required for the development. Based on the site topography and the data from the trial pit investigation calculations on the volume of Cut and Fill have been made for the three stages of the Phase 1 development and preliminary calculations made for the Phase 2 development area. As such this chapter has considered the effects of both Phase 1 and 2 of the overall development (as described in Section 9.1.2 above).

9.8.6. It is set out in the EIAR that, after a reuse of 21,756m^3 of material re-use in landscaping, there will be an excess of 23,693m^3 of material for the 3 no. Phase 1 areas. After a reuse of 7,981m^3 of material re-used in landscaping, an excess of 30,035m^3 of material will arise from Phase 2 area. The nature of the cut and fill is set out in the EIAR and a breakdown of cut and fil volumes for Phase 1 and Phase 2 of the site development are included in Appendix 9.8 of the EIAR. I note that the Cut & Fill Assessment drawings[10], within Appendix 9.8 of the EIAR also illustrate that the largest areas of cut are required in areas of higher ground and at the new site access, with the deepest cut indicated to the south-west of the 'Broomhill' property, which fronts onto Dunkettle Road.

9.8.7. Site investigations included a detailed topographical survey and a site-specific Geotechnical Investigation, completed in 2021. The topography of the site is set out

[10] See also JODA drawing ref 3442-JODA-01-00-DR-C-9021 and the Construction Waste Management Plan report.

and the study area is described as being situated on a broad hill that has a number of peaks which results in relatively steep ground sloping down from the high ground at about 50m OD to the Glashaboy River at 0m OD on the northern, western and southwestern areas of the site. A small peak of high ground at 50m OD located on the west side of the Phase 1 area creates a small SW-NE orientated valley in between the higher ridge of ground at about 60m OD located on the east side of the site. The eastern side of the Phase 1 area slopes eastwards towards the public road which is at a height of about 40m OD. A OSI topographical map is included in Appendix 9.2.

9.8.8. In relation to soils, a brown organic topsoil layer of typically 200mm to 400mm thickness was identified by the trial hole survey which would be typical in this type of agricultural grassland. The soil profile transitioned from sandy very gravelly stoney (cobbles and boulders) material into the top of the bedrock which was found to be shaley. Conditions were dry and no groundwater was encountered in any of the trial holes. There was no evidence of contamination noted during site investigations. Bedrock geology underlying is Upper Devonian aged Gyleen Formation/Member (GY). The bedrock aquifer underlying the site is classified as '(LM) Locally Important Aquifer - Bedrock which is Generally Moderately Productive in local zones'. The GSI has identified a High to Extreme (E) Vulnerability (H) rating over the Dunkettle study area with the High vulnerability occurring in parts of the central and eastern areas and the Extreme vulnerability occurring along the high ground in the east and the northern and westerns sides of the study area.

Construction and Operational Stage Effects and Mitigation/Monitoring

9.8.9. The most significant effect identified is the removal of topsoil and excavation of subsoil and bedrock. The change of use from 'residential' to 'urban' land use is cited. However, I would note the land use would change from 'agricultural' to 'residential and/or urban' and I would accept that the above reference is likely a typo the effect of which is inconsequential, in my view. A change in the topography of the site is also cited, as well as other potential effects such as spills from machinery and dust generation and contaminated run off. No potentially significant effects are highlighted at the construction phase.

9.8.10. No operational phase impacts are expected, as there will be no interaction with land and soil/geology elements once the site areas are fully developed.

9.8.11. No operational stage effects are noted and it is stated that there will be no interaction with the land and soil/geology elements once the site areas are fully developed, therefore no mitigation in relation to same is required.

9.8.12. No significant cumulative effects are identified although refence is made to other projects in the area. There is also a reference to the potential for cumulative dust generation and/or sediment run-off, although there is no further discussion of same. I am satisfied that the issue of dust generation been adequately considered in Chapter 13 Air Quality, and the issue of sediment run-off has been adequately considered both in this chapter and in other relevant chapters in the EIAR (Chapter 11 Biodiversity and Chapter 10 Water and Hydrology).

9.8.13. Mitigation measures are set out in Section 9.9 of the EIAR and include incorporated design mitigation, including avoidance of excessive excavations. Construction phase mitigation includes appropriate management of soil excavations, soil storage and soil exports from the site, as well as other pollution control measures, in accordance with the CEMP. No operation stage mitigation was considered necessary. No significant residual impacts are identified, with all identified impacts being deemed as 'Imperceptible' (as set out in Section 9.10.1 of the EIAR).

9.8.14. Monitoring measures are set in Section 9.4 including a visual check for soil contamination, and observation of run off, as well as monitoring any excavations for potential collapse.

Residual

No significant construction phase residual effects are expected, and no effects are predicted at the operational stage.

Assessment: Direct, Indirect, and Cumulative Effects

9.8.15. I have examined, analysed, and evaluated Chapter 9 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of land and soil. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on land and soil,

as a consequence of the proposed development, have been identified. I note that the subject site is zoned for development of the type proposed and it is consistent with the existing pattern of development in the vicinity.

9.8.16. In relation to the nature of the construction works proposed, and in relation to those issues raised by the Joan Murphy appeal (as relates to the cut and fill aspects of the development), I would accept that the nature of the site is such that cut and fill will be required, but would also note that the applicant has sought to minimise the amount of same. The greatest extent of cut and fill will be closest to the area of the new access point for Phase 1, and this is in relatively close proximity to the appellant's property. However, I would refer the Board to Image 9.8.4 of Appendix 9.8 (Volume 3 of the EIAR) wherein it is stated that 'a deep cut is needed in this area but it forms a broad valley and there is no slope risk'. In relation to the use of retaining structures, I would refer the Board to Drg. No. 3442-JODA-01-00-DR-C-5001 'Soil Retaining Structures - Schematic Layout' which details a 1-2m high retaining structure south of the appellant's property. Drg. No. 3442=JODA-01-00-DR-C-5101 'Site Retaining Structures – Typical Details' sets out details of stone gabion basket soil retaining structures which are used for heights up to 3m. I am satisfied that sufficient detail in relation to retaining structures have been submitted with the application, noting also that the structure to the south of Broomhill will lie within the confines of the application site boundary. I would note also that for sites such as this, where there are level differences through the site, such cut and fill works, and retaining structures, are standard works, as there is a need to ensure that levels are sufficiently managed to facilitate finished levels of the development site (i.e. to construct DMURS compliant access routes for example). I have considered other aspects of the cut and fill process (dust generation, noise for example) that could impact on the appellant or the appellant's property in other sections of this report.

9.8.17. In conclusions I am satisfied that suitable mitigation measures have been proposed which I consider are sufficient to ensure that there would be no significant adverse impacts on land and soil. I am also satisfied that there would be no significant cumulative adverse impacts.

Conclusion: Direct, Indirect, and Cumulative Effects (Land and Soil)

9.8.18. Having regard to my examination of environmental information in respect of land and soil, in particular the EIAR provided by the applicant, the planning authority's Planning Reports, and the submissions and observations received, I do not consider that there are any significant direct or indirect land and/or soil effects.

9.9. Water

Issues Raised

9.9.1. Appeal submissions (Mary Long and Joan Murphy) have raised concern in relation to impacts on surface water, flooding and drainage, and it is stated that the EIAR does not full consider the impact on hydrological features.

9.9.2. The submission from Inland Fisheries Ireland, at application stage, seeks to ensure that adequate capacity is available within the WWTP to serve the proposed development, and I have considered same in the relevant section below.

9.9.3. The PA have not raised any objection in relation to potential impacts on water, subject to conditions. Uisce Eireann have not raised any objection in relation to the proposed development, nor have they raised any issues in relation to the capacity of the WWTP.

Examination, Analysis, and Evaluation of the EIAR

9.9.4. Chapter 10(Water & Hydrology) of the EIAR assesses and evaluates the likely significant effects on the hydrological aspects of the site and surrounding area. I address each of the chapter elements in this subsection. The chapter was prepared in accordance with national guidelines. The principal attributes that were assessed and the sources of data are outlined. I would note that Appendices 10.1 to 10.4 of Volume 3 of the EIAR are also of relevance to this topic and include surface water catchment mapping, Water Framework Directive (WFD) data, groundwater catchment mapping and bedrock & aquifer mapping.

9.9.5. It is noted in the EIAR that the site investigation information indicates that all works should be completed above the water table, and no water or groundwater, or evidence of same was encountered in any of the trial put excavations. There are no water features on the site, but the tidal reaches of the Glashaboy River Estuary flows along the northern and western boundaries of the study area.

9.9.6. In relation to catchments, the site is located at the very southern end of, and on the eastern side of, the lower reaches of the Glashaboy River. The Glashaboy River is located in the South Western River Basin District, (SWRBD), as defined by the Water Framework Directive (WFD), in an area identified as Hydrometric Area 19, which includes all the catchments flowing into the River Lee, Cork Harbour and Youghal Bay. Hydrometric Area 19 is divided into 18 Sub-Catchments, that includes the Hydrometric Sub-Catchment Area 19_11, identified as the Glashaboy (L.Mahon)_SC_010.

9.9.7. In relation to the Glashaboy River Estuary, the EPA has identified that the main pollution pressures are from urban runoff and agricultural activities. It is set out that estuarine waters tend to be less sensitive to sediment that freshwater as they are typically naturally more muddy and silty environments. These tidal waters are classified in the EPA Glashaboy Estuary, (IE_SW_060_0800) Transitional Water Body WFD 2016 to 2021 Water Quality Status Report as having a “bad” water quality, and its WFD Risk Status is deemed as being ‘at risk’.

9.9.8. In relation to flood risk, reference is made to the site-specific Flood Risk Assessment (FRA), submitted as a standalone document, which concludes that the developable site is not located within Flood Zone A or B, and is therefore not at risk of fluvial flooding. No groundwater flood risk was identified. No risk of tidal flooding was identified in the relevant CFRAM mapping.

9.9.9. It is set out that storm water will be discharged such that there is no significant increase in the risk of flooding in lands outside of the development site. The surface water drainage system for the development will consist of an urban drainage system incorporating Sustainable Urban Drainage Systems (SuDS)principles which include Percolation Areas, Filter Drains, Infiltration Trenches, attenuation Pond, Tree Pits,Green Roofs, Attenuation Storage and Flow Control Hydrocarbon & Silt Interceptors. The wider landholding has been divided into a number of different catchment areas, as illustrated the Site Civil Infrastructure Design Statement and SuDS Impact Assessment as submitted with the application (Fig. 3.6 refers). With reference to same, Catchment 1 area drainage system will collect runoff from this part of the site with outflows to the existing piped system attenuated to greenfield runoff rates by means of a concrete attenuation tank and flow control hydro-valve

device in the downstream outlet chamber. The proposed surface water drain system will ultimately discharge to the existing piped drainage systems at the site boundary on the Dunkettle Road. Catchments 2a and 2b are located at the north end of the site with the majority of this area within 2a which drains towards an outlet to the Glashaboy river at the site boundary. Mini-catchment 2b will drains towards an existing farm track at the north end of the site connecting with Dunkettle Road at Glanmire Village. A piped drainage system will collect surface water runoff from this path and it will discharges to the existing surface water drainage system on the Dunkettle Road. Catchment 3 is at the west and south end of the wider landholding. Proposals for this area will see a drainage system will collect runoff from the site and discharge to the adjacent Glashaboy river at one location. (It is noted that a large part of Catchment 3 is outside of the current application boundary and this area will relate to future development on the wider landholding).

9.9.10. In terms of groundwater the site is underlain by the Ballinhassig East Groundwater Body (WFD Code Ref - IE_SW_G_004). The WFD Third Cycle Assessment Data designated the quality of the aquafer as ‘good’ and the risk projection is ‘not at risk’.

9.9.11. In terms of wastewater, the wastewater discharged from the proposed development will connect to the existing wastewater drainage network, which runs in a north-south direction through the site, and which also runs along Dunkettle Road (Fig 2.5 of the EIAR refers). This is then transferred to the Carrigrennan Waste Water Treatment Plan (WWTP) for treatment. As set out in the EIAR, Uisce Éireann have issued a Confirmation of Feasibility in respect of the capacity of the existing wastewater drainage network to accept wastewater discharge from the proposed development (and this is included in Appendix B of the Site Civil Infrastructure and Design Report, which accompanies the application).

Construction Stage Effects and Mitigation/Monitoring

9.9.12. The main potential effects are sediment run off and/or dust generation from cut and fill earth moving activities, as well as the excavation and backfilling earth works that will be required for establishing the site surface water, wastewater piping and internal roadway infrastructure. Other potential effects sited including fuel spills and chemical run off, to the ground and to the Glashaboy Estuary.

9.9.13. Table 10.4 sets out a summary of potential impacts without mitigation, and no significant impacts are highlighted.

9.9.14. Construction phase mitigation measures include incorporated design mitigation including adherence to relevant regulations and codes of practice, and avoidance of excessive excavations. Specific measures at construction stage also include dust prevention measures, management of soil exaction, storage and export and adherence to measures as contained in the CEMP.

Operation Stage Effects and Mitigation/Monitoring

9.9.15. The main potential effects at operational stage are change in stormwater runoff volume to the local receiving surface water and indirect effects resulting from the increase in waste water loading to the local WWTP infrastructure. Potential leaks from waste water piping could affect local groundwater quality. Table 10.5 sets out a summary of potential impacts without mitigation, and no significant impacts are highlighted.

9.9.16. Operational phase mitigation measures include incorporated design mitigation measures including a surface water management system that is designed in accordance with the principles of Sustainable Urban Drainage Systems (SuDS) as embodied in the recommendations of the Greater Dublin Strategic Drainage Study (GDSDS) and such measures include the management of surface water which will reduce the volume of surface water discharge from the site, with storm water passing through treatment systems to prevent pollution. Residential heating systems will exclude the use of potentially polluting kerosene or fuel oils. Other specific measures include routine maintenance of site services including maintenance of the surface water management measures.

Other Effects

Cumulative

9.9.17. The EIAR sets out that there could be cumulative stormwater runoff effects from adjacent sites that could affect the Glashaboy River Estuary system in terms of water quality and flooding risk.

9.9.18. There are no other predicted cumulative impacts in relation to surface water receptors in terms of water quality and flow, as a result of the proposed development in combination with existing / proposed plans or projects

Residual

9.9.19. The implementation of construction phase mitigation measures will result in negative, imperceptible, local, and short-term residual effects. Operation phase residual impacts are predicted as negative or neutral, short term, local and imperceptible.

Assessment: Direct, Indirect, and Cumulative Effects

9.9.20. I have examined, analysed, and evaluated chapter 6 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of water. I am satisfied that the applicant's presented baseline environment is comprehensive and that, generally speaking, key impacts in respect of likely effects on water, as a consequence of the proposed development, have been identified. Save for the issue as highlighted below, I am satisfied that all potential effects have been highlighted, notwithstanding the issues raised at appeal stage.

9.9.21. However, I would note that there is some inconsistency in the EIAR chapters, given that in the absence of mitigation, potential significant negative effects on aquatic ecosystems in the Glashaboy Estuary are identified in Chapter 11 Biodiversity due to sediment run off, yet no significant impacts on water quality have been identified within this chapter, in the absence of mitigation. Furthermore, I would note the contents of the AA Screening Report and the NIS, which does not rule out likely significant impacts on the Glashaboy Estuary. As such, I am of the view that, given same, and noting the sensitivity and proximity of the adjacent watercourse, this would render negative, significant, effects on water quality within the Glashaboy Estuary likely, albeit that these would be temporary in nature. However, with mitigation as described in the EIAR, I am satisfied that such effects would be rendered less than significant.

9.9.22. Having regard to the foregoing, in my opinion, the potential for a significant effect on the watercourse as a result of construction stage pollution should be cited, noting in particular the significant effect cited in Chapter 11 Biodiversity and noting that if potential significant effects to SCIs of a downstream SPA are identied (as they have been at AA Screening) it follows that there is the potential for a significant

effect/deterioration to the watercourse which transported the contaminated material to the European site in the first place. I am satisfied however that conclusion would not result in any additional or different mitigation measures to those already included in the EIAR or NIS.

9.9.23. In relation to other issues highlighted with the appeal submissions, including drainage and flooding, I note the conclusions of this Chapter, and note the conclusions of the Site Specific Flood Risk Assessment, wherein it is concluded that the site lies within Flood Zone C, and the site is not at risk of coastal, fluvial, or pluvial flooding. In terms of the operational surface water design, this has incorporated appropriate SuDS measures, as well as attenuation tanks and hydrobrakes which limit flow discharge from the site. I would note same has allowed sufficient capacity to allow for climate change (an additional 30% capacity – see also discussion of same within Section 9.12 of this report).

9.9.24. Having regard to the previous paragraph, suitable mitigation measures have been proposed which I consider are sufficient to ensure that there would be no significant adverse impacts on water. I am also satisfied that there would be no significant cumulative adverse impacts.

Water Framework Directive (WFD) Assessment

9.9.25. The Water Framework Directive (WFD) requires 'Good Water Status' for all European waters to be achieved by 2015 through a system of river basin management planning and extensive monitoring.

9.9.26. Table 11.3 of the EIAR set out the WFD Risk and Water Body Status of relevant waterbodies in the wider area. I would also note that Appendices 10.1 to 10.4 of Volume 3 of the EIAR are also of relevance, and include surface water catchment mapping, Water Framework Directive (WFD) data, groundwater catchment mapping and bedrock & aquifer mapping, and I have regard to same.

9.9.27. In relation to catchments, the EIAR sets out that the site is located at the very southern end of, and on the eastern side of, the lower reaches of the Glashaboy River. The Glashaboy River is located in the South Western River Basin District, (SWRBD), as defined by the Water Framework Directive (WFD), in an area identified as Hydrometric Area 19, which includes all the catchments flowing into the River

Lee, Cork Harbour and Youghal Bay. Hydrometric Area 19 is divided into 18 Sub-Catchments, that includes the Hydrometric Sub-Catchment Area 19_11, identified as the Glashaboy (L.Mahon)_SC_010.

9.9.28. In relation to the Glashaboy River Estuary, the EPA has identified that the main pollution pressures are from urban runoff and agricultural activities. It is set out that estuarine waters tend to be less sensitive to sediment that freshwater as they are typically naturally more muddy and silty environments. These tidal waters are classified in the EPA Glashaboy Estuary, (IE_SW_060_0800) Transitional Water Body WFD 2016 to 2021 Water Quality Status Report as having a "bad" water quality, and its WFD Risk Status is deemed as being 'at risk'.

9.9.29. In relation to the potential impact on the WFD status of the Glashaboy River Estuary, resulting from impacts at construction stage and operational stage, from surface water discharges, I would note the conclusions above in relation to the potential impacts on the water quality of same, wherein I have concluded that with the mitigation measures as set out in the EIAR, the CEMP and other relevant documentation that accompanies the application, there will be no significant impacts on water quality within the Glashaboy River Estuary as a result of the development proposed here. Therefore, it can also be concluded that there will be no impacts on the WFD status of the Glashaboy River Estuary.

9.9.30. In relation to potential ground water impacts, the site is underlain by the Ballinhassig East Groundwater Body (WFD Code Ref - IE_SW_G_004). The WFD Third Cycle Assessment Data designated the quality of the aquafer as 'good' and the risk projection is 'not at risk'. Having regard to the considerations above, wherein I have ruled out any significant impacts on groundwater quality, with mitigation measures in place, I am satisfied therefore it can also be concluded that there will be no impact on the WFD status of the Ballinhassig East Groundwater Body (WFD Code Ref - IE_SW_G_004).

9.9.31. In relation to potential impacts resulting from waste water discharges at operational stage, I would note that Section 11.8.3.3 EIAR has considered potential impacts of same. The wastewater from the proposed development will be treated at Carrigrennan WWTP which discharges to the Lough Mahon coastal/transitional

waterbody. This has a WFD water body status of 'Moderate' and a risk projection of 'At Risk' (with reference to Table 11.3 of the EIAR). While the EIAR cites previous non-compliance with Emission Limit Values (ELVs), with reference to the 2022 Annual Environmental Report (AER) for the facility, it is set out that ambient monitoring of the Lough Mahon coastal/transitional waterbody does not meet the required Environmental Quality Standards (EQS) at both the upstream and downstream monitoring locations and that the discharge from the WWTP does not have an observable impact on water quality or an observable impact on the Water Framework Directive Status. As such, it is concluded that the waste water generated by the proposed development will have significant impact on the Lough Mahon transitional waterbody. Having regard to the same, I am satisfied that the wastewater generated by the proposed development will not then have an impact on the WFD Status of the Lough Mahon coastal/transitional waterbody.

Conclusion: Direct, Indirect, and Cumulative Effects (Water)

9.9.32. I consider that the main significant direct, indirect, and cumulative effect on water is as follows:

- likely, negative, significant, and temporary impacts on the adjacent Glashaboy Estuary from the pollution of water during the construction phase, which would be mitigated by appropriate construction phase measures.

9.10. Noise and Vibration

Issues Raised

9.10.1. The Joan Murphy appeal has set out that the Noise Impact Assessment appears to contradict that carried out for the previous planning application on this site (refused by ABP on appeal) and that limits will be exceeded at appellant's property. The lack of detail in relation to noise screening measures is also raised as a concern. The Mary Long appeal cites the potential impacts of noise at operational stage.

9.10.2. I note that the PA's Environment Report (dated 20/12/2024) sets out that, due to the impact of rock breaking on the nearest Noise Sensitive Locations (NSLs), a Noise Management Plan is required prior to the commencement of works, which sets out phasing of rock breaking works, liaison strategy, screening mitigation measures and

monitoring procedures, and a condition is recommended in relation to same. The report concludes that the EIAR is adequate, subject to this condition.

Examination, Analysis, and Evaluation of the EIAR

9.10.3. Chapter 12 of the EIAR deals with noise and vibration. The methodology for assessment is described. A desk study was undertaken and included review of available published data. An environmental noise survey has been conducted at the site in order to quantify the existing noise environment. The surveys were conducted in general accordance with ISO 1996: 2017: Acoustics – Description, measurement and assessment of environmental noise. 1 no. unattended location and 4 no. attended locations were chosen, and are illustrated in Figure 12.2 of the EIAR. The noise environment was found to consist of traffic noise, with intermittent aircraft flyovers and other typical environmental noise.

9.10.4. It is set out in the EIAR, that in the absence of specific noise limits, appropriate criteria relating to permissible construction noise levels for a development of this scale may be found in best practice guidance. [11] The approach adopted within the EIAR, designates a Noise Sensitive Location (NSL) into a specific category (A, B or C) based on existing ambient noise levels in the absence of construction noise. This then sets a Construction Noise Threshold (CNT) that, if exceeded, indicates a potential significant noise impact is associated with the construction activities, depending on context.

9.10.5. It is noted that the closest Noise Sensitive Locations (NSLs) to the proposed development are residential dwellings along the L2998, Dunkettle Road (NSL1), located to the east of the proposed development at distances of between 20 and 25m from the closest site works, with other sensitive locations at a greater distance.

Construction Stage Effects and Mitigation/Monitoring

Noise

9.10.6. The construction noise threshold (CNT)s are set using Category A (see Table 12.1 of the EIAR) for the closest NSLs which sets the following threshold values:

[11] British Standard BS 5228 – 1: 2009+A1:2014: Code of practice for noise and vibration control on construction and open sites – Noise.

- Daytime (07:00 – 19:00hrs weekdays) /Saturday AM: 65dB $L_{Aeq,12hr}$
- Evening and Weekends: 55dB dB $L_{Aeq,12hr}$
- Night-time (23:00 to 07:00) 45 dB $L_{Aeq,12hr}$

9.10.7. A 10-year construction programme was envisaged for both Phases 1 and 2 and the EIAR considers the impacts of same. Main sources of noise include plant, rock excavation, site clearance, road works and foundations, and superstructure and landscaping works. In terms of rock extraction, it is noted that the rock is typically red sandstone with mudstone and siltstone and is mostly excavatable using tracked elevators. It is expected that 1% of the overall rock excavation would require drilling, which would equate to 120 hours of rock hammering activity over the course of the works. Estimated noise levels for each type of construction activity is set out. Highest noise levels are associated with rock breaking, and the EIAR sets out that to assess the potential noise impact from this activity, a construction noise level of 92 dB LAeq at 10m. It is further set that Construction Noise Threshold (CNT) is likely to be exceeded at NSL1 (those properties to the east of the site, fronting onto Dunkettle Road) and NSL2 (properties to the south of the application site within Woodville), within 70m of the works, with highest noise levels at NSL1, resulting in a negative, significant to very significant and temporary noise impact. Noise levels at NSL 2, impacts are categorised as negative, moderate to significant and temporary. This noise is associated with breakers, the use of same is limited to 10 days over the course of this construction phases. However, the significance of the overall effect is qualified in the EIAR, with reference to the DMRB Noise and Vibration (UKHE 2020)[12] document, wherein it is set out that a significant effect relating to construction noise is deemed to occur where a moderate or major impact is likely to occur for a period of greater than 10 days/nights over 15 consecutive day/nights, or greater than 40 days over 6 consecutive months. In the case of this activity, the EIAR states that it is unlikely the durations for significant effects will be exceeded and hence the overall significance of effects are categorised as moderate.

[12] United Kingdom Highways England (now National Highways) (UKHE) Design Manual for Roads and Bridges (DMRB) Sustainability & Environment Appraisal LA 111 Noise and Vibration Revision 2 (UKHE, 2020)

9.10.8. I would note that Site clearance, bulk excavation and foundations were also expected to result in negative to very significant, short-term noise impacts at NSL 1.

9.10.9. No other potential significant impacts are expected from other associated construction works, included from construction traffic, at any of the NSLs considered.

Vibration

9.10.10. The only significant source of vibration is expected to be due to excavations and foundation activities. The distance between the areas where these activities are to occur and the nearest NSLs are such that all vibration transmission would be orders of magnitude below recommended guideline criteria for building response in Table 12-14. In terms of human response within buildings, there is potential for vibration magnitudes during rock breaking to be perceptible at low level at NSLs to the eastern and western boundaries of the site when the works are within 50m of the activity (NSL1). Therefore, it is expected in the absence of specific mitigation measures that there will be a negative, slight to moderate and temporary impact at the closest NSLs within 50m of the activity and a negative, not significant and temporary impact at NSLs at further distances.

Operation Stage Effects and Mitigation/Monitoring

9.10.11. No significant impacts are expected in relation to noise and vibration at operational stage. In relation to noise, noise generated is expected to be in line with the existing environment within surrounding residential areas. There will be an increase in traffic in the surrounding areas, with a subsequent increase in noise, however impacts from same are not considered to be significant, with predicted noise levels from same set out in Table 12-14. Other sources of noise include noise from plant. In relation to same is it is set out that the cumulative operational noise levels from building services plant at the nearest noise sensitive located will be designed or attenuated so as not to exceed the internal noise levels set out in Table 12.7 of the EIAR (which sets out Internal Noise Design Range for Residential Buildings (BS 8233:2014). Noise from the creche playground at the nearest NSLs is not expected to be significant.

Other Effects

Cumulative

The cumulative assessment considers the impact of Phase 1 and Phase 2, with a consideration of development at Dunkettle House, and also considers the impacts of other development in the area. It is assumed that there is some overlap between Phases 1 and 2. Construction stage impacts are similar to Phase 1, although NSLs 2 and 4 are likely to be impacted to a greater degree as works are closer to these locations. Considering the impact of all other project in the vicinity, and assuming all works are under construction at the same time, noise impacts at a worst case are concluded to be 3dB higher than those in Table 12.15, with a conservative assessment concluded that effects will be negative, significant to very significant and temporary. No other potentially significant cumulative effects are predicted.

9.10.12. Construction phase mitigation measures are set out in 12.9.1 of the EIAR and include, but are not limited to, best practice noise and vibration control measures. Noise control measures include selection of quiet plant, enclosures and screens around noise sources, limiting the hours of work and noise monitoring. A 5dB reduction in noise is considered to result from screening, with a further 5dB from on-site control measures.

9.10.13. In relation to piling, rock breaking and rock excavation works, these will be programmed so as not to occur simultaneously if such works are being carried out on another site, so as to reduce cumulative effects.

9.10.14. Operational phase measures include ensuring plant noise is within acceptable limits, as discussed above. The northern, easter and southern facades of duplexes and houses within 60m of the Dunkettle Road will be provided with upgraded glazing.

Residual

9.10.15. Noting the noise reductions achieved above, the EIAR sets out that the residual effect of noise during rock breaking will be negative, significant to very significant and temporary at distances up to 25m, which includes NSL1, if all plant items were assumed to work simultaneously while adjacent to the closest boundary of the site. Notwithstanding, reference is made to the DMRB Noise and Vibration (UKHE 2020) document which states that a significant effect relating to construction noise is deemed to occur where a moderate or major impact is likely to occur for a

period of greater that 10 days/nights over 15 consecutive day/nights, or greater than 40 days over 6 consecutive months. In the case of this activity, it is unlikely the durations will be exceeded and hence the overall residual effect is categorised as negative, moderate and temporary.

9.10.16. No other significant residual effects are cited in the EAIR. A summary of residual effects at construction stage is set out in Table 12-20 of the EIAR. Noise and Vibration monitoring measures are set out in Sections 12.14.1 and 12.14.2 of the EIAR.

Assessment: Direct, Indirect, and Cumulative Effects

9.10.17. I have examined, analysed, and evaluated Chapter 12 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of noise and vibration. I am satisfied that the applicant's presented baseline environment is comprehensive and that key impacts in respect of likely effects on the environment as a result of noise and vibration as a consequence of the proposed development, have been identified. I am satisfied that all potential effects have been highlighted.

9.10.18. In relation to the issues raised at appeal stage, I would note the content of the Jane Murphy appeal, where concerns in relation to the impact of noise is highlighted, and in particular to the lack of details of the proposed noise screening measures. In this regard, I would note that very significant residual noise impacts as a result of rock breaking and excavation are identified within the EIAR on the appellants property, although this is qualified by reference to best practice guidance (as referred to above), that takes into account the duration of such works, and whether such works are carried out over subsequent days. The overall residual impact is concluded to be moderate, taking into account the limited duration of works. I have had regard to said guidance, which is a publicly available document (I have placed a hard copy of same on file for the Board's consideration) and I would accept than in the absence of a national equivalent, the contents of same are appropriate to rely on. Section 3.19 of same is the appropriate reference point which considers the duration of effects and the significance of same. I would accept that the overall impact on receptors can be considered moderate, noting that the duration of the rock breaking is unlikely to exceed the duration as set out this guidance document. The EIAR states that, for both phases,

over the course of 10 years, 1% of the overall rock excavation would require drilling, which would equate to 120 hours of rock hammering activity over the course of the work. I would note that the 10 years referred to accounts for both Phase 1 (the subject of this appeal) and Phase 2 (future works to the south), and as such the effect cited in the EIAR can be considered a 'worst-case', with the effect of Phase 1 being less than stated. Notwithstanding, the short-term impact should still be mitigated to a sufficient degree however, in the interests of the amenity of the affected properties. In this regard, the EIAR refers to noise screening and appropriate timing and management of rock breaking. There is little detail in relation to same however, although I would note that the EIAR accounts for a 5dB reduction on account of noise screening. In this regard, I note that the PA have imposed an additional environmental condition that requires additional detail of the programme for rock breaking and details of noise screening. I am satisfied that, in addition to that 'in-built' mitigation, and other specific mitigation measures, as set out in the EIAR, such a condition will ensure that the effects of rock-breaking can be moderated, although even with such measures, I would conclude that the residual impacts of such rock breaking will be as described in the EIAR, likely, moderate and negative. Such effects are temporary however, with Phase 1 works occurring first, with Phase 2 works (which are not the subject of this appeal) likely to have reduced impacts on those properties fronting onto Dunkettle Road.

9.10.19. I would also note that other potential very significant, short-term effects on NSL1 highlighted at construction phase relate to site clearance works, bulk excavation and foundations, with very significant cumulative effects highlighted should a number of sites be under construction at the same time. However with mitigation, such impacts can be reduced to less than significant.

9.10.20. In relation to other issues highlighted with the appeal submissions, relevant to this chapter, I would note that applicant, in the response to the third-party appeals, has set out the assessment of noise impacts has been carried out with reference to current best practice guidance and as such any previous studies carried out (such as that carried out for the previous applications on this site for example) may not present the same results as set out in the EIAR. I would accept that this is the case, and I would also note that there is no specific aspect of the methodology that has been questioned by the appellant.

9.10.21. In relation to operational stage impacts, I would accept the conclusions of the EIAR in that no significant impacts are expected, and that while the noise environment will change, such noise impacts

9.10.22. In conclusion then, suitable mitigation measures have been proposed which, in addition to the environmental condition relating to rock breaking, are sufficient to ensure that there would be no significant adverse impacts on the environment as relates to noise and vibration. I am also satisfied that there would be no significant cumulative adverse impacts, subject to the mitigation measures as set out in the EIAR being adhered to.

Conclusion: Direct, Indirect, and Cumulative Effects (Noise and Vibration)

9.10.23. I consider that the main significant direct, indirect, and cumulative effect on noise and vibration is as follows:

- likely, negative, significant, and temporary effects resulting from noise on properties fronting onto the Dunkettle Road (identified as NSL1 within the EIAR) during the construction phase, which would be mitigated by appropriate construction phase measures and by way of additional environmental conditions.
- likely, negative, significant, and temporary cumulative effects resulting from noise during the construction phase, which would be mitigated by appropriate construction phase measures.

9.11. Air Quality

Issues Raised

9.11.1. All 4 no. appeal submissions raise issues that are relevant to the issue of air quality and include the potential impact of dust, impacts of additional congestion and emissions and a lack of detail in the EIAR in relation to dust generation, and it is stated that the results in relation to dust impacts contradict previous studies carried out at the site.

9.11.2. I note that the PA's Environment Report (dated 20/12/2024) does not raise any objection in relation to air quality impacts.

Examination, Analysis, and Evaluation of the EIAR

9.11.3. Chapter 13 (Air Quality) of the EIAR assesses the potential significant effects on air quality associated with the proposed development. The chapter was prepared in accordance with European and national guidelines. The limit values for nitrogen dioxide (NO_2), NO_x, PM_{10}, and $PM_{2.5}$[13] are relevant to this assessment and these are set out in Table 13-1 of the EIAR. Construction stage traffic did not meet the scoping criteria for an air quality assessment[14] but operational stage traffic met same therefore an air quality modelling assessment of operational phase traffic emissions was conducted. The impact to air quality due to changes in traffic is assessed at sensitive receptors in the vicinity of affected roads.

9.11.4. This chapter considers air quality impacts on human health and on sensitive ecology, as per TII guidelines, noting that sections of the Cork Harbour SPA (Site Code 004030) and Glanmire Wood pNHA (Site Code 001054) are within 200m of a road link impacted by the proposed development. Therefore, an assessment of air quality impacts to ecology was carried out within sections of these sites closest to the impacted roads, with an assessment of the NO_X and NH_3 concentrations and N deposition and acid deposition rates.

9.11.5. The baseline environment is described in terms of meteorological data (wind data from Cork Airport) and air quality (the site is in Environmental Protection Agency (EPA) Zone B. Air quality in Zone B locations is generally good. Background data for the ecological sites considered was derived from the Air Pollution Information System (APIS) website (APIS, 2024), in line with UK Environment Agency (2014) and UK DEFRA (2016) guidance.

9.11.6. The overall sensitivity of the area to dust soiling impacts is considered high, noting that there are between 10 and 100 high sensitivity residential properties within 20m of the site boundary and the worst-case sensitivity of the area to human health is considered low, with reference to best practice guidance on same.

<u>Demolition, Construction and Operational Stage Effects and Mitigation/Monitoring</u>

Demolition/Construction

[13] Particles are defined by their diameter for air quality regulatory purposes. PM_{10} has a diameter of 10 microns or less. $PM_{2.5}$ has a diameter of 2.5 microns or less.
[14] As set out in TII guidance Air Quality Assessment of Specified Infrastructure Projects – PE-ENV-01106 (TII, 2022),

9.11.7. The four major construction stage dust generating activities are demolition, earthworks, construction, and trackout (transport of dust and dirt from the construction site onto the public road network).

9.11.8. It is set out that the greatest potential impact on air quality during the construction phase is from construction dust emissions and the potential for nuisance dust. To determine the level of dust mitigation required, the potential dust emission magnitude for each dust generating activity (demolition, earthworks, construction, and trackout) is taken into account, in conjunction with the sensitivity of the area. It set out that earthworks, construction and trackout would result in a high risk of dust soiling impacts, a low risk of dust-related human health impacts and a high risk of ecological health impacts.

9.11.9. No impacts from demolition are expected noting that demolition is limited to the demolition of existing ruins. Overall dust effects, in the absence of mitigation, are concluded to be negative and slight. No potential significant effects from same are highlighted. Notwithstanding, best practice dust mitigation measures appropriate for high risk sites will be implemented to ensure there are is no significant nuisance at nearby sensitive receptors.

9.11.10. The EIAR has assessed construction stage traffic and concluded that same will have direct, medium-term, negative and imperceptible impact on air quality, which is overall not significant.

Operational

9.11.11. It is set out that engine emissions from vehicles accessing the site have the potential to impact air quality during the operational phase of the development through the release of NO_2, PM_{10} and $PM_{2.5}$. As noted above, a detailed quality modelling assessment of operational phase traffic emissions on sensitive receptors was conducted as part of the assessment. A total of 7 no. high sensitivity residential receptors (R1, R2, R3, R4, R5, R6 and R7) were included in the modelling assessment. It is concluded that the impacts on air quality as a result of operational stage traffic is long-term, localised, slight to moderate and overall not significant. It is further set out as the Government continues to introduce measures as part of the Clean Air Strategy for Ireland (2023), pollutant background measures are expected

to decrease and that there is potential for the impact of the proposed development to reduce to 'neutral'.

9.11.12. In additional the air quality impacts on sensitive ecology is considered, namely sections of the Cork Harbour SPA (Site Code 004030) and Glanmire Wood pNHA (Site Code 001054). This is assessed in terms of annual mean NOx and ammonia concentrations, as well as nitrogen and acid deposition levels, as compare to relevant critical levels and loads. All parameters are within the critical levels or loads for both the opening year (2031) and design year (2041). It is concluded that the ecological impacts associated with operational phase traffic emissions are overall, long-term, negative and slight.

Cumulative Effects

The effects of this proposed development in conjunction with other projects in the area, including but not limited to the Ballinglanna residential development to the north, is considered in the EIAR, in relation to dust emissions at construction stage, and for traffic emissions at operational stage. No significant cumulative impacts are identified.

Construction Phase Mitigation

9.11.13. Mitigation measures are set out in section 13.9.1 of the EIAR under the subheadings of site management (taking account of weather conditions, for example), preparing and maintaining the site (screening, stockpile management), operating vehicles/machinery and sustainable travel (no idling vehicles, 20kph speed limit), operations (use of dust suppression techniques, enclosed chutes), waste management (no burning), measures specific to earthworks (revegetate earthworks, use of covers), measures specific to construction (appropriate storage, enclosed deliveries) and measures specific to trackout (covered vehicles, wheelwash). I refer the Board to this section for a full list of such measures. I would also note that such measures will be incorporated in the CEMP for the site.

<u>Operation Stage Mitigation</u>

9.11.14. No specific mitigation is required for the operational phase of the development, noting that the significance of the impact of traffic emissions on air quality is assessed for the opening year only according to the TII guidance (2022)

which results in some ‘slight’ to ‘moderate’ adverse increases in pollutant concentrations, however, the impact overall is considered not significant. Notwithstanding, the EIAR sets out that the inclusion of bike parking and EV infrastructure as well as the availability of public transport routes will all help promoting more sustainable modes of transportation with a subsequent reduction in private vehicle trips and associate emissions. I would also note that no significant effects on ecology was considered likely, as a result of increased traffic volumes, and no specific mitigation in relation to same is considered necessary.

Other Effects

Residual

9.11.15. The EIAR concludes that, with mitigation in place, no significant effect on air quality (from dust emissions, impact on ecological receptors and from traffic emission) at construction stage will result, and no significant impacts on huma health will result. Furthermore, no significant impacts on air quality at operational stage will result from increased traffic volumes associated with the development, nor will any significant cumulative impacts result.

Assessment: Direct, Indirect, and Cumulative Effects

9.11.16. I have examined, analysed, and evaluated Chapter 13 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of air. I am satisfied that the key impacts in respect of likely effects on air, as a consequence of the proposed development, have been identified.

9.11.17. In relation to dust impacts at construction stage, I am satisfied the methodology utilised to carry out the assessment is robust and has been carried out in line with best practice guidance, as set out in Section 13.4.1 of the EIAR. In relation to potential effects of dust at construction stage, I would note that the while the EIAR has identified that the surrounding area has a high sensitivity to dust soiling impacts, noting the relatively large number of residential properties within 20m of the site boundary. However, I note that these are within 20m of the wider ‘Study Area’ (as defined above) rather than the application site, and as such the EIAR presents a ‘worst-case’ scenario, in terms of effects (I would refer to the Board to Figure 13.2 of the EIAR which identifies sensitive receptors in the vicinity). Notwithstanding, there are properties within the 20m buffer

that have the potential to be impacted within this phase of development (Phase 1), although no potential significant effects on same are identified within the EIAR. In relation to any potential effects that are identified, the EIAR has set out a range of mitigation measures to limit any impacts of dust on surrounding properties, and I am satisfied that these measures are sufficiently comprehensive to ensure residual effects on surrounding properties are reported in the EIAR (i.e. will be medium-term, localised, negative and imperceptible).

9.11.18. In relation to the issue of increased vehicle emissions, the EIAR has carried out a comprehensive assessment of same, carried out with regard to best practice guidance, and while some increases in emissions are predicted, including some exceedances of the annual mean limit of $PM_{2.5}$ in the opening and design years, it is set out that background values have the largest impact on the predicted future pollutant concentrations, with the proposed development contributing a minor amount. I am satisfied that this is the case, and I am satisfied that the residual impacts of operational traffic on emissions will not be significant, and will be as described in the EIAR (i.e. long-term, localised, direct, negative and slight to moderate). I am satisfied also that the proposed cycle and pedestrian infrastructure proposed under this application, and proposed in the wider area, as well as the wider public transport improvements proposed in the wider area, as well as measures set out in the Clean Air Strategy for Ireland (2023) will also have a positive effect of reducing emissions, within subsequent reductions in background levels of vehicle emissions.

9.11.19. In conclusion then I am satisfied that suitable mitigation measures have been proposed which I consider are sufficient to ensure that there would be no significant adverse impacts on air. I am also satisfied that there would be no significant cumulative adverse impacts.

Conclusion: Direct, Indirect, and Cumulative Effects (Air)

9.11.20. Having regard to my examination of environmental information in respect of air, in particular the EIAR provided by the applicant, the planning authority's Planning Reports, and the submissions and observations received, I do not consider that there are any significant direct or indirect air effects.

9.12. Climate

Issues Raised

9.12.1. Appeal submissions have raised concerns that relate, both directly and indirectly, to the issue of climate as follows.

9.12.2. The Mary Long appeal states that relevant zoning maps are outdated and they fail to account for the Climate and Low Carbon Development (Amendment) Act 2021. This appeal has also raised concerns in relation to increased vehicle emissions. The Joan Murphy appeal states that the proposed development does not accord with Climate Action Plan 2023 and raises concerns in relation to the risk of flooding.

Examination, Analysis, and Evaluation of the EIAR

9.12.3. Chapter 14 (Climate) of the EIAR assesses the potential significant effects on climate. The climate assessment is divided into two distinct sections – a greenhouse gas assessment (GHGA) and a climate change risk assessment (CCRA). The GHGA quantifies the GHG emissions from a project over its lifetime while the CCRA identifies the impact of a changing climate on a project and receiving environment. The legislation, policy, and guidance taken into consideration is set out. The current and future GHGA and CCRA baseline environments are also set out in terms of GHG emissions and weather/climate.

Construction Stage Effects and Mitigation/Monitoring

Construction stage GHGA potential impacts

9.12.4. Embodied carbon emitted during the manufacture, transport, and construction of building materials, together with site activities, is the primary issue. The total construction phase embodied carbon (including maintenance and replacement of materials over the development lifetime) will be 89,626 tonnes CO_2e (carbon dioxide equivalent). The estimated total GHG emissions, when annualised over the 50-year proposed development lifespan, are equivalent to 0.003% of Ireland's total GHG emissions in 2023 and 0.005% of Ireland's non-Emission Trading Scheme 2030 emissions target. This equates to a significance of effect of GHG emissions during the construction phase as direct, long-term, negative and slight (as per Table 14.11 of the EIAR).

Construction stage CCRA potential impacts

9.12.5. Consideration has been given to the proposed development's vulnerability to climate change hazards such as flood risk, increased and reduced temperatures, and major storm damage. There is no significant risk to the proposed development as a result of climate change.

9.12.6. Construction phase mitigation includes best practise such as reuse of materials, no idling vehicles, local materials where possible and minimising of waste.

Operation Stage Effects and Mitigation/Monitoring

Operation stage GHGA potential impacts

9.12.7. Ongoing maintenance has been accounted for in the construction stage. Operational stage GHG relates to operational energy use. The development has been designed to reduce the impact to climate and to ensure the operational phase emissions are minimised. This equates to a significance of effect of GHG emissions during the operation phase as direct, long-term, negative and slight, as per Table 14.2 of the EIAR.

Operation stage CCRA potential impacts

9.12.8. All vulnerabilities to climate change hazards, for example flooding, extreme temperatures, extreme wind, and wildfire, are classified as low. There is no significant risk to the proposed development as a result of climate change.

9.12.9. Specifically in relation to flooding, the Site Specific Flood Risk Assessment has concluded that the site lies within Flood Zone C, and the site is not at risk of coastal, fluvial, or pluvial flooding. In terms of the operational surface water design, this has incorporated appropriate SuDS measures, as well as attenuation tanks and hydrobrakes which limit flow discharge from the site, and I would note same has allowed sufficient capacity to allow for climate change (an additional 30% capacity). Allowing such an additional capacity would align with 'High Risk' RCP 8.5 Scenario, as set out in the National Climate Change Risk Assessment (NCCA) (EPA, 2024).

9.12.10. In terms of operation stage mitigation, the development will be a Nearly Zero Energy Building (NZEB) and the development will achieve an A rated energy certificate for all buildings. Building Energy Rating, and a number of relevant

development characteristics are identified. In addition, adequate attenuation and drainage have been incorporated to avoid potential flooding impacts. Furthermore, the location of the development has allowed for the use of sustainable travel options such as bus and cycling.

Other Effects

Residual

9.12.11. There are no significant residual climate impacts.

Assessment: Direct, Indirect, and Cumulative Effects

9.12.12. I have examined, analysed, and evaluated Chapter 14 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of climate. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on climate, as a consequence of the proposed development, have been identified. I note that the subject site is zoned for development of the type proposed and it is consistent with the existing pattern of development in the vicinity. Proposed works are standards works.

9.12.13. Suitable mitigation measures have been proposed which I consider are sufficient to ensure that there would be no significant adverse impacts on climate. I am also satisfied that there would be no significant cumulative adverse impacts.

Conclusion: Direct, Indirect, and Cumulative Effects (Climate)

9.12.14. Having regard to my examination of environmental information in respect of climate, in particular the EIAR provided by the applicant, the planning authority's Planning Reports, and the submissions and observations received, I do not consider that there are any significant direct or indirect land and/or climate effects.

9.13. Material Assets – Traffic

9.13.1. Material assets comprise three separate chapters in the EIAR. They are assessed below under the different chapter headings i.e. Traffic and Transport, Built Services, and Waste. This section considers Traffic.

Traffic

Issues Raised

9.13.2. Appeal issues raised that directly or indirectly relate to traffic include inadequate public transport to serve the development, including inadequate capacity of same (see also discussion in Section 8.4 of this report). It is also set out that the road infrastructure generally is inadequate to serve the scale of this development, and recently completed surrounding developments. It is set out that the proposed development will be reliant on the private car. Other issues raised included increased traffic congestion, increased vehicle emissions, impacts of construction traffic, including cumulative impacts of same. It is stated that the predicted model shift as set out in the application documentation is unrealistic, and the findings of the TTA are disputed. It is also set out that there is no planning in place for the Greenway cited in the application, and that the proposed bus service linking the site to the train station does not feature in any current plan. The need for a special contribution scheme to fund public transport in Glanmire is raised.

Examination, Analysis, and Evaluation of the EIAR

9.13.3. Chapter 11 (Material Assets - Traffic) of the EIAR assesses the likely impact of the proposed development on the existing roads network around the site, during the construction and operational phases.

9.13.4. The chapter set out relevant aspects of the proposed development. Proposed access to the site will be from a single vehicular access from the L2998. This is as detailed in Figure 6-1 of the EIAR, and is as set out in the associated drawings accompanying the application. Under Phase 2 (which is not part of this current application) a second access will be provided from the L2998 as detailed in Figure 6.3, termed ‘Junction 8’ for the purposes of assessment. The chapter assesses the impacts of Phase 1 as a standalone impacts, and also assessed the additional impacts of Phase 2 in an cumulative impact assessment, which also considers development in the wider area.

9.13.5. Data sources are set out in include, but are not limited to, 12-hour classified turning counts carried out in 2024 at 6 no. locations, traffic data for the recently completed Ballinglanna Development to the north, traffic flow information from the Dunkettle Interchange Team and on-site junction measurements. In relation to the traffic surveys carried out, it is confirmed in the EIAR that same were undertaken during the normal

school year when weather was dry, and no major roadworks being carried out in the area, with the Dunkettle Interchange being opened for several months previous to the survey date.

Construction Stage Effects and Mitigation/Monitoring

9.13.6. Potential effects from construction phase relate to the increase in the numbers of HGVs on local road, with potential for such vehicles to utilise unsuitable haul routes, to increase congestion due to slow movements, to contaminate the surrounding road network due to attached mud and excessive noise. In the absence of mitigation both direct and indirect impacts on the local roads network are considered to be negative, significant, likely and medium term.

9.13.7. In terms of mitigation at construction stage, this is set out in Section 6.9.1 of the EIAR. It is noted therein that the CEMP has been development, which also includes a Traffic Management Plan. The expected maximum daily movement to and from the site will 15 no. HGV's /30 trips. The CEMP seeks to minimise the number of material imported and exported from site, with suitable haul routes identified. An on-site wheel was facility is proposed also.

Operation Stage Effects and Mitigation/Monitoring

9.13.8. Traffic modelling for peak periods at 8 no. junctions (as illustrated in Figure 6.3 of the EIAR) was carried out, including that junction proposed for Phase 2 of the Development (Junction 8). Of note is that for Junction 1 R639 Glanmire Road and the L2999 Glanmire Bridge this is operating over capacity during morning and peak periods, with significant delays occurring. Junction 2: East Cliff Road and the L2998 also operates over capacity, with 2 no, other junctions operating near to capacity, Junction 3: Ballinglanna Signal Controlled Junction and Junction 7: R639/Church Hill Signal Controlled Junction.

9.13.9. Potential effects arising from the proposed development are set out in Section 6.8.2 Operational Phase. A projected sustainable modal share of 30%, applied to 'new' residential traffic for future year models was applied. This percentage modal share was agreed in advance with the Cork City Council Traffic & Transportation Department. The existing sustainable modal share in this area is 7% which is significantly lower than the CMATS Active Travel Mode Share of 33.3%. The future

year target in 2040 is 50.7% which is an expected 50% increase over current levels. Notwithstanding the submission of an appellant, I would accept that the projected sustainable modal share as applied in the modelling is acceptable, noting the proposed investments in public transport in the area as set out in EIAR and the Traffic and Transport Assessment, and noting also same has been agreed with CCC.

9.13.10. The results of the modelling with development traffic and, without mitigation, indicate that the delays experienced above are exacerbated, and as such the direct and indirect impacts are negative, significant, likely and long-term.

9.13.11. A summary of potential significant, negative effects, in the absence of mitigation, are set out in Section 6.8.2.9 and include the following:

- Increased traffic volumes on the local roads network;
- An increase in overall journey times;
- Increased risk of accidents;
- Increases noise and air pollution;
- Potential for significant congestion at identified junctions.

9.13.12. Operational phase mitigation is set out in Section 6.9.2, some of which are designed to increase capacity in the affected junctions cited above. These are required for scenarios with and without the development in place. The measures include the signalisation of Junction 1, the incorporation of new line markings for Junction 2 and making geometric improvements to Junction 3, which will facilitate changes to the phasing of the signals to improve capacity. Modelling on junctions 1 and 3 indicates improvements to flows, although it is noted that junction 1 will still operate above capacity with modest delays occurring. It is set out the EIAR that the this is the 'worst-case' scenario presenting and increased modal shift to sustainable methods will result in the background traffic flows being reduced. Other measures include providing permeability through the site to connect to sustainable transport measures and to local services and schools, as well as the introduction of a new bus route to serve the area (Route 2A) which is an NTA funded scheme due to open in Q4 2024.

Other Effects

Cumulative

9.13.13. Cumulative effects are considered for a number of other committed and proposed developments, including, but not limited to, the Ballinganna Residential Development to the north, the final phase of which is currently under construction. Other wider infrastructure projects are accounted for also including the Glanmire Road Improvements Scheme, and the Glanmire to City Centre Cycle road. Of note also is that Phase 2 of the project (a combined total of c1036 residential units) is considered under cumulative effects. It is set out that, in the absence of mitigation, significant negative effects are likely on the local road network, at both construction and operational sage.

Residual

9.13.14. The overall residual impact on the local road network (from Phase 1) is concluded to be slightly negative, significant, likely and long-term in duration, noting at operational stage these effects result from *inter alia* loss of peak hour capacity resulting in queues and delay. I would note that at operational stage, the EIAR identifies a significant positive impact resulting from an increase in modal shift (towards more sustainable options).

9.13.15. The overall cumulative residual effect was concluded to be likely, significant and negative in terms of overall traffic flow and queue lengths, with likely, significant and positive effects resulting from the modal shift, as cited above.

Assessment: Direct, Indirect, and Cumulative Effects

9.13.16. I have examined, analysed, and evaluated Chapter 11 (Material Assets – Traffic) of the EIAR and all of the associated documentation, submissions, and observations on file in respect of traffic issues. I am satisfied that the key impacts in respect of likely traffic effects, as a consequence of the proposed development, have been identified. I note that the subject site is appropriately zoned for development of the type proposed and the planning authority did not express any concern in relation to construction phase traffic, and were satisfied that any operational phase traffic impacts could be mitigated by way of the measures as described in the EIAR, and by additional conditions.

9.13.17. I would note that, in relation to construction stage, no significant impacts from same were expected. However mitigation to reduce any effects are set out and includes the CEMP, which incorporates a Traffic Management Plan.

9.13.18. In relation to the operational phase effects (from Phase 1), the EIAR identifies a number of potential significant effects on the surrounding road network, mainly resulting from the increased volumes of traffic generated by the development, and even with mitigation in place, which includes junction improvements in the wider area, the residual impacts of Phase 1 on the road network is concluded to be slightly negative, significant, likely and long-term in duration, as a result from *inter alia* loss of peak hour capacity resulting in queues and delay. Significant negative cumulative effects are also identified, resulting from both Phase 2 and from other projects in the area. However, I would accept the contention in the EIAR that these would represent the 'worst-case' scenario, and increased model shift to more sustainable options will result in the background traffic flows being reduced, with other measures set out in the proposed development designed to encourage this modal shift by future occupiers of the development, such as cycle paths and permeability through the site to connect to sustainable transport measures and to local services and schools. I would note also that it is proposed as part of Bus Connects to provide new bus routes to serve the area, as discussed in Section 8.4 of this report, which will further encourage such a modal shift.

9.13.19. The EIAR also sets out that there will be a significant positive effect resulting from an increase in modal shift (towards more sustainable options).

9.13.20. As such, and notwithstanding the identification of a significant negative direct and cumulative effects on the surrounding road network as a result of increased congestion, I am satisfied the effects described can be considered 'worst-case' and that continuing developments in the area, in terms of improved public transport services and improved pedestrian and cycle infrastructure provision will see an increased modal shift towards more sustainable forms of transport, with a subsequent decrease in impacts on the local road network. I would be of the opinion also that any negative impacts on the road network as a result of this proposed development should be weighed against the significant positive effect identified (as a result of the modal shift towards sustainable transport modes) and should be

weighed against the delivery of a significant volume of housing units, in a time of a housing crisis. I am of the view therefore that, on balance, the proposal is acceptable in terms of traffic impacts.

Conclusion: Direct, Indirect, and Cumulative Effects (Material Assets - Traffic)

9.13.21. Having regard to my examination of environmental information in respect of traffic, in particular the EIAR provided by the applicant, the planning authority's Planning Reports, and the submissions and observations received, I accept that there will be significant negative. residual, and cumulative effects on the surrounding road network as a result of the proposed development, and as a result of current and future projects in the area. However, I have considered this in the context of a significant positive effect resulting from aspects of the development which encourage a shift towards more sustainable modes of travel, and I have also considered the location of the development, within an area earmarked for housing development, and earmarked for urban expansion (South Glanmire Expansion Area – Objective 10.69 of the CDP refers) and which will benefit from future improvements in the public transport network. I have also considered the effects of the proposed development in the context of significant positive effects resulting from the delivery of a significant volume of housing units (as identified in Section 9.6 of this report) in a time of housing need, with the need for delivery of significant numbers of housing units clearly set out in National, Regional, and Local Policy (Section 6 of this report refers).

9.14. Material Assets - Built Services

Issues Raised

9.14.1. No particular concerns were raised in relation to built services infrastructure, and any issues which are indirectly related to same (i.e. surface water, foul water etc) I have considered in the relevant sections of this report.

Examination, Analysis, and Evaluation of the EIAR

9.14.2. Chapter 7 (Material Assets – Built Services) of the EIAR comprises an assessment of the likely impact of the proposed development on existing surface water, water supply, foul drainage, and utility services in the vicinity. The chapter is in accordance with EPA

guidelines and advice notes. Sources of information are outlined, and documents used in the infrastructure design are set out.

9.14.3. In relation to other utilities, it is ser out that the existing ESB infrastructure, and telecommunications infrastructure, is adequate to support the proposed development. Public lighting will be installed by the developer, in line with best practice guidelines, and taken in charge by Cork City council.

9.14.4. The existing baseline environment is briefly described under subheadings of surface water drainage, foul water design, watermain design, electricity supply, and telecommunications. The proposed surface water design for Phases 1 and 2 are set out in this chapter, as well as estimates for potential water demand for Phases 1 and 3. In relation to water supply, it is noted that Uisce Éireann as issued a Confirmation of Feasibility in respect of both phases of the development. The quantity of wastewater discharge from Phase 1 and 2 of the development has been estimated and submitted in a Pre-Connection Enquiry to Uisce Éireann. Uisce Éireann has issued a Confirmation of Feasibility in respect of the capacity of the existing wastewater drainage network to accept wastewater discharge from both phases of the development. A summary of wastewater proposals for Phase 1 is described in the chapter.

Construction Stage Effects and Mitigation/Monitoring

9.14.5. Surface water - In the absence of mitigation, potential direct, indirect, secondary and cumulative effects on the surface water network were likely and significant, due to potential increased surface water run off, pollutants entering the surface water, increased flooding, erosion of watercourse and reduction in biodiversity.

9.14.6. Foul water - In the absence of mitigation, potential direct, indirect, secondary and cumulative effects on the foul water network were likely and significant, due to *inter alia* reduced capacity in the network and uncontrolled discharges of wastewater.

9.14.7. No other potential significant impacts on built services are foreseen at construction stage.

9.14.8. In relation to mitigation, adherence to best practice measures, and consultation as required, will ensure that there are no interruptions to existing utilities, unless this is agreed in advance. Other general mitigation measures include, but are not limited to,

adherence to the CEMP, the Resource and Waste Management Plan (RWMP) to statutory requirements and to best practice guidelines, as well as quality control measures at construction stage.

Operation Stage Effects and Mitigation/Monitoring

9.14.9. Surface Water – Potential effects, in the absence of mitigation (in this case maintenance of surface water drainage system) could lead to moderate, negative effects on the surface water drainage with indirect impacts on biodiversity.

9.14.10. Foul Water – Potential effects related to misconnections, poor quality control at construction stage leading to overloading or overflowing, blockages and infiltration to groundwater, which are considered to be negative and significant.

9.14.11. No other potential significant impacts on built services are foreseen at operational stage.

9.14.12. In terms of mitigation, in addition to relevant measures contained within other chapters the chapter cites adherence to the maintenance plan for the surface water drainage system, as include in the Site Civil Infrastructure and Design Report, and accompanying drawings (and as included in Appendix 7.1 of the EIAR), noting that Uisce Eireann will have responsible for the on-going maintenance and operation of waste water services, generally.

Other Effects

Cumulative

9.14.13. The cumulative effects on material assets have been assessed taking into account other developments in the surrounding area. No significant cumulative effects are identified.

Residual

9.14.14. Residual effects on built serves are concluded to be insignificant.

Assessment: Direct, Indirect, and Cumulative Effects

9.14.15. I have examined, analysed, and evaluated chapter 7 (Material Assets – Built Services) of the EIAR and all of the associated documentation, submissions, and observations on file in respect of services, infrastructure, and utilities. I am satisfied that the

applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on services, infrastructure, and utilities, as a consequence of the proposed development, have been identified.

9.14.16. I consider that, in conjunction with measures set out elsewhere in the EIAR, suitable mitigation measures have been proposed which are sufficient to ensure that there would be no significant adverse impacts on services, infrastructure, and utilities. I am also satisfied that there would be no significant cumulative adverse impacts.

Conclusion: Direct, Indirect, and Cumulative Effects (Material Assets – Services, Infrastructure, and Utilities)

9.14.17. Having regard to my examination of environmental information in respect of services, infrastructure, and utilities, in particular the EIAR provided by the applicant, the planning authority's Planning Reports, and the submissions and observations received, I do not consider that there are any significant direct or indirect services, infrastructure, and utilities effects.

9.15. Material Assets- Waste

Issues Raised

9.15.1. There were no issues raised in this regard.

9.15.2. I would note the PA's Environment Department has examined this chapter of the EIAR and have raised no objection to same (as per Environment Report of 20/12/24).

Examination, Analysis, and Evaluation of the EIAR

9.15.3. Chapter 13 (Material Assets – Waste) of the EIAR evaluates the likely impacts and issues which the proposed development may have on waste management during the construction and operational phases of the proposed development. Both a Resource Waste Management Plan (RWMP) and an outline Construction and Environmental Management Plan (CEMP) have been submitted with the application. An overview of relevant legislation, guidance, and policy is provided. The assessment takes into account the methodology specified in relevant guidance documents along with an extensive document review.

Construction Stage Effects and Mitigation/Monitoring

9.15.4. It is noted that the site is greenfield site with the only buildings or structures to be demolished being the existing ruins/structures on the northern part of the site. It is noted that cut and fill will be required which will involve the excavation, re-use and removal of soils off site. Existing topsoil and subsoil onsite are uncontaminated and naturally occurring and are suitable for reuse on site. Materials in excess of what is required for site development will be rated as a by-product and exported off site, in line with the relevant legislation.

9.15.5. The development will also generate other waste including organic/food waste etc from workers on site.

9.15.6. In the absence of mitigation, the potential impact from the Construction Phase on waste recovery and disposal is likely to be medium-term, negative, direct and slight in nature.

9.15.7. Mitigation measures include, but are not limited to, adherence to the RWMP and to the CEMP, testing of soils as well as the transport of all waste materials to an appropriately authorised facility. Mitigation measures as referred to in other chapters are also relevant (i.e. in relation to invasive species).

Operation Stage Effects and Mitigation/Monitoring

9.15.8. Waste produced at operational stage will increase demand on waste collectors and treatment facilities. However, such waste is commonplace in an urban environment such as that within which the site is located. It is noted that an Operational Waste Management Plan (OWMP) has been submitted as a standalone report with the application. Potential impacts from the Operational Phase are likely to be long-term, negative, direct and slight in nature.

9.15.9. Mitigation measures include adherence to the OWMP, although I note that operational stage waste management will primarily be the responsibility of residents.

9.15.10. The predicted residual impact of both phases on the environment will be neutral, slight and long-term

Assessment: Direct, Indirect, and Cumulative Effects

9.15.11. I have examined, analysed, and evaluated Chapter 13 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of waste. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely waste effects, as a consequence of the proposed development, have been identified.

Suitable mitigation measures have been proposed which I consider are sufficient to ensure that there would be no significant adverse waste impacts.

Conclusion: Direct, Indirect, and Cumulative Effects (Material Assets - Waste)

9.15.12. Having regard to my examination of environmental information in respect of waste, in particular the EIAR provided by the applicant, the planning authority's Planning Reports, and the submissions and observations received, I do not consider that there are any significant direct, indirect or cumulative effects as a result of waste.

9.16. Cultural Heritage

Issues Raised

9.16.1. The submission from An Taisce at application stage raises concerns in relation to capacity of site to accommodate development, and the impact on the setting and vistas associated with Dunkettle House. Concern is also raised in relation to the impact on Landscape Preservation Zone. Appeal submissions share similar concerns and raise issue in relation to the impact on architectural heritage, visual impacts and impact on the historic landscape. It is started that the development is contrary to ZO 17 Landscape Preservation Zone and contrary to Objective NE15 – presumption against development in this zone. It is stated that the EIAR and Planner's report fail to properly address this concern.

Examination, Analysis, and Evaluation of the EIAR

9.16.2. Chapter 15 (Cultural Heritage) of the EIAR considers potential effects of the proposed development on archaeology, architecture and built heritage.

9.16.3. In terms of archaeology, it is set out that there are 14 recorded archaeological monuments located in the 'Study Area' (as defined in Section 9.14 above), as listed in

Table 15.5 of the EIAR. None are located on the site itself. There are 24 no. Protected Structures located within the study area, including Dunkettle House, two of its associated outbuildings and its gateway in the east side of the property. The NIAH has assigned a 'National' rating to Dunkettle House. The NIAH Designed Landscapes and Historic Gardens Survey includes an entry for lands within the Dunkettle property. The NIAH also includes 17 buildings and features within the study area which are not listed as Protected Structures are archaeological sites. The location of said archaeological monuments, Protected Structures and NIAH buildings and features are illustrated in Fig. 15.1, Fig. 15.2 and Fig. 15.3 of the EIAR, respectively.

9.16.4. The EIAR sets out that geophysical surveys were carried out in January 2024. No responses of definitive archaeological character were present in the results from these geophysical surveys. Test trenching was carried out in April 2024. Nothing of archaeological significance was encountered.

9.16.5. Of note, given the issues raised in the appeal, is the detailed description of Dunkettle House and history of same, as set out in the EIAR. It is noted that save for the proposed cycle and pedestrian route, the lands within the proposed LRD Phase 1 development site comprise agricultural fields that were separate to the eighteenth-century extent of the Dunkettle demesne, and that Phase 1 has very limited interaction with Dunkettle House and its historic landscape character. Fig. 15.1 outlines the original extent of the demesne, as does Fig. 15.8, the latter of which shows the Phase 1 lands (the subject of this LRD application) in relation to the demesne. The EIAR sets out that housing element of the proposed development is contained within agricultural fields in the north end of the landholding of Dunkettle House which are located at c. 600m to the north of the house and its associated structures for LRD Phase 1 and c. 200m for LRD Phase 2. The amenity greenway element of the development is located c. 290m to the west of the house (within the western margins of the historic parkland of Dunkettle).

Demolition/Construction Stage Effects and Mitigation/Monitoring

9.16.6. Architectural and Cultural Heritage Resource – The structures to be demolished are of negligible heritage interest. The effects at demolition stage will therefore not be significant. At construction stage, and in relation to Dunkettle House, the setbacks

from same are noted, and it is stated that no construction activity will occur within areas of the property located outside the boundary of the LRD Phase 1 development during the construction phase, including within or in the environs of the existing entrance and driveways to Dunkettle House and its associated buildings. The construction of the amenity greenway within the western portion of the demesne of Dunkettle House will cross a former section of Dominick Trant's Circuit and Riverside Walk/Nineteenth-century Ladies' Walk (Route 6 as cited in the EIAR). The historic route will not be negatively impacted. As the amenity greenway approaches the south-western corner of the landholding, it will utilise a much-modernised (but unused) section of the principal historic approach route to Dunkettle House (Route 1 as identified by O'Kane-Crimmins). It is concluded that the construction phase of the LRD Phase 1 development will result in a neutral effect on the wider setting of Dunkettle House and its historic landscape character.

9.16.7. A second access point from Dunkettle Road (L2998) is envisaged in the LRD Phase 2 development. At the time of writing the EIAR, the design and specification of this second access are currently being developed in consultation with Cork City Council officials. It is set out in the EIAR The proposals for the second access point may result in a direct moderate/significant adverse impact on the former walled garden.

9.16.8. However this access does not form part of the LRD Phase 1 planning application and the EIAR notes that any potential effects of same will be reviewed in the making of the future LRD Phase 2 application when the detailed design has been completed.

9.16.9. Noting the results cited above, LRD Phase 1 and 2 will have no predicted direct effect on known archaeological resources. It is noted that the route of the greenway lies outside the area of lands that were subject to site investigations.

9.16.10. In relation to mitigation, it is noted that the design of the proposed development was informed by the desktop studies and site investigations, including the design inputs by an architectural heritage specialist in relation to Dunkettle house and environs. At construction stage, archaeological monitoring of groundworks along the route of the greenway will be carried out, and at the two outlets to Glashaboy River.

<u>Operation Stage Effects and Mitigation/Monitoring</u>

9.16.11. Potential effects are as construction stage with no significant impacts are predicted. In addition, it is noted that there is no intervisibility between the proposed development and other designated cultural heritage constraints located within the surrounding 1km study area. No predicted adverse effects on the setting of other cultural heritage constraints within the surrounding area. No mitigation is required.

Other Effects

Cumulative

9.16.12. The EIAR considers the potential cumulative impacts of a number of other projects in the area, including the Ballinglanna residential development to the north, and the Dunkettle Road Upgrade Scheme. No cumulative impacts are predicted.

Residual

9.16.13. No significant impacts are predicted upon cultural heritage at construction or operational stage.

9.16.14. There is potential for permanent, direct, residual adverse on the former walled garden arising from the LRD Phase 2 development arising from the proposed second access.

Do-Nothing

9.16.15. In this scenario, there would be no negative impact on the archaeological, architectural, or cultural heritage resource, or cumulatively with other development.

Assessment: Direct, Indirect, and Cumulative Effects

9.16.16. I have examined, analysed, and evaluated chapter 14 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of architectural, archaeological, and cultural heritage. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on architectural, archaeological, and cultural heritage, as a consequence of the proposed development, have been identified.

9.16.17. In relation to the submission from An Taisce, and in particular the potential impact of the proposed development on the Dunkettle House (A Protected Structure) and the setting of same, I am satisfied that the EIAR has assessed the potential effects of

same in a comprehensive and thorough manner, and I am satisfied that the works proposed under this application will not have a significant impact on the setting of same, noting in particular the works fall outside the historical extent of the demesne, and noting also the significant setback of the proposed development from the Dunkettle House itself. I would note also that no significant cumulative impacts on the setting of Dunkettle House have been identified, noting that any development proposals that come forward as Phase 2 on the wider landholding will be subject to a separate assessment in relation to the potential impacts of same on Dunkettle House and its setting.

9.16.18. I note that the report of the Conservation Officer (16/01/2025) has considered the contents of this chapter of the EIAR, and in particular the potential impact on the setting of Dunkettle House. No objection is raised by the Conservation Officer in relation to the proposals.

Conclusion: Direct, Indirect, and Cumulative Effects (Architectural, Archaeological, and Cultural Heritage)

9.16.19. I am satisfied that there would be no significant adverse impacts on architectural, archaeological and cultural heritage. I am also satisfied that there would be no significant cumulative adverse impacts

9.17. **Landscape**

Issues Raised

9.17.1. The submission from An Taisce at application stage raises concerns in relation to capacity of site to accommodate development, and the impact on the setting and vistas associated with Dunkettle House. Concern is also raised in relation to the impact on Landscape Preservation Zone. Appeal submissions share similar concerns and raise issue in relation to the impact on architectural heritage, visual impacts and impact on the historic landscape. It is started that the development is contrary to ZO 17 Landscape Preservation Zone and contrary to Objective NE15 – presumption against development in this zone. It is stated that the EIAR and Planner's report fail to properly address this concern.

Examination, Analysis, and Evaluation of the EIAR

9.17.2. Chapter 5 (Landscape & Visual) of the EIAR assesses the potential landscape/townscape and visual impacts. I would also note that a 'Verified View Photomontage Document' was submitted as a standalone document, with 3 no. additional views (existing and proposed) submitted as part of the Further Information submission. I would note that this Chapter of the EIAR should be read in conjunction with these two documents.

9.17.3. The EIAR sets out that a total of 20 no. viewpoints were chosen (as per Fig. 5.1 of the EIAR). The baseline environment is set out in the EIAR and a detailed description of the landscape character and context is set out, as well as a description of historic landscapes. In relation to views & prospects, reference is made to those identified within the Cork City Development Plan 2022-2028 with Scenic Route HVP5 being of particular note. This is described and illustrated in Volume 1 of the CDP as 'Cork City Scenic Route Ref. HVP5 - Road from Dunkettle to Glanmire and eastwards to Caherlag and Glounthaune' (Chapter 6, page 194 of the CDP refers) and describes a route that runs to the west of the site (on the opposite side of the river) and also runs to the north of the site.

Construction Stage Effects and Mitigation/Monitoring

9.17.4. The written commentary within the EIAR does not identify any significant effects at construction stage (although Tables 5.1 and 5.2 do so, as discussed below). It is noted that works will result in a temporary, negative visual and landscape character impact. This is described as moderate. It is noted that there is only a very minor exposure to view, with only a short section of road frontage onto the Dunkettle Road and two narrow laneway access points, and it is noted the site is very well concealed. As cited in the discussion on Cultural Heritage above, there is the potential for the LRD Phase 2 to give rise to a negative impact on the immediate setting of Dunkettle House but not on the wider landscape setting. I would note the current application is for Phase 1 of the development and no significant effects on Dunkettle House or its setting are identified at construction phase.

9.17.5. Table 5.1 sets out likely construction phase effects in the absence of mitigation. I would have concerns in relation to this table and it would appear to identify significant negative impacts on viewpoints (Views 1, 3, 4, 5, 6, 7, 8, 13, 15, 16, 17,

19 and 20) which do not appear to tally with the written commentary of same (which does not identify *any* significant impacts). There is no clarification set out in the EIAR as to why the Table 5.1 differs so starkly from the written commentary on effects However, I am of the view that the written commentary on effects (as set out in Section 5.8.1) describes accurately the potential impacts on landscape and views at construction stage, having regard to the totality of information on file, including the associated photomontage booklets, where existing views are set out. I am not of the view that there would be any significant negative construction phases impacts would be as described in Table 5.1, and I am of the opinion that the effects at construction stage, in the absence of mitigation, are as described in Section 5.8.1 of the EIAR and not as set out in Table 5.1.

9.17.6. In relation to mitigation, it set out in the EIAR that the development of the project has led to 'incorporated design mitigation' where the project has been designed so as not to given rise to significant negative visual and landscape impacts. In this regard, it is set out that the residential development is located within the agricultural field areas, avoiding the surrounding areas of woodland, and assets of cultural heritage. Specific mitigation at construction stage includes. Other strategies include the minimisation of tree and hedgerow removal from the site, which are retained in most areas apart from the northern Phase 1 area of the development. The existing Woodville Oak woodland is retained on site, notwithstanding its zoning as residential. Further measures tree protection fencing for woodland area and for treelines proposed for retention.

Operation Stage Effects and Mitigation/Monitoring

9.17.7. At operational stage, the written commentary within the EIAR sets out that the highest impacts in the operational phase will be from visual receptors (residential) located on lands sharing boundaries with the Dunkettle Lands. Impacts range from slight to moderate negative. Specifically in relation to Dunkettle House, at operational stage for Phases 1 and 2, there is potential for negligible, permanent, indirect, residual adverse effects of a visual nature on the setting of Dunkettle House. However, I would note that the current proposal relates to Phase 1 only. No significant negative effects are described.

9.17.8. Table 5.2 sets out likely operational phase effects in the absence of mitigation. As per Table 5.1, this table identifies significant, negative effects on various viewpoints (Views 4, 5, 6 and 20) as well as identifying significant positive effects on various viewpoints (Views 1 and 8). The information in this table is not evidenced by any supporting commentary and I am of the view it is not supported by evidence as set out in the Photomontage Document, as submitted with the application. I am of the opinion that the effects at operational stage, in the absence of mitigation, are as described in Section 5.8.2 of the EIAR and not as set out in Table 5.2.

9.17.9. In terms of mitigation, it is set out that no significant visual impacts are expected at operational phase and therefore no mitigation is required.

Other Effects

Cumulative

9.17.10. Cumulative effects are considered in the context of other development in the area, including, but not limited to, the Dunkettle Interchange (now completed), the Glanmire Road upgrade scheme and the Ballinglanna development. It is stated that the interchange has had a major negative visual impact on the landscape, which may reduce as landscaping in and around the junction matures. Positive impacts are considered to have arising from works on the Dunkettle Road L2998, noting the provision of improved cycle and pedestrian facilities, as well as from the proposed pedestrian and cycle route along the estuary, as it enhances the amenity value of existing blue and green infrastructure. Negative impacts are arising from the unfinished residential care home construction site, which is stated within the EIAR as having being abandoned. However, in relation to the cumulative effects on the visual and landscape resulting from the proposed development here in combination with other development, the EIAR concludes that no significant cumulative effects arise from same.

Residual

9.17.11. Sections 5.10.1 and 5.10.2 sets out residual effects at the construction and operational stages respectively. No residual effects are expected on the landscape nor in relation to visual impacts.

9.17.12. I would note that Tables 5.3 and Tables 5.4 set out a summary of effects post-mitigation, at construction and operational phases respectively. As per the discussion above, these tables identify both significant negative effects and significant positive effects, which are not supported by any commentary within the EIAR. I am not proposing to place any weight on same, and I am of the view that the residual effects are as described in Sections 5.10.1 and 5.10.2

Assessment: Direct, Indirect, and Cumulative Effects

9.17.13. I have examined, analysed, and evaluated chapter 10 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of landscape and visual impact. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely landscape and visual effects, as a consequence of the proposed development, have been identified.

9.17.14. In relation to the appeal submissions, including that from An Taisce, I note that the development as proposed does not encroach into the area that is zoned Zoning Objective 17 " to preserve and enhance the special landscape and visual character of Landscape Preservation Zones", and does not have any significant effect on same in terms of visual or landscape effects, and as such I am satisfied that the proposed development is in compliance with relevant objectives and provisions of the plan that relate to same. I would note that An Taisce have identified a particular view that may be impacted as a result of the proposed development i.e. a Strategic View towards Blackrock Castle and a Strategic Linear View towards the Lota Ridge, as referenced in the CDP. I would note that Blackrock Castle is located approximately 1.6km south of the site, on the southern banks of the River Lee and I am not of the view that the proposed development would have an impact on views towards same. View Management Framework Map 01 (Volume 2) identifies a view from Dunkettle House towards Blackrock Castle but the development as proposed here does not impact on same. Lota Ridge is referenced in the CDP in terms of Lota Ridge Landscape Preservation Zone (Reference NE 13 Lota Ridge - Table 6.5 refers). NE 13 Lota Ridge is located to the north of Tivoli Docks, and at least 800m south-west of the site and I am of the view that the development does not impact on same, nor does it affect any views to or from same.

9.17.15. The site is well screened from surrounding viewpoints, with the proposed retention of significant areas of woodland that bound the site and I am satisfied that the effects on visual and landscape are as described in the written commentary within the EIAR. As set out above, I am of the view that the significant effects as tabled in Tables 5.1 to 5.4 are not supported by any written commentary nor by any other evidence within the EIAR nor by any other evidence with the supporting documentation, in particular the Photomontages which accompany the application. It is unclear if the effects as described with the tables are as result of an error in drafting the chapter. However, I am placing no weight on same in my assessment, and I am satisfied that the written text, and other supporting documentation, is sufficiently robust in order to come to a reasoned conclusion in relation to the potential and residual effects on visual and landscape.

Conclusion: Direct, Indirect, and Cumulative Effects (Landscape and Visual Impact)

9.17.16. Having regard to the considerations above, I am satisfied that there would be no significant adverse impacts on Landscape and Visual. I am also satisfied that there would be no significant cumulative adverse impacts

9.18. Interactions Between the Foregoing

9.18.1. Though also referenced in the individual technical chapters, Chapter 16 (Interactions of the Foregoing) of the EIAR highlights the significant interactions between environmental factors. Table 16.1 outlines a matrix showing the factors that interact with each other and the EIAR provides a details commentary on same.

9.18.2. I have considered the interrelationships between the various environmental factors and whether these may as a whole affect the environment, even though the effects may be acceptable on an individual basis. Having considered both the embedded design and the mitigation measures to be put in place, I am satisfied that no residual risk of significant negative interaction between any of the environmental factors would arise and no further mitigation measures to those already provided for in the EIAR, or as conditions of the permission, would arise. I am satisfied that in general the various interactions were accurately described in the EIAR.

9.19. **Reasoned Conclusion**

9.19.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the applicant, and the submissions from the planning authority, prescribed bodies, and observers in the course of the application, it is considered that the main significant direct, indirect and cumulative effects of the proposed development on the environment, with the implementation of the proposed mitigation measures, are as follows:

- Population and Human Health - Significant direct, and cumulative positive effects on population, due to the substantive increase in the housing stock during the operational phase, as a result of this proposed development; Significant, short term indirect effects on the economy during the construction phase as a result of employment and benefits to local shops and services; Significant indirect impacts on human health as a result of the provision of amenities including the proposed cycleway and public open space provided.
- Biodiversity - likely, short-term negative, significant effects at construction phase on bird assemblages should vegetation be cleared during the breeding season, which would be mitigated by appropriate and lawful timing of vegetation clearance; likely, short-term negative, significant effects on aquatic faunae which can be mitigated by appropriate surface water management measures.; Likely, long-term, negative, significant effects at construction phase as a result of the introduction and/or spread of invasive species which can be mitigated by way of appropriate site management practices, including the preparation of a project specific Invasive Alien Plant Species (IAPS) standard operating procedure document.
- Water - Likely, negative, significant, and temporary impacts on the adjacent Glashaboy Estuary from the pollution of water during the construction phase, which would be mitigated by appropriate construction phase measures.
- Noise and Vibration - Likely, negative, significant, and temporary effect, as well as potential negative cumulative effects, resulting from noise impacts to properties fronting onto the Dunkettle Road (identified as NSL1 within the EIAR) during the construction phase (in particular from rock breaking and excavation),

which would be mitigated by appropriate construction phase measures and by way of additional environmental conditions.

- Traffic and Transport – Likely significant negative direct and cumulative residual effects on the surrounding road network as a result of increased congestion, notwithstanding the mitigation measures as proposed in the EIAR, which include, but are not limited to, upgrades to surrounding junctions in the area. However, I am satisfied the effects described can be considered 'worst-case' and that continuing developments in the area, in terms of improved public transport services and improved pedestrian and cycle infrastructure provision will see an increased modal shift towards more sustainable forms of transport, with a subsequent decrease in impacts on the local road network; Significant positive effects resulting from aspects of the development which encourage a shift towards more sustainable modes of travel and the location of the site which will allow future occupiers to benefit from improvement in public transport in the area.

9.19.2. Notwithstanding the conclusion reached in respect of the inability of the proposed measures to fully mitigate the operational phase direct and cumulative effects on the surrounding road network resulting from increased traffic congestion, it is considered that the environmental effects would not justify a refusal of planning permission having regard to overall benefits of the proposed development, and noting that such effects can be considered 'worst-case' effects, having regard to the potential for public transport improvements in the area, as well as improved pedestrian and cycle infrastructure, to result in an increased modal shift towards more sustainable transport modes.

10.0 **Appropriate Assessment (AA)**

Significant effects cannot be excluded

10.1.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone will

give rise to significant effects on the Cork Harbour SPA in view of the site's conservation objectives.

10.1.2. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required.

10.2. **Appropriate Assessment Conclusion: Integrity Test**

10.2.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Cork Harbour SPA in view of the conservation objectives of this site and that Appropriate Assessment under the provisions of S177U was required.

10.2.2. Following an examination, analysis and evaluation of the NIS all associated material submitted and taking into account observations of third parties, I consider that adverse effects on site integrity of the Cork Harbour SPA 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.

10.2.3. My conclusion is based on the following:

Detailed assessment of construction and operational impacts.

- Detailed assessment of construction and operational impacts.
- To maintain the special conservation status of existing bird species and extent of habitat.
- the proposed development will not affect the attainment of conservation objectives for the Cork Harbour SPA.
- Effectiveness of mitigation measures proposed.
- Application of planning conditions to ensure these measures.
- The proposed development will not affect the attainment of conservation objectives for the Cork Harbour SPA.

10.3. Please refer to the attached appendices for detailed Stage 1 and 2 Appropriate Assessment.

11.0 **Recommendation**

11.1.1. Having regard to the foregoing, I recommend that permission is granted for the Large-Scale Residential Development (LRD) as proposed for the reasons and considerations set out below.

12.0 **Reasons and Considerations**

In coming to its decision the Board has had regard to the following:

(a) the nature, scale, and extent of the proposed development and the pattern of existing and permitted development in the area,

(b) the provisions of the Project Ireland 2040 National Planning Framework: First Revision (April 2025),

(c) the provisions of the Climate Action Plans 2024 and 2025,

(d) the provisions of the National Biodiversity Action Plan 2023-2030, which have been considered,

(e) the provisions of the Sustainable Residential and Compact Settlement Guidelines for Planning Authorities (January 2024),

(f) the provisions of the Urban Development and Building Height Guidelines for Planning Authorities (December 2018),

(g) the provisions of the Sustainable Urban Housing: Design Standards for New Apartments (July 2023),

(h) the provisions of the Design Manual for Urban Roads and Streets (2019),

(i) the provisions of the Regional Spatial and Economic Strategy for the Southern Region 2020-2032,

(j) the provisions of the Cork City Development Plan 2022-2028,

(k) the documentation submitted with the planning application, such as the Environmental Impact Assessment Report and Natura Impact Statement, and the grounds of appeal,

(l) the submissions and observations received on file including from the planning authority, prescribed bodies, and third parties,

(m) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects on European sites,

(n) the planning history of the site and the vicinity of the site, and,

(o) the report of the Planning Inspector.

Appropriate Assessment Screening

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Cork Harbour SPA (004030) is the only European site in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment

The Board considered the Natura Impact Statement and associated documentation submitted with the planning application, the mitigation measures contained therein, the submissions on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European site, namely Cork Harbour SPA, in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,

ii. the mitigation measures which are included as part of the current proposal, and,

iii. the conservation objectives for the European site.

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

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

Environmental Impact Assessment

The Board completed an Environmental Impact Assessment of the proposed development taking account of:

(a) the nature, scale, location, and extent of the proposed development,

(b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,

(c) the submissions received from the applicant, planning authority, prescribed bodies and observers in the course of the application, and,

(d) The Planning Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary, and cumulative effects of the proposed development on the environment. The Board agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application.

Reasoned conclusion on the significant effects

The Board considered that the main significant direct and indirect effects of the proposed development on the environment, with the implementation of the proposed migration measures, are as follows:

- Population and Human Health - Significant direct, and cumulative positive effects on population, due to the substantive increase in the housing stock during the operational phase, as a result of this proposed development; Significant, short term indirect effects on the economy during the construction phase as a result of employment and benefits to local shops and services;

Significant indirect impacts on human health as a result of the provision of amenities including the proposed cycleway and public open space provided.

- Biodiversity - likely, short-term negative, significant effects at construction phase on bird assemblages should vegetation be cleared during the breeding season, which would be mitigated by appropriate and lawful timing of vegetation clearance; likely, short-term negative, significant effects on aquatic faunae which can be mitigated by appropriate surface water management measures; Likely, long-term, negative, significant effects at construction phase as a result of the introduction and/or spread of invasive species which can be mitigated by way of appropriate site management practices, including the preparation of a project specific Invasive Alien Plant Species (IAPS) standard operating procedure document.
- Water - Likely, negative, significant, and temporary impacts on the adjacent Glashaboy Estuary from the pollution of water during the construction phase, which would be mitigated by appropriate construction phase measures.
- Noise and Vibration - Likely, negative, significant, and temporary effect, as well as potential negative cumulative effects, resulting from noise impacts on properties fronting onto the Dunkettle Road (identified as NSL1 within the EIAR) during the construction phase (in particular from rock breaking and excavation), which would be mitigated by appropriate construction phase measures and by way of additional environmental conditions.
- Traffic and Transport – Likely significant, negative, direct and cumulative residual effects on the surrounding road network as a result of increased congestion, notwithstanding the mitigation measures as proposed in the EIAR, which include, but are not limited to, upgrades to surrounding junctions in the area. However, the Board is satisfied the effects described in the EIAR can be considered ‘worst-case’ and that continuing developments in the area, in terms of improved public transport services, and improved pedestrian and cycle infrastructure provision, will see an increased modal shift towards more sustainable forms of transport, with a subsequent decrease in impacts on the local road network; Significant positive effects resulting from aspects of the

development which encourage a shift towards more sustainable modes of travel and the location of the site which will allow future occupiers to benefit from improvement in public transport in the area.

The Board completed an Environmental Impact Assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed as set out in the Environmental Impact Assessment Report, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector. Overall, the Board is satisfied that the proposed development would not have any unacceptable effects on the environment, save for the significant, negative, direct and cumulative residual effects on the surrounding road network identified within the EIAR. Notwithstanding the conclusion reached in respect of the inability of the proposed measures to fully mitigate the operational phase significant, negative, direct and cumulative effects on the surrounding road network resulting from increased traffic congestion, it is considered that the environmental effects would not justify a refusal of planning permission having regard to overall benefits of the proposed development, including the provision of housing in a time of housing need, and noting that such effects on the road network can be considered 'worst-case' effects, having regard to the potential for public transport improvements in the area, as well as improved pedestrian and cycle infrastructure, to result in an increased modal shift towards more sustainable transport modes.

Proper Planning and Sustainable Development

The Board considers that, subject to compliance with the conditions set out below, the proposed development would be consistent with the applicable zoning objectives pertaining to the site, and other policies and objectives of the Cork City Development Plan 2022-2028, would result in an appropriate density of residential development, would constitute an acceptable mix and quantum of residential development, would provide acceptable levels of residential amenity for future occupants, would not

seriously injure the residential or visual amenities of property in the vicinity, would not cause adverse impacts on or result in serious pollution to biodiversity, lands, water, or air, would be acceptable in terms of pedestrian, cyclist and traffic safety and convenience, and would be capable of being adequately served by water supply, wastewater, and surface water networks without risk of flooding. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 **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 14th day of February 2025, 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 period during which the development hereby permitted may be carried out shall be 8 years from the date of this Order.

   Reason: Having regard to the nature of the development, the Board considers it appropriate to specify a period of validity of this permission in excess of five years.

3. The mitigation measures contained in the submitted Environmental Impact Assessment Report (EIAR) shall be implemented.

   Reason: To protect the environment.

4. The mitigation measures contained in the submitted Natura Impact Statement (NIS) shall be implemented.

   Reason: To protect the integrity of European Sites.

5. The phasing of the proposed development shall be carried out in accordance with a Final Phasing Strategy, to be submitted and agreed in writing with the Planning Authority prior to development commencing.

   Reason: In the interests of clarity and in order to ensure the satisfactory implementation of the development.

6. Prior to the completion of the development hereby permitted, the permitted childcare unit shall be fully fitted out and suitable for immediate occupation and operation.

   Reason: In order to ensure the provision of essential childcare services.

7. Details of the materials, colours, and textures of all the external finishes to the proposed development shall be as submitted with the application, unless otherwise agreed in writing with the local authority prior to commencement of development.

   Reason: In the interest of visual amenity.

8. Drainage arrangements including the attenuation and disposal of surface water shall comply with the requirements of the relevant Section of the Council for such works and services.

   Reason: In the interest of public health and surface water management.

9. The developer shall enter into water and/or waste water connection agreement(s) with Uisce Éireann prior to commencement of development.

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 and shall take account of trees within the open space areas. Such lighting shall be provided prior to the making available for occupation of any residential unit in that phase.

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 following transportation requirements shall be complied with:
    (a) Prior to the commencement of development, the applicant shall submit to the planning authority for approval in writing final details of bike racks/housing/stores, including final locations of same.
    (b) Any overlooked bin or bike stores shall have a sedum roof.
    (c) Prior to occupation of any of the residential units hereby permitted, the Active Travel Route north towards Dunkettle Road including the required safe crossing point of Dunkettle Road shall be completed.
    (d) Prior to the commencement of development, the applicant shall submit to the planning authority for approval in writing details of the provision of a pedestrian connection to the north of Duplex Block H6 to tie-into the footpath running

adjacent to residential unit No. 393. Once agreed in writing same shall be completed prior to occupation of the adjoining residential units.

(e) The final geometric layout for the Phase 1 entrance on Dunkettle Road shall be finalised in consultation with Cork City Council and agreed in writing with the Planning Authority prior to commencement of development. The works shall then be completed by the developer at their own cost to the written satisfaction of the Planning Authority.

(f) All off-curtilage parking serving the residential units (the proposed undercroft parking spaces are considered in-curtilage under this condition) shall not be reserved for individual residential units. All EV noted parking spaces should be enabled to support the delivery of electric vehicle charging points and designed in line with the Universal Access Guidelines as prepared by Zero Emission Vehicles Ireland.

(g) Prior to occupation of any of the residential units within the permitted scheme, the following works shall be completed:

- The Ballinglanna Crossroads shall be upgraded as presented in the submitted Transport Assessment and the EIAR.

The capital costs of any upgrade to the above junction will be solely borne by the applicant and the final design of the improvements shall be prepared in consultation with Cork City Council, and agreed in writing with, the Planning Authority prior to the commencement of development.

(h) The layout and final construction details of the junction between the northern pedestrian access and the newly constructed infrastructure as part of the Glanmire Road Improvement Scheme Contract 1 shall be finalised in consultation with Cork City Council and agreed in writing with the Planning Authority prior to commencement of the development.

(i) The operation of the 2 no. toucan crossings in close proximity to each other on the Dunkettle Road shall be monitored and adjusted as necessary post construction and prior to occupation of the permitted dwellings in consultation with Cork City Council. All costs associated within this to be borne by the applicant.

Reason: In the interests of orderly development, in the interest of promoting a modal shift towards sustainable transport modes and to ensure the safe operation of the road network for all users.

13. Prior to the commencement of the development the Planning Authority shall be notified of the appointment of a Mobility Manager including their name and qualifications. The monitoring measures in the Mobility Management Plan (MMP) shall be updated to reflect same. A review of the MMP including the carrying out of residential travel surveys to be first carried out on Year 1 and Year 2 after first occupation, then every two years until final occupation.

Reason: In the interests of promoting a modal shift towards sustainable transport modes.

14. The internal road and cycle 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.

15. 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.

16. Roads and footpaths shown to adjoining lands shall be constructed up to the boundaries to provide access to adjoining lands with no obstruction including the erection of any structure which would otherwise constitute exempted development under the Planning & Development Regulations, 2001 (as amended).

    Reason: In the interest of permeability and proper planning and sustainable development.

17. Site access arrangements, and the provision and maintenance of visibility splays shall comply with the requirements of the planning authority for such works.

    Reason: In the interests of road safety.

18. 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. 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.

19. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.

    (b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

20. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

    (b) For the duplex apartments and mixed-use block this plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

    (c) For the terraced housing this plan shall provide for screened bin stores, which shall accommodate not less than three standard sized wheeled bins within the curtilage of each house plot.

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

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

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

22. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1600 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.

23. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
(a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse.
(b) location of areas for construction site offices and staff facilities.
(c) details of site security fencing and hoardings.
(d) details of on-site car parking facilities for site workers during the course of construction.
(e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site. In this regard, all construction related traffic will be required to access the site via Dunkettle Road from the south and no construction related Heavy Goods Vehicles (HGVs) will be permitted to access the construction site via Glanmire Bridge.
(f) measures to obviate queuing of construction traffic on the adjoining road network.
(g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
(h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.

(i) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.

(j) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.

(k) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.

(l) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

(m) a record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.

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

24. An Updated Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

    Reason: In the interest of environmental protection and residential amenities.

25. (a) During the construction and demolition phases, the proposed development shall comply with British Standard 5228 “Noise Control on Construction and Open Sites Part 1. Code of Practice for Basic Information Procedures for Noise Control” and British Standard BS 5228:2009+A1:2014 “Code of Practice for Noise and Vibration Control on Construction and Open Sites” Part 2.

(b) Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place. In particular, the rated noise from the proposed development shall not constitute reasonable grounds for complaint as provided for under B.B. 4142 “Method for rating industrial noise affected mixed residential and industrial areas”.

(c) Prior to commencement of development the developer shall submitted to the Planning Authority for written agreement, details outlining how it plans to undertake all piling on the site. Please refer to British Standard BS 5228:2009+A1:2014 “Code of Practice for Noise and Vibration Control on Construction and Open Sites” Part 2.

Reason: In the interests of residential amenity.

26. Prior to the commencement of development, the applicant shall submit a detailed Noise Management Plan for approval by the Planning Authority. The Plan shall include the following:
    (a) Rock Breaking: (i) A detailed schedule for rock-breaking activities in both the east and western sections of the site, including the expected duration of these works and if these will be carried out at the same time (ii) Rock-breaking activities shall be scheduled between the hours of 9:00am and 5:00pm to minimise noise disturbance during early morning hours.
    (b) Liaison Strategy: (i) A strategy for engagement with nearby noise-sensitive receptors, particularly those at locations NSL 1 and NSL 2, likely to be affected by such works. (ii) A timeline for early engagement with affected parties prior to commencement of rock breaking and other construction works likely to affect nearby properties, facilitated by the Community Liaison Officer (iii) The name and contact number of a designated representative for the project to be provided to residents in close proximity to the site, ensuring open lines of communication for addressing noise related concerns.
    (c) Screening and Mitigation Measures: Drawings and descriptions of proposed noise screening measures including the location and design of these screens.

(d) Monitoring Procedure: A procedure for ongoing monitoring during noise breaking activities to ensure compliance with agreed noise limits.

Reason: In the interests of residential amenity.

27. (a) The site shall be landscaped, and all earthworks carried out in accordance with the Landscape Plan submitted with the application, unless otherwise agreed in writing with the Planning Authority prior to the commencement of development.

(b) This landscaping scheme shall be implemented fully before any of the residential units are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the management company or Cork City Council. Any plant materials that die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.

(c) Prior the commencement of the development, final details of the Natural Play areas are to be submitted to the Planning Authority for written approval.

Reason: In the interests of visual and residential amenity, and in the interests of biodiversity.

28. (a) The applicant shall commission a qualified ecologist who is an NPWS-licenced bat worker to survey the site for bats prior to commencement of site clearance works and, if there is bat usage of the existing vegetation or buildings on the site found, the applicant shall ensure that (i) a licenced bat works is present on site prior to and during the removal of existing trees planned for removal and (ii) all necessary licences for relocation of bats are obtained in advance from the NPWS.

(b) A suitably qualified Ecological Clerk of Works (ECoW) to be present on site for the duration of the construction phase.

(c) Prior to the commencement of development, an alien species management plan shall be submitted to the Planning Authority setting out how on-site alien

invasive species are to be removed, managed and monitored over the time period of the development, pre, during and post-construction.

(d) Prior to the commencement of development revised details of swift bricks (a minimum of 20 no) and caller systems shall be submitted to the Planning Authority for approval in writing.

(e) Prior to the commencement of development details of bat roosts (a minimum of 6 no) shall be submitted to the Planning Authority for approval in writing.

(f) Prior to the commencement of development details of log piles and insect hotels shall be submitted to the Planning Authority for approval in writing.

(g) Prior to the commencement of development, a detailed Hedgerow Management Plan shall be submitted to the Planning Authority for approval in writing.

(h) Appropriate public lighting shall be installed to protect nocturnal wildlife within appropriate areas of the permitted development and to comply with guidelines from the Bat Conservation Trust & Institute of Lighting Engineers, 2023.

Reasons: In the interests of Biodiversity.

29. (a) Prior to the commencement of development, the developer shall submit an Arboricultural Impact Assessment for approval in writing by the Planning Authoity. This shall detail the number/quantum of trees and hedges to be felled, removed and retained within the site and shall be based on the Tree Survey (updated August 2024) and recommendations therein, as submitted with the application. No other trees, other than Category U Trees, that are not indicated for removal within this survey, plan shall be felled, removed or damaged.

(b) Prior to the commencement of the development the applicant shall (i) retain the services of an Arborist. Their name, qualifications and contact details shall be provided to the Planning Authority before the commencement of works (ii) submit a Site Specific Tree Protection plan (1:500@A1) showing the trees and hedges to be protected, details of Tree Protection Fencing and Root Protection Areas (iii)

provide a programme of subsequent tree surveys on 12 month cycles to be agreed in writing with the Planning Authority.

Reason: In the interest of visual amenity and in the interests of biodiversity.

30. (a) All areas not intended to be taken in charge by the local authority shall be maintained by a legally constituted management company.

(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

31. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing 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.

32. (a) Prior to the commencement of any house or duplex 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 house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant houses and duplex 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 or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(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.

33. 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.

34. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. 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 secure the protection of trees on the site.

35. The developer shall pay to the planning authority a financial contribution in respect of the Cork Suburban Rail Project in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

36. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought

to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Rónán O'Connor
Senior Planning Inspector
22nd July 2025

Appendix 1 Stage 1 AA Screening

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	The proposed development is for demolition of existing structures and construction of 550 no. residential dwellings, 1 creche and 3 commercial units together with associated site works. I have provided a detailed description of the proposed development elsewhere in my Inspector's Report in relation to this first party appeal. The proposed surface water management strategy is as set out in detail in the 'Site Civil Infrastructure Design Statement & SuDS Impact Assessment' which accompanies the application, and is summarised in Section 9.9 of this report and I refer the Board to same. In terms of wastewater, the wastewater discharged from the proposed development will connect to the existing wastewater drainage network, which runs in a north-south direction through the site, and which also runs along Dunkettle Road (Fig 2.5 of the EIAR refers). This is then transferred to the Carrigrennan Waste Water Treatment Plan (WWTP) for treatment. As set out in the EIAR, Uisce Éireann have issued a Confirmation of Feasibility in respect of the capacity of the existing wastewater drainage network to accept wastewater discharge from the proposed development (and this is included in Appendix B of the Site Civil Infrastructure and Design Report, which accompanies the application).

Brief description of development site characteristics and potential impact mechanisms	The subject site has an overall area of 26.47 ha and is located c5km east of Cork City Centre in the townland of Dunkettle to the south of the settlement of Glanmire. The Dunkettle Road (L2998), Woodville Estate and a number of individual detached dwellings are to the east, and the Glashaboy River is to the west. The river forms part of the Cork Harbour Special Protection Area. Along the eastern riverbank, within the site, is Glanmire Wood Proposed Natural Heritage Area. To the north, a permitted nursing home a childcare development is currently under construction, with the Ballinglanna housing development beyond. To the south, there are agricultural fields along with the Dunkettle Interchange and Dunkettle House, a Protected Structure. The site currently consists of agricultural fields and woodlands. The nearest Natura 2000 sites to the proposed development are as follows: • Cork Harbour SPA (004030)– lies adjacent to site to the west. • Great Channel Island SAC (001058) 3.6km from the site
Screening report	Yes. AA Screening Report prepared by Enviroguide.
Natura Impact Statement	Yes. A Natura Impact Statement prepared by Enviroguide.
Relevant submissions	The Mary Long appeal has raised issues related to impacts on habitats and birds, impacts on surface water and flooding, and it stated that the proposed development is contrary to the Habitats Directive and Birds Directive. The Joan Murphy appeal has stated that the Appropriate Assessment is incomplete and that the Zone of influence is not reasoned or explained. It is set out that the proposal does not comply with PDA 2000, as amended or the Habitats Directive. It is further stated that insufficient detail and data is provided

	and that the Board cannot grant permission for the proposed development. The appellant is of the view that there is ecological connectivity between River Barrow and Nore SAC. It is also stated that insufficient surveys carried (bird flight paths) and concerns raised in relation to *ex-situ* impacts. Uisce Eireann have not raised any concerns in relation to the capacity of the WWTP [submission dated 20/12/2024]

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

European Site (code)	**Qualifying interests[1] Link to conservation objectives (NPWS, date)**	**Distance from proposed development (km)**	**Ecological connections[2]**	**Consider further in screening[3] Y/N**
Cork Harbour SPA (004030)	<u>Qualifying Interests</u> Bird of Special Conservation Interest (SCI): Little Grebe (Tachybaptus ruficollis) [A004] Great Crested Grebe (Podiceps cristatus) [A005] Cormorant (Phalacrocorax carbo) [A017] Grey Heron (Ardea cinerea) [A028]	0km to the West	Yes. The AA Screening Report has 'screened in ; this site due to: Direct/Indirect/Land pathways to SCI bird species due to the Site directly adjoining the SPA or adjacent lands as a significant *ex-situ* site. Direct/Indirect hydrological/hydrogeological pathway	Yes.

	Shelduck (Tadorna tadorna) [A048] Wigeon (Anas penelope) [A050] Teal (Anas crecca) [A052] Pintail (Anas acuta) [A054] Shoveler (Anas clypeata) [A056] Red-breasted Merganser (Mergus serrator) [A069] Oystercatcher (Haematopus ostralegus) [A130] Golden Plover (Pluvialis apricaria) [A140] Grey Plover (Pluvialis squatarola) [A141] Lapwing (Vanellus vanellus) [A142] Dunlin (Calidris alpina) [A149] Black-tailed Godwit (Limosa limosa) [A156] Bar-tailed Godwit (Limosa lapponica) [A157]			

	Curlew (Numenius arquata) [A160] Redshank (Tringa totanus) [A162] Black-headed Gull (Chroicocephalus ridibundus) [A179] Common Gull (Larus canus) [A182] Lesser Black-backed Gull (Larus fuscus) [A183] Common Tern (Sterna hirundo) [A193] Wetland and Waterbirds [A999] **Conservation Objectives:** To maintain favourable the conservation condition of the SCI species listed above.			
Great Island Channel SAC (001058)	<u>Qualifying Interests</u> 1140 Mudflats and sandflats not covered by seawater at low tide. 1330 Atlantic salt meadows	c3.2 KM east.	No. The AA Screening Report has ruled out direct/indirect pathways due to the distance and location of the site.	No.

	(Glauco-Puccinellietalia maritimae). <u>Conservation Objectives</u> To maintain favourable conservation condition of the habitats listed above.			

Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites

<u>Water</u>

As set out in the AA Screening Report, the western boundary of the site is the Glashaboy Estuary which forms part of the Cork Harbour SPA. The AA Screening Report also identifies *ex-situ* Annex I Habitats within and/or downstream of the Glashaboy Estuary along the western boundary of the site as follows: Estuaries [1130], Mudflats and sandflats not covered by seawater at low tide [1140] and Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1330]. It is set out that bird species listed for the Cork Harbour SPA and the identified *ex-situ* Annex I habitats could be susceptible to water quality changes as a result of project activities (which are as described in Section 4.3.1 of the AA Screening Report 'Potential Source of Impacts'). It is set out that, in the absence of mitigation, there is potential for construction phase surface waters containing sediments, pollutants and/or cementitious materials to enter the SPA during the excavation and building works, applying the precautionary principle.

It is also set out within the AA Screening Report that the exposure of bedrock and accidental discharges to ground could impact on the underlying bedrock aquifer and laterally within the aquifer to the downgradient Cork Harbour SPA. It is noted that the site lies above the Ballinhassig Ground Water Body (GWB) and notwithstanding the results of Initial Characterisation Report for this water body, as referenced in the AA Screening Report, and notwithstanding that no groundwater was encountered in the site investigations on the site, applying the precautionary principle and noting the proximity of the SPA to the site, this potential hydrogeological pathway is screened in for further assessment.

Section 4.4 'Assessment of Likely Significant Effects' further considers potential impacts as a result of changes in water quality and resource. This section makes an erroneous reference to

Oranmore Bay, however I am satisfied that this is a type and does not undermine any conclusions within the Screening Report.

In relation to the operational stage, reference is made to the 'Site Civil Infrastructure Design Statement and SuDS Impact Assessment' and best practice measures set out therein. These include measures to prevent silt, sediments or hydrocarbons exiting the site. As such, surface water impacts at operational stage are ruled out.

Air and Land

It is set out that the construction phase of the development could introduce dust and noise impacts transferable via air and land pathways. At both the construction and operational phases, increased lighting and human activity in the vicinity of the site during the construction and operational phases. As such, direct impact pathways via air and land, and from lighting, are screened in for further assessment.

Dust deposition on the aforementioned Annex I habitats in proximity to the site is also cited as a potential significant effect same.

Impacts on Bird Habitats/Impacts on migratory paths

The AA Screening Reports noted that the result of the bird surveys (as citied in the EIAR, and as referred to in the AA Screening Report) show that there was no direct usage of the site by SCI species of the Cork Harbour SPA. However, the AA Screening Report further notes that given the proximity of the site to the Cork Harbour SPA and noting that the bird surveys recorded SCI species flying over the site to roost in the coastal areas, the proposed development could result in a loss of *ex-situ* habitat during the construction phase, applying the precautionary principle and is therefore screened in for further assessment.

Spread of Invasive Species

A total of 2 no. non-native species was found to occur within the site. Should same be allowed to spread westwards and southwards into Cork Harbour SPA, and allowed to establish, this could comprises habitats on which the SCI bird species depend, and would impact on the *ex-situ* Annex I habitats cited above. As such, such indirect impacts are screened in for further assessment.

Anthropogenic Pressure

Given the proximity of the site to the SPA, at operational stage the AA Screening Report cites the potential for future occupiers to impact on SCI bird species (as a result of disturbance). However, access to the SPA is limited by way of fencing and the design does not include any of the use of the habitats within the SPA as amenity area, and it is concluded that it is highly unlikely that future occupiers will disturb habitats or interfere with them in any significant manner, and therefore likely significant impacts as a result can be screened out.

Waste Water Impacts

While not discussed in the AA Screening Report, I would note that Section 11.8.3.3 EIAR has considered potential impacts of wastewater on the water quality of Lough Mahon. The wastewater from the proposed development will be treated at Carrigrennan WWTP which discharges to the Lough Mahon coastal/transitional waterbody. I would note that the Cork Harbour SPA and the Great Island Channel SAC border the Carrigrennan WWTP. While the EIAR cites previous non-compliance with Emission Limit Values (ELVs) at the WWTP, with reference to the 2022 Annual Environmental Report (AER) for the facility, it is set out that ambient monitoring of the Lough Mahon coastal/transitional waterbody does not meet the required Environmental Quality Standards (EQS) at both the upstream and downstream monitoring locations, and that the discharge from the WWTP does not have an observable impact on water quality or an observable impact on the Water Framework Directive Status. As such, it is concluded that the waste water generated by the proposed development will have significant impact on the Lough Mahon transitional waterbody. Having regard to the same, I am satisfied that the wastewater generated by the proposed development will not then have an significant impact on the water quality of the Lough Mahon coastal/transitional waterbody, and will subsequently not have a likely significant effect on the Cork Harbour SPA and the Great Island Channel SAC, having regard to the conservation objectives for these sites.

Other European Sites

The AA Screening report 'screens-in' the Cork Harbour SPA only (in addition to the ex-situ habitats noted above). In relation to other European Sites, no likely significant impact on same is envisaged. Having regard to the considerations above, I concur that the Cork Harbour SPA is the only Natura site where potential significant effects could occur and I am satisfied that other Natura 2000 sites can be 'Screened-Out' from further assessment. I would note that an appellant has stated that there is ecological connectivity between the site and the River Barrow and Nore SAC. However, there is no evidence to support same and I am satisfied that likely significant effects on this site can also be screened out.

AA Screening matrix

Site name Qualifying interests	**Possibility of significant effects (alone) in view of the conservation objectives of the site***	
	Impacts	**Effects**
Cork Harbour SPA Qualifying Interests Bird of Special Conservation Interest (SCI):	Potential negative direct impacts on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution.	The effects of same are as follows: Changes In Water Quality and/or resource[15] Habitat Loss/Alteration

[15] I would note that in Table 4 the AA Screening Report states that this is not an impact. However, the commentary within the AA Screening Report cites potential water quality deterioration at construction stage as a likely significant impact, and as such I have not placed any weight on this element of Table 4.

Little Grebe (Tachybaptus ruficollis) [A004] Great Crested Grebe (Podiceps cristatus) [A005] Cormorant (Phalacrocorax carbo) [A017] Grey Heron (Ardea cinerea) [A028] Shelduck (Tadorna tadorna) [A048] Wigeon (Anas penelope) [A050] Teal (Anas crecca) [A052] Pintail (Anas acuta) [A054] Shoveler (Anas clypeata) [A056] Red-breasted Merganser (Mergus serrator) [A069] Oystercatcher (Haematopus ostralegus) [A130] Golden Plover (Pluvialis apricaria) [A140] Grey Plover (Pluvialis squatarola) [A141] Lapwing (Vanellus vanellus) [A142]	Potential negative direct impacts on groundwater due to exposed bedrock at construction stage and the potential for pollutants to enter groundwater via bedrock, with indirect impacts on habitat quality. Potential negative indirect impact at construction stage as a result of the spread of invasive species. Potential ex-situ impacts on habitat	Disturbance and/or Displacement of Species The possibility of significant effects cannot be ruled out without further analysis and assessment.

Dunlin (Calidris alpina) [A149] Black-tailed Godwit (Limosa limosa) [A156] Bar-tailed Godwit (Limosa lapponica) [A157] Curlew (Numenius arquata) [A160] Redshank (Tringa totanus) [A162] Black-headed Gull (Chroicocephalus ridibundus) [A179] Common Gull (Larus canus) [A182] Lesser Black-backed Gull (Larus fuscus) [A183] Common Tern (Sterna hirundo) [A193] Wetland and Waterbirds [A999] **Conservation Objectives:** To maintain favourable conservation condition		
	Likelihood of significant effects from proposed development (alone): Yes	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
	Impacts	**Effects**

	Likelihood of significant effects from proposed development (alone): Y
	If No, is there 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

It is not possible to exclude the possibility that proposed development alone would result significant effects on Cork Harbour SPA (004030) from effects associated with change in water quality, habitat loss and alteration, and as a result of disturbance of species.

An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage.

Proceed to AA.

Screening Determination

Significant effects cannot be excluded
In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone will give rise to significant effects on Cork Harbour SPA (004030) in view of the sites' conservation objectives. Appropriate Assessment is required.

This determination is based on:
Likely direct ecological connections as a result of the proximity of the site to Cork Harbour SPA, which lies adjacent to the site to the west. As such it is not possible to exclude the possibility that proposed development alone would result significant effects on Cork Harbour SPA (004030) from effects associated with associated with change in water quality, habitat loss and alteration, and as a result of disturbance of species.

Appendix 2 AA and AA Determination

Appropriate Assessment
The requirements of Article 6(3) as they relate to appropriate assessment of a project under part XAB, sections 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.
Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development for the construction of 550 no. residential dwellings, 1 creche and 3 commercial units together with associated site works in view of the relevant conservation objectives of Cork Harbour SPA (004030) based on scientific information provided by the applicant. The information relied upon includes the following: • AA Screening Report by Enviroguide Consulting • Natura Impact Assessment by Enviroguide Consulting • Environmental Impact Assessment Report Volumes 1, 2 and 3 by McCutcheon Planning • Construction Environmental Management Plan by JODA Engineering Consultants; • Resource & Waste Management Plan by JODA Engineering Consultants; • Operational Waste Management Plan by JODA Engineering Consultants; • Site Specific Flood Risk Assessment by JODA Engineering Consultants; • Engineering Report by JODA Consulting Engineers; • Publicly accessible information on the NPWS website. • Publicly accessible information on the EPA Website and the EPA Appropriate Assessment Tool. 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 submitted documentation and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

Submissions/observations

The Mary Long appeal has raised issues related to impacts on habitats and birds, impacts on surface water and flooding, and it stated that the proposed development is contrary to the Habitats Directive and Birds Directive.

The Joan Murphy appeal has stated that the Appropriate Assessment is incomplete and that the Zone of influence is not reasoned or explained. It is set out that the proposal does not comply with PDA 2000, as amended or the Habitats Directive. It is further stated that insufficient detail and data is provided and that the Board cannot grant permission for the proposed development. The appellant is of the view that there is ecological connectivity between River Barrow and Nore SAC. It is also stated that insufficient surveys carried (bird flight paths) and concerns raised in relation to ex-situ impacts.

Uisce Eireann have not raised any concerns in relation to the capacity of the WWTP [submission dated 20/12/2024]

Cork Harbour SPA (Site Code 004031)

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

- **Surface Water quality degradation (construction)**
- **Ground Water quality degradation (construction)**
- **Spread of invasive species (construction)**
- **Disturbance to SCI Species (construction)**
- **Ex-situ impacts on Habitats (construction)**

See Table 3 of NIS

Qualifying Interest features likely to be affected	**Conservation Objectives Targets and attributes (summary-inserted)[16]**	**Potential adverse effects**	**Mitigation measures (summary)** NIS SECTION Table 3 (and Construction and Environmental Management Plan, EIAR)
Bird of Special Conservation Interest (SCI):	To maintain favourable conservation condition as defined by long term	Table 5.1 of the NIS identifies potential sources of impact including:	<u>Construction Stage</u> Best practice mitigation measures to mitigate

[16] See NPWS for full list of Conservation Objectives Targets and attributes https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004030.pdf

Little Grebe (Tachybaptus ruficollis) [A004] Great Crested Grebe (Podiceps cristatus) [A005] Cormorant (Phalacrocorax carbo) [A017] Grey Heron (Ardea cinerea) [A028] Shelduck (Tadorna tadorna) [A048] Wigeon (Anas penelope) [A050] Teal (Anas crecca) [A052] Pintail (Anas acuta) [A054] Shoveler (Anas clypeata) [A056] Red-breasted Merganser (Mergus serrator) [A069] Oystercatcher (Haematopus ostralegus) [A130] Golden Plover (Pluvialis apricaria) [A140] Grey Plover (Pluvialis squatarola) [A141] Lapwing (Vanellus vanellus) [A142] Dunlin (Calidris alpina) [A149] Black-tailed Godwit (Limosa limosa) [A156]	population trend being stable or increasing. No significant decrease in the range, timing or intensity of use of areas by the SCI birds other than that occurring from natural patterns of variation. To maintain favourable conservation condition as defined by: No increase in barriers, No significant decline in breeding population, productivity rate, prey biomass Human activities at levels that do not adversely affect the population. To maintain permanent extent of Habitat area.	Water Quality at construction phases potential for surface waters containing sediments, pollutants and/or cementitious materials to enter the SPA during the excavation and building works. exposure of bedrock and accidental discharges to ground could impact on the underlying bedrock aquifer and laterally within the aquifer to the downgradient Cork Harbour SPA. Such changes in water quality and alterations to the composition of the adjacent SPA could impact the foraging areas of the intertidal zones for SCI bird species. <u>Dust</u> At construction phase of the development could introduce dust and noise impacts. Dust deposition could impact on the quality of the foraging habitat within the adjacent SPA for SCI Species. <u>Noise and Light</u> Increase noise levels could result in a disturbance of SCI species, resulting in direct impacts on the SPA and ex-situ feeding areas present south and east of the site, east of the SPA.	impact on <u>water quality</u> include site control measures, as set out in the CEMP, and as set out in EIAR (Chapter 10 refers). These include but are not limited to Silt Fencing, as well as groundwater protection measures as set out in the CEMP. Measures to mitigate against <u>dust deposition</u> are set out in the NIS (as well as the CEMP and the EIAR) and include, but are not limited to, appropriate stockpiling of materials and other site control measures. Measures to minimise <u>noise and vibration</u> include adherence to relevant legislation in this regard, as well as adherence to the relevant codes of practice. In addition other measures include minimising works as much as practicably possible within 200m of Cork Harbour SPA, and ex-situ feeding areas to the south and east of the site, and restricting high noise level activity to times of low expected bird activity, including high tide, and during the summer period when wintering flocks of seabirds are not present. Other measures to reduce noise levels are also set out in the NIS (and the EIAR). Measures to control construction phase <u>lighting</u> include minimising lighting levels in areas adjacent to Cork Harbour SPA, with directional lighting to include the works zone only. Measures at operational phase include appropriate lighting regimes to minimise light	

Bar-tailed Godwit (Limosa lapponica) [A157] Curlew (Numenius arquata) [A160] Redshank (Tringa totanus) [A162] Black-headed Gull (Chroicocephalus ridibundus) [A179] Common Gull (Larus canus) [A182] Lesser Black-backed Gull (Larus fuscus) [A183] Common Tern (Sterna hirundo) [A193] Wetland and Waterbirds [A999]		At both the construction and operational phases, increased lighting could result in direct impacts on the SPA and ex-situ feeding areas present south and east of the site, east of the SPA. Increased noise and light levels during construction phases could result in a disruption to migratory flight paths and ex-situ feeding habitat. <u>Invasive Species</u> A spread of invasive species westwards and southwards into Cork Harbour SPA could comprimise native habitats on which the SCI bird species depend.	pollution to the adjoining SPA. Measures to control Invasive Species include retaining the services of a IAS specialist to handle all invasive species with building materials being subject to certification as free from invasive materials.	

Assessment of issues that could give rise to adverse effects in view of conservation objectives:

(i) Water quality degradation

The western boundary of the site is the Glashaboy Estuary which forms part of the Cork Harbour SPA. Bird species listed for the Cork Harbour SPA and the identified *ex-situ* Annex I habitats could be susceptible to water quality changes as a result of project activities (which are as described in Section 5.2.1 of the NIS ('Potential Impacts on the Proposed Development on Key Species and Habitats'). It is set out in Table 3 of the NIS, in the absence of mitigation, there is potential for construction phases surface waters containing sediments, pollutants and/or cementitious materials to enter the SPA during the excavation and building works, applying the precautionary principle.

It is also set out that, the exposure of bedrock and accidental discharges to ground could impact on the underlying bedrock aquifer and laterally within the aquifer to the downgradient Cork Harbour SPA. Such changes in water quality could impact the foraging areas of the intertidal zones for SCI bird species.

Mitigation measures and conditions

Specifically in relation to the protection of surface waters, proposed mitigation measures set out in the NIS include:

- Adherence to the CEMP.
- Silt Fencing in place for all works taking place within 30m of the Cork Harbour SPA and surrounding stockpile areas. The NIS sets out detailed measures to ensure such fencing is installed and operates effectively.
- Appropriate Stockpiling and Handling of materials (also relates to dust suppression).
- Groundwater protection measures in accordance with the CEMP.

I would note also that the EIAR sets out a range of mitigation measures within this document that either directly or indirectly related to measures to ensure surface water and ground water is not contaminated (and these are summarised in Chapter 17 of the EIAR).

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected bird species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be avoided. Mitigation measures can be included by way of condition if appropriate.

(ii) Noise Disturbance

Increased noise levels could result in disturbance and displacement of SCI bird species, resulting in direct impacts on the Cork Harbour SPA and ex-situ feeding areas present south and east of the site, east of the SPA. It is set out also that such noise levels could result in a disruption to migratory flight paths of SCI bird species. Birds cited in particular as being susceptible to such noise impacts are those species recorded during the winter bird surveys, namely Black-tailed Godwit (*Limosa limosa*) and Redshank (*Tringa tetanus*). It is also noted that Black-headed gull were also observed using the ex-situ foraging area, locating in fields to the south and east of the site, located to the east of Cork Harbour.

Mitigation measures

Measures to minimise noise and vibration include adherence to relevant legislation in this regard, as well as adherence to the relevant codes of practice. In addition other measures include minimising works as much as practicably possible within 200m of Cork Harbour SPA, and ex-situ feeding areas to the south and east of the site, and restricting high noise level activity to times of low expected bird activity, including high tide, and during the summer period when wintering flocks of seabirds are not present. Other measures to reduce noise levels are also set out in the NIS (and the EIAR).

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected bird species and by arresting

these pathways or reducing possible effects to a non-significant level, adverse effects can be avoided.

(iii) Dust

Dust deposition on the habitats within the SPA, including the ex-situ Annex I habitats in proximity to the site is cited as a potential significant effect. Such dust deposition could impact on the quality of foraging habitat within the adjacent SPA for SCI species.

Mitigation measures
Measures to mitigate against dust deposition are set out in the NIS (as well as the CEMP and the EIAR) and include, but are not limited to, appropriate stockpiling of materials and other site control measures.

I am satisfied that the preventative measures relating to dust which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected bird species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be avoided.

(iv) Lighting

At both the construction and operational phases, increased lighting could result in direct impacts on the SPA and ex-situ feeding areas present south and east of the site, east of the SPA.

Mitigation measures and conditions
Measures to control construction phase lighting include minimising lighting levels in areas adjacent to Cork Harbour SPA, with directional lighting to include the works zone only. Measures at operational phase include appropriate lighting regimes to minimise light pollution to the adjoining SPA. I would note also the EIAR also includes measures to control light spill at construction and operational stages, and I note that a Lighting Plan and associated documentation has been submitted with the application.

I am satisfied that the proposed development will be appropriately set back from the SPA with directional lighting, and other measures, so as to minimise impacts on European sites.

(V) Invasive Species
A spread of invasive species westwards and southwards into Cork Harbour SPA could compromise native habitats on which the SCI bird species depend.

Mitigation measures

Measures to control Invasive Species include retaining the services of an IAS specialist to handle all invasive species with building materials being subject to certification as free from invasive materials.

I am satisfied that the preventative measures relating to invasive species which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected bird species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be avoided.

In-combination effects

I am satisfied that in-combination effects have been assessed adequately in the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

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 this European site.

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, subject to the mitigation measures as set out in the NIS, and as set out in the CEMP and EIAR, and other related documentation submitted with the application. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented. In combination effects have also been reasonably assessed and there is no potential for in-combination effects.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the Cork Harbour SPA. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Cork Harbour SPA in view of the conservation objectives of this site and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted and taking into account observations of third parties, I consider that adverse effects on site integrity of the Cork Harbour SPA can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- To maintain the special conservation status of existing bird species and extent of habitat.
- the proposed development will not affect the attainment of conservation objectives for the Cork Harbour SPA.
- Effectiveness of mitigation measures proposed.
- Application of planning conditions to ensure these measures.
- The proposed development will not affect the attainment of conservation objectives for the Cork Harbour SPA.