# Inspector's Report

# ABP-322540-25

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|---|---|
| **Development** | Large-scale Residential Development: 469 residential units and Creche with ancillary services and associated works. EIAR and NIS submitted with application. |
| **Location** | Castlepark, Castlelands (Townland), St. Joseph's Road, Mallow, Co. Cork |
| **Planning Authority** | Cork County Council (CCC) |
| **Planning Authority Reg. Ref.** | 246036 |
| **Applicants** | Reside (Castlepark) Ltd. |
| **Type of Application** | Large-scale Residential Development |
| **Planning Authority Decision** | Grant |
| | |
| **Type of Appeal** | Third Party |
| **Appellant** | Frank Heffernan |
| **Observer(s)** | None. |
| | |
| **Date of Site Inspection** | 18th and 19th July 2025. |
| **Inspector** | Lucy Roche |

# Contents

## 1.0 Site Location and Description

1.1. The subject site is located within the townland of Castlelands, to the east of the town centre, and within the defined development boundary of, Mallow, Co. Cork. Mallow, categorised as a 'Key Town in the RSES and current Cork County Development Plan (CCDP), is in North Cork, approximately 30km north of Cork City and 60km south of Limerick City. The N20 and Cork-Dublin railway line currently bisect the town in a north-south direction, west of the town centre and c. 1.7m west of the application site.

1.2. The subject site has a stated area of 18.2ha and comprises predominantly undeveloped lands to the south of St. Joeseph's Road. It would appear from site inspection and from the information on file that these lands were cleared as part of the construction works associated with previously permitted development (Planning Ref. 0655035), which was not fully developed before the expiry of the permission. Further minor clearance works were also carried out in August 2022 to facilitate the undertaking of a topographical survey of the Site. The clearance activities on site are described as extremely minor in nature and related to the clearance of localised scrub (young sally/willows) and the removal of stockpiles of rubble and other construction material located on the southern boundary of the site which had been left there from the original phase of development. It would appear that parts of the site have been historically used as construction compounds for neighbouring developments. There are a number of temporary hardstands and construction roads crossing the site and the subsoil is exposed in some areas.

1.3. The area surrounding the site is characterised by a mix of land uses. The site is bound to the west by the Castle Park residential estate, to the north by Scoil Aonghusa Community National School and low density residential housing located off St. Joseph's Road, to the east by agricultural lands and to the south by a public park (Mallow Town Park) located along the River Blackwater which is located approximately 0.08km south/ southeast of the Site. The Blackwater is designated for protection under the Habitats Directive to protect a diverse range of habitats and species including particularly, those associated with the freshwater environment. The river also has an important role as the receiving water for treated effluent from the

town's wastewater treatment plant and a second plant associated with the Dairygold processing facility.

1.4. The site is accessed from St. Joseph's Road via the Castle Park residential estate. The topography of the site slopes southwards towards the Blackwater River, with ground elevations ranging from 87.5 meters above Ordnance Datum (mOD) in the north of the Site to 43mOD to the south of the site.

## 2.0 **Proposed Development**

2.1. A ten-year permission is sought for a Large-Scale Residential Development at Mallow, County Cork. The proposal comprises:

- 469 no. residential units comprising 305 no. houses and 164 no. duplex/apartments.
- A 788.6sqm creche providing 122 no. childcare spaces and including a community room on the ground floor of the building.
- The redevelopment of the existing gate lodge to the southeast of the development site, to provide an interpretive centre and café.
- All associated ancillary development works including vehicular and pedestrian access (via the existing Castle Park residential estate), drainage, footpaths and cycle lanes, landscaping, amenity and open space areas, boundary treatments, bicycle and car parking, bin and bike storage, plant, public lighting and all other ancillary development at Castlepark.
- Landscaping and boundary treatments.
- All associated site development works.

2.1.1. The planning authority in their assessment of the application raised various issues relating to traffic and transport, design and layout, phasing and infrastructure provision. These issues were raised by way of a further information request issued on the 18th of December 2025. The final layout was submitted to the planning authority on the 27th of February 2025 with relatively minor alterations to the layout of the scheme and to housing mix. As part of the further information response, the applicant agreed to facilitate additional infrastructure improvement works to support the development. This includes works to existing footpaths and junctions within the

existing ‘Castle Park’ estate, along St. Joseph’s Road and within Mallow Town Park. Works within the park include the upgrade/widening of the existing amenity walk as a thoroughfare for cycle traffic and the replacement of an existing 1.5m wide trussed pedestrian bridge with a new 3.3m wide concrete pedestrian / cyclist bridge. These works are to be carried out either directly by the applicant or by CCC via Special Contribution. It is noted that works relating to the widening of the footpath along the riverwalk to Mallow Town were previously permitted as part of the Mallow Town Park Enhancement works under ABP – 310354-21.

2.1.2. The proposed scheme, as amended, will form the basis of this assessment. An overview of the key development statistics is set out in the table below:

| **Table 2.1: Development Statistics** | |
|---|---|
| **Gross Site Area** | 18.2ha |
| **Net Site Area** | 12.7ha |
| **Gross Floor Space** | 44, 426.9 sq.m |
| **Residential Floor Space** | 43, 581.6 sq. m |
| **Creche** | 788.6sqm creche (122 no. children) |
| **Interpretive Centre/Café** | 58.7 sq. m |
| **Demolition** | 50.6 sq. m (of 133 sq. m existing) |
| **Density** | 36.9uph |
| **Plot Ratio** | 0.38 |
| **Site Coverage** | 15.6% gross site area; 22.4% developable area |
| **No. Residential Units** | 469 no. residential units |
| **Unit Type / Mix** | See Tables 2.2 and 2.3 below |
| **Housing** | 305 no. houses |
| **Apartment / Duplexes** | 164 no. apartment duplexes |

| | |
|---|---|
| **Dual Aspect units** | 100% dual aspect |
| **Building Height** | 1-3 no. storeys |
| **Car Parking** | 589 no. car parking spaces.<br>Excluding the visitor car parking, this equates to a car parking rate of 1.20 spaces per residential unit (including car share spaces, accessible space and EV spaces) |
| **Cycle Parking** | 498 no. cycle parking spaces |
| **Public Open Space** | 17.5% public open space |
| **Communal Open Space** | 2,225sqm |

2.2. The following Tables provide a breakdown of house type and unit mix**:**

| **Table 2.2 – House type** | | |
|---|---|---|
| **Accommodation Type** | **No. of Units Provided** | **% (approx.)** |
| 4 Bed semi-detached | 72 | 15 |
| 3 Bed detached | 6 | 1 |
| 3 Bed semi-detached | 120 | 26 |
| 2 Bed semi-detached | 2 | 1 |
| 3 Bed end-of-terrace | 48 | 10 |
| 3 Bed mid-terraced | 12 | 23 |
| 2 Bed mid-terraced | 42 | 9 |
| 1 Bed Bungalow | 3 | 1 |
| 1 Bed Apartments | 82 | 17 |
| 2 Bed Duplex Apartments | 82 | 17 |
| **Total** | **469** | **100** |

| **Table 2.3 – Housing Mix** | | | | | |
|---|---|---|---|---|---|
| **Housing Mix** | **1 Bed** | **2 Bed** | **3 Bed** | **4 Bed** | **Total** |
| Total Units | 85 | 126 | 186 | 72 | 469 |

| | | | | | |
|---|---|---|---|---|---|
| % Mix | 18.12% | 26.9% | 39.7% | 15.3% | 100% |

2.3. Construction is to be carried out in three phases as follows:

| **Table 2.4 Proposed Phasing**<br>*See Phasing and Implementation Plan received by PA 27/02/2025* | | |
|---|---|---|
| **Phase 1A** | 49no. residential units, the greenway connection and the public park | 12 months |
| **Phase 1B** | 49no. residential units and Creche | 12 months |
| **Phase 1C** | 90no. residential units and the interpretive centre/café | 18 months |
| **Phase 2** | 161no. residential units | 30 months |
| **Phase 3** | 120no. residential units | 24 months |

2.4. In addition to the standard plans and particulars, the application is accompanied by the following documents and reports (as updated/supplemented by the further information response):

- Statement of Consistency with Development Plan
- Environmental Impact Assessment Report (EIAR), Vol. 1, 2, 3 and Addendum
- Appropriate Assessment Screening Report (AA Report) (updated at RFI stage)
- Natura Impact Statement (NIS) (updated at RFI stage)
- Infrastructure Report (including Uisce Eireann Confirmation of Feasibility)
- Traffic and Transport Assessment
- DMURS Quality Audit
- DMURS Compliance
- Stage 1 / 2 Safety Audit
- Parking Management Plan
- Mobility Management Plan
- Accessibility Report

- Tree Survey and Arboricultural Assessment
- Landscaping and Green Infrastructure Design Report
- Surface Water Management Plan
- Flood Risk Assessment
- Outdoor Lighting Report
- Childcare Assessment
- Schools Assessment
- Social Infrastructure Audit
- Daylight and Sunlight Assessment
- Outline Construction Traffic Management Plan
- Construction and Environment Management Plan (CEMP)
- Resource and Waste Management Plan (RWMP)
- Operational Waste Management Plan (OWMP)
- Architectural Design Statement
- Universal Design Statement
- Building Lifecycle Report
- Housing Quality Assessment (updated at RFI stage)
- Computer Generated Image's
- Photomontages
- Phasing and Implementation Plan
- Existing Infrastructure Report
- Pipe Capacity Report

## 3.0 Planning Authority Pre-Application Opinion

3.1. An LRD meeting under section 32C of the Planning and Development Act 2000, as amended (2000 Act) took place on 22nd of April 2024 between the applicant and the

planning authority regarding the proposed development. The planning authority issued its formal LRD Opinion on 20th May 2024 and advised that the documentation submitted, did not constitute a reasonable basis on which to make an application and required further consideration and amendment to constitute a reasonable basis for an application for a Large-Scale Residential Development. The issues identified as requiring further consideration and justification can be summarised under the following headings:

- Natura Impact Assessment,
- Environmental Impact Assessment Report
- Landscaping
- Lighting and Ecology
- Surface Water Management Plan
- Water supply
- Wastewater Treatment
- Public Lighting
- Design and Layout
- Road Access
- Traffic and Transportation Assessment
- Sustainable Transport
- Outline Construction Management Plan
- Phasing
- Archaeology

3.2. The application includes a statement of response from the applicant on the LRD Opinion which includes specific responses to the points of information requested by the planning authority.

## 4.0 Planning Authority Decision

### 4.1. Decision

Following an initial request for further information, Cork County Council (CCC) decided, by Order dated the 23rd of May 2025, to grant permission for the proposed LRD subject to 76 no. conditions.

### 4.2. Conditions

Cork County Council attached 76no. conditions to the grant of permission. Most of these conditions are standard construction and planning conditions. I note that a number of the recommended conditions are addressed in the mitigation measures proposed as part of the NIS and EIAR. Conditions of note include:

Condition 4 – Relates to phasing and includes clarification on the implementation of the improvement works / interventions outlined in the applicants 'Existing Infrastructure Upgrade Works Report.

Condition 5 – Requires the submission for approval of the PA of a revised layout and detailed design of specified Infrastructure Improvement Works proposed within the existing Castle Park Development.

Condition 75 – Requires the payment of a special contribution in respect of proposed infrastructure upgrade works on lands outside of the applicant's land holding.

### 4.3. Planning Authority Reports

#### 4.3.1. Planning Reports

Initial Report

- The initial report of the Local Authority was prepared by the Area Planner and dated 18th December 2024. The report considers the locational context and planning history of the site; relevant local, regional and national planning policy, the third-party submissions and the reports received from internal consultees and from prescribed bodies.

- The report considers the adequacy of EIAR submitted in support of the application and determines that further information is required for the planning authority to reach a reasoned conclusion on the significant effects on the environment because of the proposed development.
- In screening for appropriate Assessment (AA), no issues of concern were raised; however, a conclusion on AA is deferred until receipt of further information.
- Following a detailed assessment of the main planning issues pertinent to the case, the report recommended that further information be sought on 9no. items, summarised below:

    1. *Traffic and Transport Assessment (TTA)*: - Regarding the submitted TTA, (a) clarification was sought on the potential to increase the cycle time of signal-controlled junctions in Mallow to mitigate against the congestion modelled for these Junctions. (b) Clarification / further detail was requested on the mitigation measures outlined in the TTA. The applicant was also requested to clarify the statement in the TTA that '*proposed development does not have a significant impact on the junctions*' given that the information provided shows an increase in the number of junctions exceeding capacity in Design Year 2041 from 1no. without development to 5no. with development fully completed.
    2. *Sustainable Transport*: - Noted the importance of enhancing pedestrian and cyclist connectivity between the development and the town centre to encourage model shift and alleviate the impact of the additional traffic. The applicant was requested to: (a) Submit site specific proposals for: works to existing roads & footpaths (identified in the DMURS Quality Audit/Walking Audit); for the replacement of the pedestrian bridge linking the proposed development to the Blackwater Amenity Corridor along with any specific works required to existing footpaths/cycleways through the parklands/Blackwater Amenity Corridor on lands within the control of the applicant. (b) address identified discrepancies between Road Safety Audits submitted for the proposed scheme and the Phase 1 (a) and (b) proposal under separate Planning Ref. No.24/4519 (as they relate to the

same development land). (c) provide clarity on the implementation of measures outlined in the DMURS Quality Audit.

3. *Phasing*: - Requested clarity on the delivery of the infrastructure measures/upgrades required to facilitate each phase of the proposed development.
4. *Design and Layout*: - Requested that the applicant consider some minor changes to the design / layout of scheme: (a) the open space area to the front of units 82-87 and 79-81 (b) The relationship between the southern elevation of no. 81 (bungalow unit) and the adjacent car parking spaces; (c) The exposed rear elevation of units 234, 279 and 300 when viewed from the adjoining public roadway (d) the relationship (limited separation distance/ shallow gardens) between units 434-437 and 19 and 21 Maple Square.
5. *Surface Water Management*: - (a) requested the applicant to demonstrate that there is sufficient capacity in the existing stormwater sewers to accommodate the proposed development (b) requested details of the Proposed Surface Water Outfall and standard details for Inlet and Outlet Pipework to Detention Basins.
6. *Roads / Access*: - the applicant was requested to (a) submit revised drawings showing a cul-de-sac complete with turning bay at access point to Maple Wood adjacent to Unit No.460/461 (b) clarify and confirm the layout at the Maple Square / Maple Wood / Castle Park junction. (c) clarify how compliance with the recommendations of the Quality Audit regarding the provision of speed limit signage and vertical deflections on lands outside of the application boundary is to be achieved. (d) clarify who is to be responsible for the implementation of the measures outlined in the Quality Audit.
7. *Public Lighting*: - requested the submission of an updated public lighting design for the whole development.
8. *Noise*: - Requested the applicant to submit (a) a map as part of the noise and vibration assessment, showing the location of the proposed development, all noise monitoring locations and the location of existing

noise sensitive locations relative to the proposed development. (b) details and clarification on the nature and extent of inward noise impact assessment that has been undertaken in respect of the proposed development

9. *EIAR*: - Requested that the EIAR be reviewed, updated and re-submitted to take account the further information.

- The applicant was advised that if the scheme is subject to change/amendments at further information stage, any such changes should be assessed as part of revised documents with the said documents submitted to the Planning Authority. This is likely to require revisions to the following assessment documents the Natura Impact Statement, EIAR, Site Specific Flood Risk Assessment, Ecological Impact Assessment, Traffic and Transport Assessment, and Road Safety Audit of the scheme.
- The initial report of the Local Authority Area Planner includes an assessment by the Senior Planner on the applicants' response to the LRD Opinion. The report of the Senior Planner, notes and endorses the report of the Area Planner and concludes with a recommendation that the application be deferred for further information as per the Area Planners Recommendation.

Further Information Report (11th of April 2025)

- The second and final report of the Local Authority, was prepared by the Senior Planner and dated the 11th of April 2025. This report considered the further information received on the 27th of February 2025 and has regard to the reports received from internal consultees.
- *The assessment can be summarised as follows:*

1. *Traffic and Transport Assessment (TTA)*: - The applicant's response was assessed by the Sustainable Travel Unit (STU) and the Area Engineer (AE) and generally deemed acceptable. The response included an 'Infrastructure Upgrade Works Report' which sets out proposed improvement works within the existing Castle Park Development, on St. Josephs Road and on lands further to the south-west of the subject site within, the Mallow Castle Park Area. These works were deemed acceptable subject to condition, including

the payment of a Special Contribution for works on lands outside of the applicant's control. Regarding the recommended condition of the AE on the delivery of the Mallow Relief Road, the Senior Planner noted that this is a state project outside of the control of the applicant, that the lands have been zoned for residential development, with a reasonable expectation that they would be developed over the plan period and that there is no restriction on the development of the subject lands in advance of the relief road. The proposed mitigation measures to encourage sustainable transportation are tangible and hard infrastructure deliverables which will greatly assist behavioural change.

2. *Sustainable Transport*: - The additional infrastructure improvements works proposed by the applicant to enhance pedestrian and cyclist connectivity between the development and the town centre, as set out in the 'Infrastructure Upgrade Works Report', are discussed and deemed acceptable subject to condition. It is also noted that the 'Actions' recommended in the Road Safety Audits have now been incorporated into the amended layout and that the applicants have committed to carrying out the necessary interventions/improvement works, directly.
3. *Phasing*: - The Senior Planner considers the infrastructure improvement works / interventions set out in the 'Existing Infrastructure Upgrade Works Report' and determines what works are to be undertaken directly by the applicant or by CCC via a proportional special contribution; the contribution due and at what phase of the development these works should occur.
4. *Design and Layout*: - The Senior Planner considers the design amendments submitted in response to Item 4 as follows: (a) amended design a significant improvement but a single central green space is recommended. This is addressed by way of condition. (b) Issue of concern not addressed, this is to be addressed by way of condition. (c) and (d) amended design deemed acceptable.
5. *Surface Water Management*: - Response assessed by AE with no outstanding issues raised.
6. *Roads / Access*: - The applicant's response was assessed by the STU and the AE and deemed acceptable.

7. *Public Lighting*: - the Senior Planner refers to the Public Lighting report on file which assesses the revised public lighting design for the development. Proposals are considered acceptable subject to condition.
8. *Noise*: - The Environment Section of the Planning Authority has assessed the response and recommended permission subject to conditions.
9. *EIAR*: - The Senior Planner is satisfied that the revised EIAR has considered the items of further information and that chapters have been reviewed appropriately.

- The Senior Planner is satisfied that all outstanding issues raised in the assessment and / or in the internal consultant reports can be addressed by way of condition. The report concludes with a recommendation to grant permission subject to 76no. conditions as per the Local Authority decision.

4.3.2. **Other Technical Reports**

- **Area Engineer**: – Initial report dated 17th December 2024 recommends that the decision be deferred for further information. Subsequent report dated 10th April 2025 recommends a grant subject to conditions.
- **Sustainable Travel Unit (Traffic & Transport):** – Initial report dated 17th December 2024 recommends that the decision be deferred for further information. Subsequent report dated 4th of April 2025 recommends grant subject to conditions.
- **Estates Engineer:** – report dated 17th December 2024 cites No objection subject to conditions.
- **Public lighting**: – Initial report dated 22nd December 2024 identifies several deficiencies in the public lighting design and requests further information to address same. Subsequent report dated 10th March 2025 recommends grant subject to conditions.
- **Water Services:** - Report dated 13th December 2024 cites No objection subject to conditions.
- **Environment (General/Water Quality):** – report dated 17th December 2024 cites No objection to grant of permission subject to conditions.

- **Environment Officer (Noise)–** Initial report dated 17th December 2024 recommends that the decision be deferred pending receipt of further information. Subsequent report dated 8th of April 2025 recommends grant with condition.
- **Environment (Waste)**: - Report dated 17th December 2024 cites no objection to grant of permission subject to conditions.
- **Ecology** – Initial report dated 13th of December 2025 recommends grant with conditions. Subsequent report dated 9th of April 2025 recommends grant with conditions
- **Archaeologist: -** Report dated 9th December 2024, cites no objection subject to condition.
- **Conservation Officer**: - Report dated 13th December 2024 cites no objection subject to conditions.
- **Architect**: - Report received via email 16th December 2024, recommends grant subject to minor design changes to be requested by way of condition.
- **Housing officer**: - Report dated 21st November 2024 cites no objection.

### 4.4. Prescribed Bodies

- **Transport Infrastructure Ireland (TII)** – Development shall be undertaken in accordance with the recommendations of the Transport (Traffic) Assessment and Road Safety Audit submitted. Any recommendations arising should be incorporated as conditions in the permission if granted. The developer should be advised that any additional works required as a result of the Transport Assessment and Road Safety Audits should be funded by the developer.
- **Uisce Eireann: -** Report dated 27th November 2024 cites no objection in principle. Water connection and wastewater connection feasible without infrastructure upgrade.
- **An Taisce** – Submission received 28th November 2024 raises points in relation to Building Life-cycle report, outdoor lighting, biodiversity management plan and transportation.
- **HSE** – Detailed submission received 28th November 2024 with comments relating on environmental health impacts of the proposed development as outlined in the EIAR and the adequacy of the EIAR from an environmental health viewpoint.

### 4.5. Third Party Observations

Four third-party submissions were received from, and on behalf of existing residents of the area. Most of the issues raised are similar to those set out in the grounds of appeal and summarised in section 8.1 below. Three of the submissions were received from residents of the existing Castle Park development to the west of the appeal site with concerns raised regarding the impact of the development, particularly the proposed access though Maple Square, on existing residents.

## 5.0 Planning History:

### 5.1. Subject site

- **ABP-321927-25 / CCC Ref:24/4519 (Comprising Phase 1 (a) and (b) of the current proposed development):**

  Permission granted, 24th June 2025 to Reside (Castlepark) Ltd for Phase 1 Castle Park comprising the construction of 98no. residential units, creche and all associated ancillary site development works including vehicular access, parking, footpaths, drainage, amenity areas, and wastewater treatment plant. The application was accompanied by a Natura Impact Statement.

  The subject site, comprising an area of 8.36ha forms part of the current application site, with similar layout and design. As Uisce Éireann confirmed that a connection to the public wastewater network was feasible without upgrade, the proposal for an onsite wastewater treatment system was omitted at further information stage.

- **CCC Ref. 06/55035**

  Permission granted (January 2007) for c141 residential units.

### 5.2. Other

**ABP Ref. 320648**: - Local Authority Development for the construction of 138 residential units on lands approximately 350m to the north. No decision has been made to date (07/08/2025).

**CCC Ref. 24/4243**: - Permission granted (July 2024) for LRD comprising 186no. residential units and creche on lands approximately1km to the north of the current application site.

**ABP-310354-21** Permission granted (November 2021) for improvement works to the existing town park including new entrances, new footpaths and all associated site development and landscaping works.

***Note:*** *I note that the third-party grounds of appeal refer various decisions of the Board which are cited as precedent cases, supporting a decision to refuse permission for the proposed LRD (no reference numbers given). This matter is addressed in section 8 of this report.*

## 6.0 Policy Context

### 6.1. Development Plan:

6.1.1. The Cork County Development Plan 2022-2028 (CCDP) is the operative plan for the area. This plan, which came into effect on the 6th of June 2022, comprises 6 Volumes. Volume One – Main Policy Material; Volume Two – Heritage and Amenity, Volume Three – North Cork and, Volume Six – Maps are considered relevant to the assessment of this application. The CCDP includes several policies, objectives and standards for development within Cork County, the following of which are noted:

6.1.2. Volume 1 – Written Statement

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

a) Public Open Space within Residential Development shall be provided in accordance with the standards contained in Cork County Council's Interim Recreation & Amenity Policy (2019) and any successor policy, the "Guidelines on Sustainable Residential Development in Urban Areas" and "Making Places: a design guide for residential estate development. Cork County Council Planning Guidance and Standards Series Number 2".

b) Promote the provision of high quality, accessible and suitably proportioned areas of public open space and promote linking of new open spaces with existing spaces to form a green infrastructure network.

c) Apply the standards for private open space provision contained in the Guidelines on Sustainable Residential Development in Urban Areas and the Urban Design Manual (DoEHLG 2009) and Cork County Council's Design Guidelines for Residential Estate Development. With regard to apartment developments, the guidelines on Sustainable Urban Housing: Design Standards for New Apartments will apply.

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

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

Green Infrastructure (GI): Subcategories

Within this category there are 3 subcategories which have been identified. Green Recreational (GR) is relevant:

- Green Recreational (GR)-Open Spaces/Park where the purpose is to retain and provide for open space and recreational amenities.

Within these subcategories there are different requirements for each type of open space depending on their accessibility and level of usage envisaged by the public. Where applicable, further clarification of the function and future

requirements of a particular area designated as GR (Green Recreational), GC (Green Conservation) and GA (Green Active) is set out in a corresponding settlement objective for that area. (*See volume three Objective MW-GR-04 Blackwater Amenity Corridor)*

Objective ZU 18-13: Green Infrastructure:

Three subcategories of Green Infrastructure zonings have been identified to

a) Retain and provide for open space and recreational amenities within Green Recreational (Open Spaces/ Park) areas.

b) Retain and generally protect appropriate areas for their landscape, amenity or nature conservation value or their current or future flood management role, within Green Conservation (Landscape amenity/ nature conservation) area; and

c) Retain and provide for active recreational facilities within Green Active (Active Open Space) areas.

No development other than development which supports Green Infrastructure will be considered in these areas. Any proposals in Green Infrastructure areas will need to ensure the protection and enhancement of the integrity of biodiversity and to recognise the importance of wildlife corridors and sites of nature conservation and be in accordance with Article 10 of the Habitats Directive.

Objective HOU 4-6: Housing Mix:

a) Secure the development of a mix of house types and sizes throughout the County as a whole to meet the needs of the likely future population across all age groups in accordance with the guidance set out in the Joint Housing Strategy and the Guidelines on Sustainable Residential Development in Urban Areas.

b) Require the submission of a Statement of Housing Mix with all applications for multiunit residential development in order to facilitate the proper evaluation of the proposal relative to this objective. The Statement of Housing Mix should

include proposals for the provision of suitable housing for older people and the disabled in the area.

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

Medium A: Min Net Density 30 / Max Net Density 50 Must include a broad range of unit typologies and normally involves a combination of unit formats including a higher proportion of terraced units and/or apartment type units.

Objective TM 12-2-1: Active Travel

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

Table 12.6: Car Parking Requirements for New Developments

2 spaces per dwelling unit / 1.25 spaces per apartment unit

A reduced car parking provision may be acceptable where the planning authority are satisfied that good public transport links are already available or planned and/or a Transport Mobility Plan for the development demonstrates that a high percentage of modal shift in favour of the sustainable modes will be achieved through the development.

6.1.3. Volume 3 – North Cork

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

Movement – Section 2.4.81

The Mallow Traffic and Transportation Study prepared for the town in 2011 recommended the construction of several new roads to the north, east and west of the town, and new river crossings to the east and west, to connect new development areas to the N20, N72 and proposed N/M20 and to

enhance accessibility within the town itself, as well as upgrading existing roads and junctions. Its recommendations also assumed the delivery of the N/M20 to the east of the town. The study needs to be updated and revised to take account of the requirements of Environmental, Flood Risk and Habitats Directive Assessment as well as the current context for Mallow set within the National Planning Framework and RSES. It is a requirement of the RSES that based on its designation as a Key Town a Local Transport Plan is prepared and this should be prioritised over the lifetime of the plan.

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

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

Objective MW-GO-06:

Prioritise the development of the N72/N73 Mallow Relief Road.

Objectives MW-U-01:

N72/N73 Mallow Relief Road corridor, subject to Environmental Impact Assessment and, if deemed to be required, Appropriate Assessment.

Objective MW-GR-04 Blackwater Amenity Corridor:

Protect and enhance the habitat, landscape, visual and amenity qualities of the River Blackwater (including town park) and its flood plain so that they can contribute to the environmental diversity of the area for future generations and can be used for recreation and other compatible uses during the lifetime of the Plan.

Opportunities to extend the riverside park should be considered over the lifetime of the plan including provision of further pedestrian crossings over the river to link the north and south parts of the town.

Protect and enhance vistas of Mallow Castle and other landmarks within the town and environs.

The Castlelands area (south and east of Mallow Castle) is subject of a Tree Preservation Order designation. Some of this area is located within or close to

the Blackwater Special Area of Conservation and any proposals within this area will need to give appropriate consideration to this designation.

### 6.2. Cork County Council Recreation and Amenity Policy - Interim Approach to Implementation - June 2019

This document comprises Cork County Councils interim approach to the provision of recreational infrastructure in new housing developments.

### 6.3. National / Regional Policy:

Regard is had to (inter alia):

- Project Ireland 2040 – National Planning Framework, First Revision (April 2025), (NPF)
- National Development Plan 2021-2030. (NDP)
- Regional Spatial and Economic Strategy for the Southern Region (RSES): - This strategy provides a framework for development at regional level. The RSES promotes the regeneration of our cities, towns, and villages by making better use of under-used land and buildings within the existing built-up urban footprint
- Housing for All – A New Housing Plan for Ireland to 2030 (2021).
- Climate Action Plan (CAP) 2025: - Climate Action Plan 2025 builds upon last year's Plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024.
- Ireland’s 4th National Biodiversity Action Plan (NBAP) 2023-2030: - The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Board, as a public body, to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Board. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, Environmental Impact

Assessment Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable.

### 6.4. National Guidelines:

Regard is had to (inter alia):

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023). Note: The Design Standards for New Apartments Guidelines for Planning Authorities (2025) came into effect on the 8th of July 2025; however as per Dept. Circular NSP 04/2025, the 2025 guidelines do not apply to current appeals or planning applications lodged before that date.
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (Department of Housing, Planning and Local Government, 2018)
- Appropriate Assessment of Plans and Projects in Ireland - Guidelines for Planning Authorities (2009, updated 2010).
- The Planning System and Flood Risk Management Guidelines, 2008

### 6.5. Natural Heritage Designations

The subject site is not located within any designated site. The Blackwater River (Cork/Waterford) SAC (site code 002170) borders the site to the south. The applicant has agreed to facilitate infrastructure upgrades on lands within the SAC to support the proposed development, these works comprise:

- The replacement of an existing 1.5m wide trussed bridge spanning with a 3.3m wide concrete bridge.
- Widening of existing footpaths through the parklands/Blackwater Amenity Corridor.

These works were considered in the applicants revised AA Screening Report and NIS submitted at RFI stage.

The Blackwater River provides a hydrological pathway between the proposed development site and the Blackwater Valley (Killavullen) pNHA (Site code 1080) and the Blackwater Valley (Ballincurrig Wood) pNHA (Site code: 001793)), c8km and c10km downstream, respectively. Kilcolman Bog SPA (site code 004095) is located c.11km to the north.

## 7.0 The Appeal

7.1. This is a third-party appeal lodged against the decision of Cork County Council to grant permission for this LRD at Castlepark, Castlelands, Mallow, Co. Cork. The appeal was lodged by Mr. Frank Heffernan on his own behalf and on the behalf of residents of St. Josephs's Road and associated estates. A list of those represented is included with the appeal documentation. The issues raised in the grounds of appeal (GOP) can be summarised as follows:

### 7.1.1. Grounds of Appeal (GOP)

- The main area of concern outlined in the GOP is the extent of new residential development planned for the St. Josephs Road and Spa Glen area of Mallow, the lack of adequate social, and physical (road) infrastructure to cater for the increased population and additional traffic generated and the impact this will have on existing residents, on local services / amenities and on trading in the town.
- It is considered that the proposed LRD is premature and does not take into account other additional LRD's on St. Josephs Road and Spa Glen. The GOP estimate that proposed and future LRD's in the St. Josephs Road / Spa Glen area will deliver upwards of 1,350 new dwellings and 2,480 additional vehicles per day.
- Residents call for a balanced strategic and integrated approach to the planning and development of the area, in a manner that ensures that housing supply is delivered in tandem with services, amenities and road infrastructure.

- In terms of social / community infrastructure, it is contended that the St. Josephs Road area currently lacks community-based services, community facilities and neighbourhood amenities. Schools and health care facilities are at or near capacity.
- In terms of road infrastructure, it is contended that the area is served by inadequate roads, lacks accessibility and connectivity for pedestrians, and that the area is not served by public transport. The St. Josephs Road has reached peak capacity and is currently a danger to pedestrians and cyclists.
- The proposed development would give rise to increased traffic both at construction and operational stages resulting in congestion / gridlock in the St. Josephs Road / Spa Glen area and in Mallow general.
- There is a crucial and immediate need for new roads to be constructed, and existing roads upgraded before the development of additional housing. The construction Mallow relief road and associated new local road connectivity is cited as an absolute prerequisite with reference to Section 2.4.81 CCDP.
- Improved cyclist and pedestrian connectivity between St. Josephs Road and the town centre, is required as are improved local public transport services.
- The construction phase of the development will also give rise to noise, dust and vibration nuisance for a considerable period, in a manner excessively prejudicial to residential amenity of existing and nearby residents.
- The proposed development lacks sufficient vehicular parking for the number of residential units proposed. Footpaths will become parking spaces creating a traffic hazard for pedestrians, this is already an issue in the area.
- The density of the development is questioned having regard to the lack of social, community and physical infrastructure available.
- Despite its zoning, the proposed development would be overly car dependent due to its peripheral location within the outer area of the town. The application lacks alternative travel options which would be against national, regional and local policy on compact growth and sustainable mobility. The development would be contrary to proper planning and sustainable development.

- The proposed development site, due to its peripheral location, lack of accessibility and lack of available services / amenities. is not a suitable location for apartments. The proposal is contrary to the provisions and standards set out in the Apartment Guidelines and would be contrary to the pattern of development in the St. Joseph's area which is primarily composed of detached dwellings.
- The development contravenes Schedule 4 of the Planning and Development Bill 2023 including in terms of prematurity due to a deficiency in the road network serving the area of the proposed development and pending the determination of a road layout for the area, the endangerment of public safety by reason of a traffic hazard, the result in a traffic pattern that would adversely affect the national road, create serious traffic congestion and contravene materially a development objective.
- The GOP refers to six precedent cases (no reference numbers given) of where the Board refused development for reasons of poor access and substandard roads, uncertainty regarding the timing and delivery of a local access road, insufficient level of density for an outer suburban location, inadequate variety of house types and sizes, lack of alternative travel options being against national, regional and local policy on compact growth and sustainable mobility, inadequate open space and inadequate provision of social and physical infrastructure and excessive car dependence.

## 7.2. Applicant Response

The applicant's response to the issues raised in the third-party appeal was received on the 29th of May 2025. The response document considers and addresses the issues raised in the grounds of appeal under three main headings (as outlined below). The submission can be summarised as follows:

- The grounds of appeal are almost identical to issues raised by the appellants in a concurrent appeal (ABP PL04.321927) and during the planning application process and have little or no regard to the assessment of these issues by the planning authority.

- The application was accompanied by a detailed and comprehensive set of supporting plans/ materials and was subject to a detailed assessment of all planning matters relevant to the development. This was not considered on the appeal.

<u>The proposed development will not give rise to any adverse traffic impacts.</u>

- Regarding concerns of prematurity and the capacity of the local road network to accommodate the additional traffic movements generated by the proposed development (leading to traffic congestion / gridlock etc), the applicants appeal response states that a comprehensive Traffic and Transport Assessment (TAA) was submitted with the application and subject to detailed assessment by engineering and planning sections of CCC. With the modal split target proposed in the CCDP achieved, all junctions analysed would be within an acceptable design threshold in the design year 2041 with the proposed development and other LRD developments in the area in operation.
- Regarding concerns of traffic safety due to current deficiencies in the local road network and the need for upgrades, including the Mallow Relief Road, prior to LRD development, it is contended that it is not within the applicants remit to ensure any road improvements within the wider area are completed prior to them submitting an application. The applicant has committed to significant infrastructure improvements / upgrades. The applicant has committed to carry out improvements works on lands within their ownership and to pay a special contribution towards works on council owned lands.
- Regarding concerns relating to the impact of construction traffic, it is contended that construction traffic was comprehensively addressed by the applicant in the Construction Traffic Management Plan. The proposed route for construction traffic was carefully chosen so as not to impact negatively on existing residents and was deemed acceptable to the Council.
- The site is applicable for the Residential Zoned Land Tax which confirms that all infrastructure (internal and external) is in place to facilitate the development.

The proposed development will not seriously injure the residential amenities of properties in the vicinity and will enhance Mallow as a whole by providing additional residential units in the town, where there is an acute need for housing.

- Regarding the potential undue impact on residents of the area, due to the lack of social and community infrastructure and services, etc, it is stated that the proposed development was very carefully conceived and based on a comprehensive and robust appraisal to ensure that the scheme would be delivered and managed to a very high standards to protect residential amenity and to ensure the provision of additional amenities for future / existing residents.
- Regarding the lack of pedestrian and cycle infrastructure, it is contended that there are numerous adequate pedestrian and cycle links connecting the area to the town centre, to schools and other essential services. Additional pedestrian and cycle connections are being provided by the applicant though the development of this site.
- Regarding construction impacts (noise, dust and vibration); the applicant notes that a comprehensive CEMP was submitted with the application with mitigations measure proposed to alleviate any impacts.
- Regarding the proposed lack of parking, it is stated that the scheme was developed to minimise parking and to encourage model shift towards walking cycling and public transport. The level of parking was not raised as a concern in the assessment.
- Regarding the peripheral location of the proposed development; it is stated that the site is situated to the immediate east of and within walking distance of the town centre (c. 12 minutes)
- Regarding the lack of adequate social / community infrastructure, the submission refers to the Social Infrastructure Audit submitted with the application which found a total of 224 facilities within the catchment area (15-minute cycle area), across seven categories including retail, recreational, childcare, healthcare. The application includes a creche, interpretive centre, café, greenway and other amenities.

- Regarding School places, the SIA concluded that there is sufficient existing capacity within the catchment area.
- Regarding Public Transport, the site is c. 27-minute walk and c. 10-minute cycle from Mallow Train Station. The closest bus stop is c. 17-minute walk.

The planning application was accompanied by a very comprehensive list of supporting material which was prepared to a very high standard and contains all the information required / sought by the planning authority.

- Regarding the failure of the TTA to take account of other LRD's in the area, it is stated that all committed and future LRD in the area were taken into account in section 5 of the TTA.
- The TAA and all documents included in the application were prepared to a very high standard. The issues raised at RFI stage, were comprehensively addressed by the applicant.

7.3. **Planning Authority Response**

No further comments

7.4. **Observations**

None

7.5. **Further Responses**

None

## 8.0 Assessment

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

- Principle of Development:

- Design, Layout and Amenity
- Access and Traffic:
- Compliance with Compact Growth:
- Social and Community Infrastructure:
- Other:

## 8.2. **Principle of Development**

8.2.1. The proposed LRD is situated in Mallow, Co. Cork. Mallow is characterised as a 'Key Town' in both the RSES and CCDP. It is envisaged that the 'Key Towns' will be a focus for significant growth (more than 30%). The nature, scale and phasing of this growth will be determined by local authorities depending on a capacity analysis of each town. Table 2.9 of the CCDP sets out the Core Strategy for Cork. In accordance with the details provided, Mallow had a recorded population of 12,459 in 2016 and a population target of 15,3517 for 2028. The Core Strategy allocates a housing target of 1,105 no. units to Mallow for the period 2022- 2028, this is based on a 5% share of the overall target for the county (22,611). The proposed scheme incorporating 469 no residential units would account for approximately 42% of the total housing allocation for the settlement over the plan period.

Zoning:

8.2.2. As set out in the Cork County Development Plan 2022-2028 (CCDP), the subject site incorporates two residential zonings. Much of the site is zoned *MW-R-01: Medium A Density Residential Development*. Development proposals within this zone are required to give appropriate consideration to archaeology on the site and seek to maximise physical and ecological connectivity of the site to the Blackwater Amenity Corridor. A TIA and RSA are required as part of any application.

8.2.3. Parts of the western side of the site, adjoining the existing Castle Park development, are zoned '*Existing Residential/Mixed Residential and Other Uses (ER)*'. The objective for this zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities. Residential

development, childcare facilities and community uses are listed as appropriate uses within both residential zones.

8.2.4. The southern end of the site forms part of the Blackwater Amenity Corridor and is zoned *MW-GR-04 Green Infrastructure,* for which it is an objective to protect and enhance the habitat, landscape, visual and amenity qualities of the River Blackwater(including town park) and its flood plain so that they can contribute to the environmental diversity of the area for future generations and can be used for recreation and other compatible uses during the lifetime of the Plan.

8.2.5. Following consideration of the submitted plans I am satisfied that all proposed residential units, the creche and community room are located on lands zoned for residential development and that the *MW-GR-04 Green Infrastructure* lands are to be developed, primarily, as open space / parkland. Regarding the criteria for development proposals within the MW-R-01 zone, issues of density, archaeology and connectivity to the Blackwater Amenity Corridor are considered below. It is noted that both a Traffic and Transportation Assessment and a Stage 1 Road Safety Audit have been submitted in accordance with this objective.

8.2.6. I note that the proposed café / interpretive centre is located within the MW-GR-04 zone. Regard is had to *Objective ZU 18-13: Green Infrastructure* which states that *No development other than development which supports Green Infrastructure will be considered in these areas…".* While the proposed café and interpretive centre could not be considered as 'green infrastructure'; they would in my opinion complement, support and enhance the recreational use and amenity value of these lands, in accordance with zoning objective MW-GR-04 and Objective ZU 18-13. This aspect of the proposed development comprises the refurbishment and reuse of an existing building (former gate lodge) that is currently vacant and falling into disrepair. The reuse of this building, as proposed, would enhance the visual and amenity value of these lands without any additional land take or habitat loss. The structure in question is located at the northwest corner of the GI zone, proximate to existing / proposed residential units and is directly linked to the Blackwater Amenity Corridor via Riverbank Walk. As set out in the CCDP (Volume 3, Section 2.4) the Blackwater Corridor is being developed as a linear green recreational corridor along the river

Blackwater and currently provides a continuous link from the walkway to the west of the railway line via the town park/Mallow castle and as far as the picturesque Lovers Leap to the east of the town (southeast of the development site). In my opinion the proposed use of this existing vacant building, as a café / interpretive centre would complement and support rather than detract from the primary use of the lands for green infrastructure. I am satisfied that the use of the building as café / interpretive centre would not materially contravene the MW-GR-04 zoning objective. I therefore have no objection to this aspect of the proposed scheme.

Density

8.2.7. In terms of density, regard is had to Objective HOU 4-7 and Table 4.1 of the CCDP which set out a density range of between 30 and 50 dwellings per ha on lands zoned '*Medium A Density'*. A minimum density of 35no. units is recommended in towns with an existing / planned high quality public transport service. On lands zoned *Existing Residential/Mixed Residential and Other Uses (ER)*, the CCDP supports proposals for increased densities to optimise the development of lands within the built envelope of a settlement, subject to protecting existing residential amenities and adhering to proper planning and development standards.

8.2.8. The density policy of the CCDP broadly align with the provisions of the Sustainable Residential Development and Compact Settlements Guidelines, 2024 (Compact Settlement Guidelines) which supports residential densities in the range 30 dph to 50 dph (net) at suburban and urban extension locations of Key Towns, with densities of up to 80 dph (net) open for consideration at 'accessible' suburban / urban extension locations.

8.2.9. The density of development proposed is stated as 36.9 dph. This figure is based on the number of residential units proposed (469) and a net developable area of 12.7 hectares. The proposed density of 36.9 dph accord with the standards set out in both the CCDP and the Compact Settlement Guidelines and would be in keeping with the prevailing pattern of development within the existing Castle Park development to the west.

Connectivity to the Blackwater Amenity Corridor

8.2.10. Development proposals on lands zoned MW-R-01 are required to seek to maximise physical and ecological connectivity of the site to the Blackwater Amenity Corridor. The proposed scheme includes for the development of MW-GR-04 zoned land as a public park connecting the residential zoned lands within the site to the Blackwater Amenity Corridor both ecologically (though landscaping) and, physically via a series of pedestrian and cycle paths. The applicant also proposes to facilitate infrastructure improvements works within the Mallow Town Park, improving pedestrian and cycle connectivity though the amenity corridor. I am satisfied that the proposed scheme meets zoning objective MW-R-01 criterion in respect of connectivity.

Archaeology:

8.2.11. Development proposals on lands zoned MW-R-01 are also required to 'give appropriate consideration' to archaeology on the site. In this regard, I note that an Archaeological Impact Assessment was submitted as part of the EIAR. The subject lands contain a recorded monument, Fulacht Fia (CO033-090) and are adjacent to Ringfort (CO033-012), both subject to statutory protection. No archaeological features of significance were identified during the geological survey of the site or test trenching, indicating that there is low potential for the presence of unrecorded archaeological features within the proposed development site. as proposed, the Fulacht Fia (CO033-090) is to be preserved in situ, the area is to be fenced off during construction and a 10m buffer zone retained to protect the area from any potential future development proposals. No construction works will be carried out within 20m of the Ringfort (CO033-012) which is located on third party lands to the east of the site. As a precautionary measure, licenced archaeological monitoring of topsoil stripping within the environs of the recorded monuments is proposed to be carried out by a suitably qualified archaeologist during the construction phase. I am satisfied, based on the information / documentation submitted with the application, that appropriate consideration has been given to archaeology on the site.

Conclusion; - Principle of Development

8.2.12. In light of the above, I am satisfied that the proposed LRD would accord with the core strategy housing targets for Mallow and the zoning objectives *(MW-R-01; 'Existing Residential/Mixed Residential and Other Uses (ER) and MW-GR-04)* for the area as set out in the Cork County Development Plan 2022-28, I therefore satisfied that the development of these lands as proposed is acceptable in principle.

## 8.3. Design, Layout and Amenity

8.3.1. The proposed LRD comprises the construction of 469 no. residential units, 1 no. creche with a community room and the part demolition and refurbishment of the former lodge to provide an interpretive centre and café. The site comprises 18.2ha of predominantly greenfield land on the eastern edge of the built-up-area of Mallow. Existing development in the immediate vicinity of the site is mainly residential. Scoil Aonghusa Community National School is located to the north. The proposed development is to be accessed off St. Joesphs Road via the existing Castle Park Estate to the west and once completed, would read as part of the Castle Park Estate. St. Joseph's Road connects the site with Mallow town centre which is a c. 12-minute walk away. The town centre can also be accessed via the existing public park (Mallow Town Park) to the south of the site. A new pedestrian / cycle route is proposed though the site, providing a link to the existing Castle Park Estate, to Mallow Town Park and to the town centre beyond.

8.3.2. In terms of layout, the proposed development is set around a network of streets, interlinked pedestrian and cyclist pathways and open spaces that should provide an attractive public realm for residents and visitors to the development. Buildings are generally arranged in a block pattern, and orientated to overlook public areas, ensuring a high degree of passive surveillance. The proposed creche facility is located towards the northern end of the development (Character Area 2), where it would be easily accessible to residents of both existing and proposed dwellings in the area and to Scoil Aonghusa Community National School.

8.3.3. In most cases, the separation distances between the rear of opposing dwellings accords with the minimum standard of 16m as set out in the *'Compact Settlement*

*Guidelines'*. In cases where this minimum separation distance is not achieved, the affected dwellings have been appropriately designed to ensure that the amenity of future residents is not negatively impacted, for example, windows have been sited to prevent direct overlooking into adjacent dwellings and private gardens. I consider this to be an acceptable approach. In my opinion the layout of the development is well considered, it responds appropriately to the surrounding area and to the natural features of the site with hedgerows and trees retained and integrated into the scheme where feasible.

8.3.4. The proposed scheme, to be developed over 3 no. phases (as per table 2.4 above), comprises 4 no. character areas, with each area forming a different neighbourhood characterised by specific architectural and landscaped treatments. The inclusion of different character areas provides variation within the scheme which helps to create a 'sense of place' and a high level of legibility to promote way finding. External finishes include a mix of render, slate/tile and beige, red and grey brick. The choice of brick colour changes between the different character areas. The proposed materials and finishes are of high quality, durable and respond to the local palette of materials and finishes. The design of the proposed buildings, while relatively modern in character, is similar in form, detailing and material finish to existing residential development in the area, this will ensure that the proposed development assimilates effectively with the existing built environment.

8.3.5. In terms of housing mix, regard is had to section 4.7 of the CCDP. It is an objective of the CCDP (HOU 4.6) to secure the development of a mix of house types and sizes throughout the County to meet the needs of the likely future population. A Statement of Housing Mix with all applications for multi-unit residential development. The mix of units proposed within this LRD is set out in Table 2.2 above and on pages 6 to 8 of the applicant's response to the grounds of appeal. In brief, the proposed scheme comprises:

- 305no. houses in a mix of formats (detached, semi-detached, terrace, and bungalows) and ranging in size from one to four bedrooms.

- 164no. apartment / duplex units ranging in size from one to two bedrooms.

8.3.6. I note that most of the houses are designed to facilitate the future conversion of the attic space, providing a degree of flexibility for future residents. I am satisfied that the proposed scheme offers and appropriate mix of house type, size and tenure to meets the needs of the existing and future population of Mallow in line with section 4.7 and Objective HOU 4-6 of the CCDP.

8.3.7. I note that concerns have been raised in the grounds of appeal relating to the suitability of the site for apartments, due to its peripheral location, removed for Mallow TC and public transport and, the established character of area (low density housing along St. Joesphs Road). The GOP refers to the *Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities (2023)* which in section 2 - *Apartments and Statutory Development Plans*, provides guidance on the location of apartment schemes. The guidance states, in respect of 'peripheral and/or less accessible urban locations' that such locations are generally suitable for limited, very small-scale (will vary subject to location), higher density development that may wholly comprise apartments, or residential development of any scale that will include a minority of apartments at low-medium densities (will also vary, but broadly <45 dwellings per hectare). The proposed LRD includes for 164no. apartment / duplex units which equates to 35% of the total number of units proposed. The density of the proposed development equates to 36.9 dph. The apartment / duplex units are proposed in a range of three storey buildings towards the southern end of the development (Character Area 4), overlooking the park lands and adjacent to existing apartment / duplex units at Caste Park. In my opinion the quantum, scale and form of the apartment units proposed within this scheme is appropriate for this location and is consistent with the prevailing pattern and character of development in the area. The inclusion of apartment units within this scheme supports the development of these lands at an appropriate density and will contribute to the overall housing stock of Mallow.

8.3.8. A Housing Quality Assessment (HQA) was submitted with the application (updated at RFI Stage). This document indicates that the proposed housing and apartments are designed to meet the standards of Quality Housing for Sustainable Communities (2007), the Sustainable Urban Housing: Design Standards for New Apartments

(2018), the Sustainable Residential Development and Compact settlement Guidelines (2004) and the Cork County Development Plan 2022-2028.

8.3.9. The HQA indicates that all units generally meet or exceed the minimum requirements in terms of unit size, floor area, internal storage and private amenity space. All apartments have a floor to ceiling height of 2.7m. Due to the location, it is not envisioned that the ground floor units would be changed to a commercial use in the future. Mid-terraced houses are to be provided with private bin and bike stores to the front of the unit, while apartment / duplex units will have access to communal areas for bikes and bins located in close proximity.

8.3.10. All the residential units proposed within this scheme are either dual or triple aspect. Each housing unit is provided with an area of private open space in the form of rear gardens while private open space for the proposed apartment units is provided in the form of ground floor terraces and upper floor balconies which are accessed off the main living area. Apartment / duplex units are also provided with a total of 2,225sq. m of communal open space, this area exceeds the minimum required standard of 984 sq. m set out in the apartment guidelines (2023). This communal open space is provided in 5 no. separate spaces varying in size from 185sqm to 780sqm.

8.3.11. The proposed scheme will deliver approximately 6.52ha of public open space, c2.22ha of which is to be provided within the net developable area. This equates to 17.5% of net site area, which would accord with the public open space requirements of the CCDP, as set out in the Councils '*Interim Recreation and Amenity Policy (2019),* which require at least 12% - 18% of the site as usable open space. The remaining 4.3ha of public open space is to be provided in the form of public park to the south of the site. This public park will connect with the existing public park located along the northern side of the River Blackwater. Public open space areas include play areas, sports areas, amenity walkway, allotments, and a nature park, providing both passive and active amenity opportunities for future residents while also enhancing the biodiversity of the site. Public open space areas are well distributed throughout the site so as to be easily accessible to future residents.

8.3.12. Overall, I am satisfied that the proposed LRD would accord with the development and design standards set out in the CCDP and in relevant Section 28 Guidance and that it would provide a good standard of residential amenity for future occupants. Furthermore, having considered the plans and particulars submitted in support of the application, which includes a Daylight and Sunlight Assessment, and having visited the site and surrounding area, I am satisfied that the proposed scheme, in terms of its height, scale, design and layout would not have a significant impact on the residential amenities of neighbouring properties.

## 8.4. **Access and Traffic.**

8.4.1. The main issue of concern raised in the appeal relates to the impact of the proposed LRD, in conjunction with other planned / future LRDs in the area on traffic in Mallow.

8.4.2. The proposed development site is served by and accessed from St Joseph's Road (L1220), the local road between Mallow Town Centre and Oliver's Cross on the N72. St Joseph's Road is a single-lane two-way carriageway with a footpath on the eastern side of the carriageway and no designated cycle lanes. Access from St Joseph's Road is proposed via the existing Castle Park development, with four vehicular access points to the proposed development to be formed along Kingsfort Avenue and Maple Square. Kingsfort Avenue also provides access to Scoil Aonghusa Community National School. These link streets and the internal road network serving the development have been designed in line with DMURS and have been subject to a Road Safety Audit and Quality Audit as part of the Planning Application process. Recommendations of the audits have been incorporated into the design of the proposed scheme to the satisfaction of the planning authority. In addition to the internal road network, an internal off-road shared footway/cycleway is proposed between Kingsfort Avenue at Bower Walk, and the Blackwater Amenity Corridor (Mallow Town Park), linking with the proposed internal streets and open spaces.

8.4.3. As set out in section 7.1 above, the appellants have raised various traffic concerns relating to the capacity of the local road network and the adequacy of existing

transport infrastructure, in particular the lack of accessibility and connectivity for pedestrians and cyclists, to cater for the proposed and planned future LRDs in the area. It is contended that new roads need to be constructed, and existing roads upgraded before the development of additional housing in the area. The construction of the Mallow Relief Road and associated new local road connectivity is cited as an absolute prerequisite for new development. Additional concerns are raised regarding impacts from construction traffic and the lack of parking proposed within the scheme.

8.4.4. I proposed to consider the issues raised under the following headings:

- Capacity of the Local Road Network
- Adequacy of Existing Transport Infrastructure
- Prematurity Pending the construction of the N72/N73 Mallow Relief Road (MRR):
- Construction Traffic
- Parking

Capacity of the Local Road Network:

8.4.5. The impact of the proposed LRD on the local road network is assessed in the Traffic and Transport Assessment (TTA) submitted with the application. The TTA describes itself as a conservative report that represents the worst-case scenario for trip generation.

8.4.6. The TTA examines the existing traffic and transportation conditions, including baseline traffic conditions and available sustainable modes of transport in the area. Permitted / proposed developments in the area are discussed in section 5 of the TTA. Of note is the permitted Spa Glen LRD (CCC Ref. 24/4243) and the proposed Local Authority development at Aldworth Heights (ABP Ref. 320648) both of which have been considered in the assessment.

8.4.7. A traffic survey was completed on 5th October 2023. The survey was conducted at the following 9no. junctions:

| Junction | Description |
|---|---|

| | |
|---|---|
| J1 | St Joseph's Road, L-1220-0/N-72-389/N-73-0 Junction at Olivers Cross |
| J2 | Aldworth Heights Entrance to St. Josephs Road, L-1220-0 (Proposed CCC Housing Development) |
| J3 | Existing Castlepark entrance (Northern) to St. Josephs Road, L-1220-0 Kingsfort Avenue |
| J4 | Existing Castle Park entrance (Southern) to St. Josephs Road, L-1220-0 Castle Park Avenue |
| J5a | St. Joseph Road, L-1220-0/N-72-385 Junction at Spa Square |
| J5b | N72 & Infirmary Lane |
| J6 | Thomas Davis Street, R-883-0/ N-72-385 Junction at Spa Square |
| J7 | Bridewell Lane, L-9016-0/ Bridge Street, N-72-385 Junction |
| J8 | Bridge Street, N-72-385/ Park Road, N-72-380/ Mallow Bridge, R-620-28 Junction at Mallow Bridge North |
| J9 | Mallow Bridge & Ballydaheen, R620-28/ Mill Street, R-619-399/ Bearforest, L-1223-0 Junction at Mallow Bridge South |

*Table 8.1: TTA Junctions Analysed*

8.4.8. The results of the traffic survey found a slight variance in both the AM and PM peak times at each junction surveyed. For assessment purposes, it is assumed that all junction peak times occur simultaneously.

8.4.9. A junction capacity analysis of the existing traffic flows was then carried out for each junction. The analysis confirmed that Mallow Town Centre currently experiences congestion at peak times. Congestion is attributed, primarily, to the backing up of cars queueing along the N72 from the signalised junction at J6.

8.4.10. Section 7 of the TTA determines the overall number of trips that will be generated by the proposed development. For the assessment, residential trip rates were calculated based on the traffic counts undertaken at the existing Castle Park development (c500 units) on Thursday 5th October 2023. TRICS data was used to determine trip rates for the proposed creche. It was determined that in the design year (2041) and with all three phases of the development complete, the proposed scheme would generate 433 round trips during AM Peak and 437 round trips during PM Peak.

8.4.11. In terms of Modal Split, the TTA refers to targets set out in the Cork County Development Plan 2022-2028, which aim to reduce the modal share target for car travel from 77.47% in 2016 to 60% by 2040. The TTA includes a review of Census 2022 data which suggests that the rate of private vehicle trips is reducing faster than predicted in the CCDP with a recording of 70.1% 2022. The site's proximity to the town centre and availability of sustainable modes of transport as described in the applicants Mobility Management Plan support this modal shift prediction. The positive trend of modal shift is expected to continue.

8.4.12. The 9no. junctions were then assessed for the proportion of generated development traffic against the existing background traffic (including predicted traffic from the permitted Spa Glen LRD). The impact of development traffic on all surveyed junctions was shown to be above the TII threshold for further analysis (<5%). Therefore, capacity modelling of each of the 9 No. junctions was undertaken.

8.4.13. The following development scenarios were analysed 'with' and 'without' development for all junctions and 'with' and 'without' the Alworth Heights development.

- Survey year: 2023
- Opening year: 2026
- Design year: opening year + 5 years: 2031
- Design year: opening year + 15 years: 2041

8.4.14. The results show that the proposed development when completed (Phase 1, 2 and 3) and with Alworth Heights, does not have a significant impact on the junctions J1, J2, J3 and J4, St Joseph's Road. However, the results did show exceedances in junction capacity within the town centre at junctions J5a, J5b, J6, J7 and J9 with the onset of Phase 2. The TTA notes that the trip generation figures presented are a worst-case scenario and that the results presented are in line with the standards of an urban traffic setting. The TTA also outlines the option, available to the planning authority to optimise the cycle times of signalised junctions (J6, J8 and J9) as a means of reducing queuing and improving overall traffic flow.

8.4.15. The TTA concludes that (with mitigation) the existing road network is capable of accepting the proposed development traffic, in the worst-case scenario, within the norms of an urban traffic environment.

8.4.16. The mitigation measures outlined in the TTA and in the applicants Mobility Management Plan are aimed, primarily, at facilitating and incentivising the shift from vehicular travel to more sustainable modes of transportation and the case is made that the phasing of the proposed development as proposed, will provide time for CCDP modal shift targets to be realised. Such mitigation includes a reduction in the quantum of car parking spaces and an increase in the quantum of bike parking spaces within the scheme and enhanced pedestrian and cyclist connectivity within the development and its adjacent residential areas to the town centre, public transport and amenity areas. I consider the proposed mitigation measures to be reasonable and robust.

8.4.17. I note that following an initial request for further information seeking clarity on issues raised in the TTA including the proposed mitigation measures, the planning authority accepted the findings and conclusions of the TTA and granted permission for the development subject to condition.

8.4.18. I have considered the TTA, and I have no objection to the methodology used. I am satisfied that the traffic analysis results presented in this report, which represent a worst-case scenario, demonstrate that the local road network can accommodate the volume of traffic likely to be generated by the proposed development in line with the standards of an urban traffic setting. However, I note that the results presented are reliant upon the modal shift targets for Mallow as outlined in the CCDP, being achieved. Concerns are raised in the appeal in relation to the adequacy of existing infrastructure, in particular the lack of accessibility and connectivity in the area for pedestrians and cyclists, which would hinder efforts to support the shift from car use to more sustainable travel modes. This matter is addressed in the following sections of this report. concerns raised in the grounds of appeal relating to the lack of local public transport services in the area are considered separately in section 8.5 below.

<u>Adequacy of Transport Infrastructure:</u>

8.4.19. The submitted TTA, DMURS Quality Audit & Mobility Management Plan all identify the importance of enhancing pedestrian and cyclist connectivity between the development and the town centre to changing people's travel choices (from single-car trips to walking and cycling). This change in travel modal patterns for the

residents of the proposed development is a key mitigation measure put forth within the application to alleviate the impact of the additional traffic that will be generated by the development on the existing road network.

8.4.20. The need for infrastructure upgrades to support the sustainable delivery of this LRD was noted by planning authority in their assessment of the application and raised with the applicant at further information stage. The applicant was requested to review the aforementioned documents and to submit proposals for all necessary improvement works identified. In response, the applicants submitted an 'Existing Infrastructure Upgrade Works Report' document received on 27th February 2025.

8.4.21. The submitted 'Infrastructure Upgrade Works Report' is comprehensive and includes the location and site-specific proposals for interventions/improvement works to be undertaken to the existing roads and footpaths previously identified in the applicants DMURS Quality Audit / Walking Audit. These works are identified and costed in the report and include site-specific proposals to:

- improve existing footpaths and junctions within the adjoining 'Castle Park' residential housing estate.
- replace an existing 2m wide steel pedestrian bridge within the neighbouring Mallow Town Park with new 3m-wide steel bridge
- upgrade/widen the existing riverside amenity walk as a thoroughfare for cycle traffic. It is of relevance to note that these works have the benefit of planning permission under ABP-310354-2.

8.4.22. The report identifies the location of these improvement works and makes a distinction between those situated on the applicants' lands and those deemed to be 'public' paths. This document provides that all identified interventions / improvement works be undertaken either directly by the applicant or by Cork County Council via a special contribution, with all works completed prior to the opening of Phase 1 (a) and (b).

I have visited the site and the surrounding area, and I have utilised existing pedestrian facilities in the vicinity, including those on St. Josephs Road and within Mallow Town Park (amenity walk). In my opinion the site is well connected to the town centre, and I am satisfied that with the identified interventions / improvement works in place, the proposed development site would be adequately served in terms

of both pedestrian and cycle facilities, sufficient to support active travel modes between the site and surrounding residential areas to the town centre and to Mallow Train Station.

Prematurity Pending the construction of the N72/N73 Mallow Relief Road (MRR):

8.4.23. The CCDP states that one of the main constraints affecting the town centre at present is the high volumes of through traffic associated with the N72 route running through the eastern end of the town centre at the Spa Glen, Bridge Street, Mallow Bridge and along Park Road. The delivery of the N72/N73 Mallow Relief Road (MMR) is recognised as being essential in efforts to address this issue, this is reflected in CCDP objective (MW-GO-06) which seeks to prioritise the development of the MRR. I note that a route corridor for the MMR has been selected and included as objective MW-U-01. I also note the comments of the Senior Planner, in their report dated the 11th of April 2025, that the Mallow Relief Road is on schedule to be submitted through the statutory process in quarter two or quarter three of 2025.

8.4.24. The importance of the MMR on the future development of Mallow is reflected in the development strategy for town as set out in Volume III, section 2.4 of the CCDP. As previously noted, the CCDP estimates that an additional 1,105 housing units are required for Mallow by the end of the plan period. Sufficient lands have been zoned in the plan to achieve this target; this includes the residential zoned lands within the proposed development site. There is no restriction in the CCDP regarding the development of these lands in advance of the MRR. However, I note that such a restriction has been placed on other residential zoned lands within the plan area, including lands to the north of St. Josephs Road, which are subject to Residential Reserve zoning (MW-RR-01). On this basis, I consider that the CCDP supports the development of the application site in advance of the MRR.

8.4.25. In light of the above and having regard to my conclusions regarding the capacity of the local road network to accommodate the proposed development, I am satisfied that the proposed development can be accommodated and is not premature pending the delivery of the Mallow Relief Road.

Construction Traffic:

8.4.26. Regarding construction traffic, I note that an Outline Construction Traffic Management Plan (OCTMP)was submitted with the application. It is proposed that construction vehicles will access / egress the site from the N72 at Oliver's Cross and enter via the laneway from St Joseph's Road to Castlelands House, for which the applicant has a right of way. It is contended that the use of this route will minimise construction traffic at the junctions of St. Joseph's Road / N72 / Infirmary Lane / Bridewell Lane and will ensure that no conflict between construction traffic and existing residents / school traffic in the area arises. Deliveries are to be scheduled outside of peak commuting hours. I am satisfied, on the basis of the information provided, including the OCTMP, that construction traffic can be managed to ensure no significant impacts on the local road network or on properties in the area.

Car Parking:

8.4.27. In terms of car parking, third parties have raised concerns in relation to the quantum of parking proposed, which they consider insufficient and likely to result in overflow parking to neighbouring residential areas.

8.4.28. The proposed scheme allows for the provision of 589no car parking spaces which, in in accordance with the standards set out in the Table 12.6 of the CCDP, is well below the maximum number of spaces permissible, which is calculated at 830spaces. The plans states under Table 12.6 that a reduced car parking provision may be acceptable where the planning authority are satisfied that good public transport links are already available or planned and/or a Transport Mobility Plan for the development demonstrates that a high percentage of modal shift in favour of the sustainable modes will be achieved through the development. I note that a Mobility Management Plan was submitted with the application and that this plan included measures to support a model shift in line with the targets set out in the CCDP.

8.4.29. The planning authority in their assessment of the application had to regard to the provisions of the Sustainable Residential Development and Compact Settlement Guidelines which support a reduction in car parking standards; to the proximity of the site to the town centre and to the high frequency commuter rail planned for Mallow and considered that subject to enhanced pedestrian and cycle links to the town

centre and Mallow Railway station (as proposed) that a reduced parking standard would be acceptable in this instance.

8.4.30. While I accept that the quantum of parking provided is relatively low, I am satisfied that the provision of car parking below the maximum permitted standard is adequately supported in both the CCDP and the Compact Settlement Guidelines. I consider that such a proposal is supported by the conclusions of the applicants MMP and is consistent with the principle of promoting sustainable travel. Therefore, I have no objection to the level of parking provided for this LRD.

Conclusion: Access and Traffic

8.4.31. I considered the information submitted in the TTA and the Mobility Management Plan in light of the issues raised in the appeal and in the planning authority's assessment of the application, while I accept that the proposed development is likely to result in an increase in traffic and thus contribute to traffic congestion in the town centre, I am satisfied that subject to mitigation as outline in the aforementioned documentation, the impact of the development on the local road network would not be significant in an urban setting. In particular, I am satisfied that the development of this site as proposed would support the modal split targets as set out in the CCDP and improve pedestrian and cyclist accessibility and connectivity in the area for both existing and future residents. I do not consider that a refusal of permission is warranted on these grounds.

## 8.5. **Car Dependency:**

8.5.1. The proposed development site comprises an area of predominantly green field on the eastern periphery of the built-up area of Mallow. The appellant is concerned that the development of these lands, would contribute car dependency, contrary to the principle of compact growth.

8.5.2. Whilst I acknowledge that the proposed development site occupies a peripheral location and that the proposed scheme would essentially comprise a 'greenfield' development, I note that the lands in question are contiguous to the existing built-up

area of Mallow, and that they directly adjoin the existing residential development of Castle Park to the west. If permitted, the proposed development would read as part of the established built-up area with existing and proposed developments benefiting from shared infrastructure and services, including the proposed childcare facility, café, interpretative centre and amenity areas.

8.5.3. The proposed development would be well connected with direct pedestrian /cycle linkages into the neighbouring residential development Castle Park and to the Part X approved Mallow Town Park project to the south. The proposal includes robust measures, including infrastructure upgrade works, aimed at enhancing connectivity within the development and the surrounding area. These measures aim to improve accessibility to public transport (Mallow Train Station) and to Mallow Town Centre (c0.8km to the west). The level of permeability and connectivity benefiting the site will encourage more sustainable modes of transport (walking and cycling) contributing to a reduction in car dependency. Furthermore, I note that a Mobility Management Plan has been prepared for the proposed development. The MMP sets out a long-term strategy for reducing resident and visitor dependence on travel by car in favour of more active and sustainable modes of travel in line with current national and local policy.

8.5.4. In my opinion the development of this site as proposed would support the sustainable development of Mallow in accordance with the Core and Development strategies for the settlement as set out in the current CCDP.

8.6. **Social and Community Infrastructure:**

8.6.1. I note the concerns raised in the grounds of appeal regarding the lack of community-based services, facilities and amenities in the area to serve the proposed development, including the lack of school places, GP services and public transport. The application is accompanied by a Social Infrastructure Audit (SIA), Childcare Audit and Schools Assessment.

<u>Social Infrastructure Audit</u>

8.6.2. The Social Infrastructure Audit (SIA) found a total of 224 facilities located within the catchment area of the proposed development, of which 109 fall within a 15-minute walking distance of the site. The proposed development will add a childcare facility and a café/interpretive centre to the local area. The site is described as well located to utilise the existing retail, cultural, recreational and social infrastructure in Mallow Town and its surrounds.

8.6.3. In terms of Health Care, 25 no. facilities were identified including 8 no. GP surgeries (with a total of 31 GPs) and 1 primary Health Care Centre. The SIA notes that the HSE does not provide guidance on service health facilities. As such, the SIA relies on UK guidance from the Royal College of General Practitioners which supports an adequate supply of general practitioners (GPs) at a ratio of 1 GP per 1,800 persons. Based on this guidance, the 31 no. GPs operating in Mallow can effectively serve a population of 55,800 indicating that Mallow, with a recorded population of 12,169 (2016 census), is adequately served in terms of GP services.

8.6.4. Public Transport facilities were the lowest ranked out of the 7 categories of SIA facilities, with only four facilities identified, comprising 3 no. bus stops connecting to various local and regional bus routes and a train station. The nearest bus stop is located on Park Road (Bus Stop 631061), which is approximately 1.6km (20-minute walk) from the site. Mallow Train Station is located approximately 2km by foot (28-minute walk) or 3.3km by bicycle (12-minute ride). While the application site is not directly served by public transport at present, I note that the proposed development provides for enhanced pedestrian and cyclist connectivity to public transport (Mallow Train Station), which would benefit both existing and future residents of the settlement.

8.6.5. Childcare

8.6.6. The Childcare Assessment identifies 9 no. childcare facilities within a 2km radius of the site. Of the 9 no. facilities identified, 8 no. were at capacity with only 10 no. spaces available in the remaining facility, which would suggest a childcare deficiency in the town. The Childcare Assessment determines that the proposed scheme would generate a demand for 102 no. childcare spaces. The new childcare facility

proposed as part of the scheme has capacity for 122 no. spaces, which is sufficient to cater for the proposed development with additional capacity to cater for existing / future developments in the area. The facility is centrally located within the scheme to be easily accessible to both existing and future residents of the area. I note that the proposed childcare facility is to be delivered in Phase 1b. Overall, I am satisfied that the identified deficiency in childcare facilities in Mallow is being addressed.

Educational Infrastructure

8.6.7. The School Assessment Report identifies 14 no. primary and 3 no. post primary schools within the catchment area (based on the DoE catchment and includes the rural hinterland of Mallow Town). The report estimates available capacity of 198 spaces at primary school level and 206 at post primary school level. The proposed development is expected to generate a demand for 159 no. primary school places and 119 no. post-primary school places which indicates that there is sufficient capacity within the catchment area to cater for the proposed scheme. Additionally, the School Assessment Report notes that there are 2 parcels of land zoned for educational purposes in Mallow and states that if the proposed development does generate a demand above the estimated figures, that there is provision to accommodate such demand. The report concludes that the development does not necessitate the provision of primary or post primary schools in the short term.

Conclusion:

8.6.8. I have considered the information on file, and visited the area and I am satisfied that it has been demonstrated that Mallow is adequately served in terms of social and community infrastructure to cater for the proposed LRD. Furthermore, I am satisfied that where deficiencies in social and community infrastructure have been identified, that these deficiencies have been adequately addressed in the application, notably through the provision of childcare services and improved pedestrian and cyclist connectivity to public transport.

8.7. **Other:**

Impacts During Construction

8.7.1. Concerns have been raised in the grounds of appeal in relation to the impacts that may arise during the construction phase of the development on the amenities of neighbouring properties particularly. While I accept that construction phase of this development has the potential to give rise to nuisances (noise, vibration, dust, emissions and traffic etc), any such impact would be for a limited duration, and it is standard practice to impose conditions that seek to ensure that such nuisances are controlled / mitigated to lessen amenity impact

Appropriate Period:

8.7.2. I note that the applicants have sought an extended period of 10 years to implement the proposed LRD. In my opinion, such as request is acceptable in this instance, given the nature, scale and location of the proposed development.

Precedent Cases**:**

8.7.3. The grounds of appeal refer to six previous decisions of An Bord Pleanála (now An Coimisiún Pleanála) where permission was refused for residential development on various grounds on site throughout the Country. These decisions are cited as precedent cases to support a refusal of planning permission for this LRD. I have considered the cases referenced and, in my opinion, none are directly comparable with the development currently proposed, notwithstanding, I highlight that that neither the Local Authority nor An Bord Pleanála are bound by precedent decisions, and each application/appeal is assessed on its own merits

Conditions

8.7.4. Cork County Council granted planning permission for the proposed LRD subject to 76no. conditions, these include conditions that would be considered standard for a development of the nature and scale proposed. Several of the conditions cited are, in my opinion, adequately covered in the mitigation measures outlined in the EIAR, NIS and supporting documents submitted within the application and could be covered by

a condition(s) requiring adherence to the mitigation measures outlined in those documents. Conditions 4 and 5 of the planning authority's grant of permission relate to the design, layout and implementation of the infrastructure improvement works outlined in the applicants '*Existing Infrastructure Upgrade Works Report'*. Condition 75 requires the payment of a special contribution in respect of infrastructure upgrade works on lands outside of the applicant's land holding. Given that these infrastructure works would support the sustainable development of these lands and are necessary to ensure an appropriate level of connectivity, I would recommend that similar conditions are included in any grant of permission.

## 9.0 Environmental Impact Assessment

### 9.1. Statutory Provisions

9.1.1. Schedule 5, Part 2, Class 10. Infrastructure projects (b) (i), requires EIA for the construction of more than 500 dwelling units and Class 10 (b) (iv), requires EIA for Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

9.1.2. The proposed Large Scale Residential Development (LRD) comprises the construction of 469no. residential units, creche and associated ancillary development on an area of c.18.2ha. An EIAR is therefore required as the LRD comprises urban development on a site area that exceeds the 10ha threshold in a built-up area for mandatory EIAR.

### 9.2. EIA Structure

9.2.1. This section of the report comprises the environmental impact assessment of the proposed development in accordance with Planning and Development Act 2000 (as amended) and the associated Regulations, which incorporate the European directives on environmental impact assessment (Directive 2011/92/EU as amended by 2014/52/EU). Section 171 of the Planning and 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 and Development Regulations, 2001 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. 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. An Addendum Statement to the original EIA dated February 2025 was submitted to Cork City Council with Further Information.

9.2.5. The assessment provides a reasoned conclusion and allows for integration of the reasoned conclusions into the Commission's decision, should they agree with the recommendation made.

9.3. **Issues Raised in Respect of EIA:**

9.3.1. No issues were raised in the assessment of the application or in the appeal in respect of the EIA. However, the appeal did raise concerns in relation to the extent of new residential development planned for the St. Josephs Road and Spa Glen area of Mallow, the lack of adequate social / community and transport infrastructure to cater for the increased population and the additional traffic generated and, the impact this will have on existing residents, on local services / amenities and on trading in the town. Construction related impacts in terms of noise, dust and vibration were also raised.

9.4. **Compliance with the Requirements of Article 94 and Schedule 6 of the Regulations 2001**

9.4.1. Compliance with the requirements of Article 94 and Schedule 6 of the Regulations is assessed below.

| **Table 9.1 - Compliance with Article 94 and Schedule 6 of the Regulations 2001** |
|---|
| **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 Volume II Chapter 2 of the EIAR and includes details on location, layout, unit mix and type, creche / community room, interpretive centre/café, landscaping and open space; access and parking arrangements, drainage, construction methodology, traffic and waste management. The information was updated in Section 3.2 of the EIAR Addendum Report. |

| |
|---|
| 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 robust and enables decision making. |
| 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). |
| The EIAR includes mitigation by design and additional mitigation measures to address potential adverse effects identified in technical studies. These, mitigation measures and arrangements for monitoring, are summarised in Chapter 16 (Summary of Mitigation Measures, Monitoring). Mitigation measures comprise standard good practices and site-specific measures and are largely 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). |
| A description of the alternatives considered is contained in Chapter 3 of the EIAR. The alternatives considered include, 'do nothing' scenario and alternative locations, alternative uses, alternative processes; alternative design and layout (four alternative layouts were considered). The current proposal was deemed the most appropriate scheme with the highest quality of residential amenity and least environmental effects. It is consistent with both local and national policy, will create new residential community with a strong identify, within the built-up urban environment.<br><br>I am satisfied, therefore, that the applicant has studied reasonable alternatives in assessing the proposed development and has outlined the main reasons for opting |

| |
|---|
| for the current proposal before the Board and in doing so the applicant has taken into account the potential impacts on the environment. |
| **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. |
| A description of the baseline environment is included in each technical chapter of the EIAR. Each technical chapter also considers the 'Do nothing' scenario. |
| 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 methodology employed in carrying out the EIA, including the forecasting methods is set out in each of the individual chapters assessing the environmental effects. The applicant has indicated in the different chapters, where difficulties have been encountered (technical or otherwise) in compiling the information to carry out EIA. I comment on these, where necessary in the technical assessment below and for the reasons stated, I am satisfied that forecasting methods are adequate in respect of likely effects on biodiversity etc.. |
| 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. |
| This issue is addressed in various technical chapters of the report and specifically in Chapter 17 - Screening of Major Accidents. The vulnerability of the site to flood risk, seismic events and / or by virtue of its proximity to COMAH/Seveso sites is considered. These risks are reasonable and are assessed in my report. |
| Article 94 (c) A summary of the information in non-technical language. |

| |
|---|
| This information has been submitted as a separate standalone document (Volume I – Non-Technical Summary). I have read this document, and I am satisfied that the document is concise and comprehensive and is written in a language that is easily understood by a lay member of the public. |
| Article 94 (d) Sources used for the description and the assessments used in the report |
| The references and sources used to inform the description, and the assessment of the potential environmental impact are set out at the end of each chapter. I consider the sources relied upon are generally appropriate and sufficient. |
| Article 94 (e) A list of the experts who contributed to the preparation of the report |
| A list of the consultants responsible for the preparation of each of the chapters in EIAR is set out in in Volume 2 Chapter 1. Details of the expertise and qualifications of the person (s) involved in the preparation of each chapter is set out within that character. I am satisfied that the EIAR has been prepared by experts with competency in the technical subject areas |

*Table 9.1 - Compliance with Article 94 and Schedule 6 of the Regulations 2001*

Consultations:

9.4.2. Prescribed bodies as per Article 28 of the Planning and Development Regulations, 2001 as amended, were contacted to seek initial comments to inform the preparation of the EIAR. Formal responses were received from five of the consultees. Full detail scan be found in Volume III Appendices, Chapter 1 of the EIAR. The main comments are summarised in the follow table:

| **Prescribed Body** | **Summary of comment** |
|---|---|
| Department of Housing, Local Government, and Heritage | Includes observations intended to assist in identifying potential impacts on European sites, other nature conservation sites, and biodiversity and environmental protection in general, in the context of the current proposal while |

| | |
|---|---|
| | noting that data collected and surveys carried out in connection with the development may raise other issues that have not been considered. The submission provides guidance on the need for licencing under the Wildlife Act 1976-2018 or derogations under the EC (Birds and Natural Habitats) Regulations 2011, as amended; Appropriate Assessment, Construction Management Plans and Mitigation and mitigation in general. |
| Geological Survey Ireland (Department of the Environment, Climate and Communications) | Recommend use of Geological Survey of Irelands datasets for the EIAR. |
| Office of Public Works (OPW) | No comment |
| Transport Infrastructure Ireland (TII) | Provides general guidance for the preparation of an EIAR |
| Uisce Éireann | Details the aspect of Water service which should be considered in the scope of the EIA where relevant. |

*Table 9.2 – Consultee Response*

9.4.3. The application has been submitted in accordance with the requirements of the Planning and Development Act 2000 (as amended) and the Planning and 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.

9.4.4. 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 advance of decision making.

Compliance

9.4.5. Having regard to the foregoing, I am satisfied that the information contained in the EIAR, the EIAR addendum Report and supplementary information provided by the developer is sufficient to comply with article 94 of the Planning and Development Regulations, 2001. Matters of detail are considered in my assessment of likely significant effects, below.

## 9.5. Assessment of Likely Significant Effects

9.5.1. This section of the report sets out an assessment of the likely environmental effects of the proposed development under the following headings, as set out Section 171A of the Planning and Development Act 2000, as amended:

- Population and human health.
- Biodiversity.
- Land, soil, water, air and climate.
- Material assets, cultural heritage and the landscape.
- The vulnerability of the proposed development to risks of major accidents and/or disasters.
- The interaction between these factors.

9.5.2. In accordance with section 171A of the Act, which defines EIA, this assessment 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 interaction of these. Each topic section is therefore structured around the following headings:

- Issues raised in the appeal/application.
- Examination of the EIAR.
- Analysis, Evaluation and Assessment: Direct and indirect effects.
- Conclusion: Direct and indirect effects.

## 9.6. Environmental Topic: Population and Human Health:

9.6.1. Issues were raised in the appeal in relation to the lack of adequate community-based infrastructure and services and public transport in the area to cater for the additional population that would be generated by the proposed development. Issues were also raised regarding impacts from construction relation noise, vibration and dust and impacts arising from increased traffic during both construction and operational phases on residents and on trading in the town.

**Examination of EIAR:**

*Context:*

9.6.2. Chapter 4 of the EIAR deals with Population and Human Health. There were no significant changes / additions to this topic in the EIAR Addendum report. Environmental issues with the potential to impact on population and human health, such as air quality, traffic and transport, noise and vibration are addressed separately in the relevant chapters of the EIAR and, where relevant in the planning assessment set out in section 8 of this report.

9.6.3. The applicant's assessment on the topic of population and human health was undertaken in accordance with government and industry best practice guidelines. A Childcare Assessment, Schools Assessment and Social Infrastructure Audit were included with the application. The assessment methodology includes consultation with the local authority and statutory bodies, a review of the current socio-economic environment in the EIAR Study area, comprising site visits and visual assessment of the site and surrounding area and analysis of aerial photography and Ordnance Survey (OS) mapping, and further desk top studies. No limitations are identified and are not evident in the assessment.

*Baseline:*

9.6.4. The baseline environment is described in section 4.6 of the EIAR. This comprises a description of the receiving environment, with a focus on demography, land use and local amenity. The demographic profile of the Urbans Area within the study was examined utilising the CSO Census of Population Statistics dated 2022.

9.6.5. The following points are noted:

- As per the 2022 Census, Mallow has a population of 13,456 persons, representing an 8% increase on the 2016 Census figures. Average household size being 2.7
- The CCDP allocates a target population growth of 15,351 persons by 2028 and estimates that 1,105 no. housing units will be required for the town.
- The 2016 and 2022 Census figures show a clear trend towards an aging population with a significant rise in the 70-74 age group.
- The overall health of Mallow's population is good, with over 80% rating their health as either "very good" or "good".
- 92% of households in Mallow live in houses and bungalows, while only 5.7% of households reside in apartments.
- Based on the 2022 Census, 52.3% of the population of Mallow were at work, which is a 14.8% increase from the 2016 census. The commute time to work, school or college for the majority of Mallow Population was less than 15 minutes.
- The most popular mode of travel is by private car (37.5%) followed by walking at 15.8%. In terms of public transport, 1.3% use the train from Mallow to travel to work, while the bus is favoured by those travelling to college or creche, which stands at 2.6%, while only 0.5% use this mode of travel for work.

9.6.6. Section 4.8 of the EIAR identifies the principal potential receptors affected by the development proposal. These are:

- Residential Areas in Proximity.
- Community Facilities and Services, including schools and creches.
- Local Amenity.
- Economic Activities.

9.6.7. It is stated that there several existing residential properties which have the potential to be impacted by the development. the EIAR specifically highlights the residents of:

- Dwellings on Saint Joseph's Road and Castle Crest.
- Kingfort Avenue and Earls Square
- The dwelling on Castle Crest

9.6.8. There are an abundance of community facilities and services, which are identified as potential receptors. Such services include pharmacies, post offices, dentists, banks, gyms, sport playing pitches, a community centre, as well as a selection of local convenience/comparison retail stores. This section includes in tables 4.11, 4.12 and 4.13 details of the childcare facilities (8no.), primary schools (5no.) and post primary schools (3no.) in the study area, along with relevant travel times and distances which were determined based on the distance and average journey times provided by Google Maps. Table 4.14 sets out the capacity of existing childcare facilities.

*Potential Effects:*

9.6.9. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 9.3 below.

| **Project Phase** | **Potential Direct, Indirect and Cumulative Effects** |
|---|---|
| Do Nothing | If the development were not to proceed there would be no immediate impact on the existing population, economic activity, or community services and facilities in the town. However, if the development does not occur there will be a shortfall in housing supply in the area which may negatively impact the continued sustainable growth of the town. |
| Construction | *Population and Settlement Pattern*: - The potential impacts arising during the construction phase (est. 96 months) relate to short term impacts to quality of life, including visual impact/amenity, noise, air quality, and transport. Where relevant, these impacts have been considered in the relevant chapters of the EIAR. Predicted effect is short-term, negative.<br><br>*Economic Activity*: - The construction phase is anticipated to result in a temporary boost to the local economy as workers employed at the site can be expected to make use of local |

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| | retail facilities and other services. Predicted effect will be positive significant and short-term.<br><br>*Land Use and Amenity*: - the proposal accords with the statutory zoning and no severances of lands or loss of rights-of-way occur. Impacts on local amenity and receptors mainly relate to noise, air quality and traffic, these are assessed within the relevant chapters of this EIAR. The potential impact on local heritage is assessed further in Chapter 13 Cultural Heritage of this EIAR. Predicted effect will be short-term negative/neutral impact<br><br>*Community Facilities and Services*: - construction phase impacts expected to be slight and neutral<br><br>*Health*: - As with any construction site, there will be potential risk to health and safety in terms of injury or death of construction personnel on-site due to the usage of large, mobile machinery as well as heavy equipment and materials. Human health may be impacted on in a variety of ways and by several environmental receptors including water, biodiversity, climate, flooding, air, and major accidents, etc These issues are addressed within the relevant discipline of the EIAR. |
| Operation | *Population*: - The provision of 496 No. residential units including 94 no. units for Part V social Housing. Expected to generate a population of 1,364 persons. Predicted Effect – significant, positive, long-term impacts on population and settlement patterns in the area<br><br>*Schools*: - Increased demand for school places may require additional resources or capacity expansions. Proximity to schools (less than 2.5 km) makes them well-positioned to |

| | |
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| | accommodate future demand. Predicted effect: moderate and long-term.<br><br>*Childcare*: - Increase in the demand for childcare facilities with existing facilities close to capacity. Proposed crèche will ensure that childcare needs are met within the immediate area, reducing pressure on existing facilities. The location of the creche within walking distance of the residential units encourages sustainable modes of travel, reducing traffic congestion around existing facilities. Predicted effect: Positive long-term.<br><br>*Household Type and Settlement Pattern*: - Mix of house size and tenure, catering for a variety of household types, promoting sustainable population growth and encouraging diverse household compositions. The inclusion of green spaces, community amenities, and the crèche will further enhance the liveability of the area. Predicted effect: Positive long-term.<br><br>*Economic Activity*: - growth in population will increase economic activity in the area. Predicted effect positive, slight, long-term<br><br>*Land Use and Local Amenity*: - Compliance with zoning objectives. The proposed development will facilitate an appropriate, sustainable settlement pattern which will accommodate residential, community, leisure, and recreational facilities to satisfactorily match the anticipated level of population growth and household generation. The change of the land use from greenfield/agricultural to primarily residential will permanently change the views currently enjoyed by adjacent properties and road users. This impact is visual and is dealt with in Chapter 10 Landscape and Visual impact. Impacts on Natura 2000 sites and biodiversity and on |

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| | archaeological heritage are assessed in Chapter 13 and 14 of the EIAR.<br><br>*Community Facilities and Services*: - Community facilities are expected to benefit from the increased population in particular clubs and community centres, gyms and services. Any potential impacts are anticipated to be long term, neutral and not significant. The proximity of the development to public transport (bus and rails services) and the inclusion of cycle paths and pedestrian routes in the development will support sustainable travel / commuting options helping to reduce reliance on private vehicles and traffic congestion.<br><br>*Health*: - the proposed development, though the provision of new / improved infrastructure, public amenity areas and recreational facilities by of benefit to existing and future residents with positive impacts on human mental and / or physical health. Predicted effect: permanent significant positive |
| Decommissioning | N/A |
| Cumulative | Potential overlap with the construction of other recently permitted applications in Mallow. However, due to the distances between the proposed development and these permitted developments, any cumulative impact during the construction phase is expected to be not significant.<br><br>During the operational phase, the cumulative impact of these applications is expected to be slight, long-term and positive by providing additional homes, childcare facilities, community spaces, and public open spaces for the local population. |

*Table 9.3: Summary of Potential Effects: - Population and Human Health*

*Mitigation:*

9.6.10. Mitigation measures are set out in section 4.10 of the EIAR. Mitigation measures during construction includes those outlined in the Construction and Environment

Management Plan (CEMP), and outline Construction Traffic Management Plan (OCTMP) submitted with the application. A project supervisor for construction stage (PSCS) is to be appointed and a contractor safety management program implemented. Measures to avoid potential negative impacts on Population and Human Health have been fully considered in the design of the project and are integrated into the final layout and design. As such no mitigation measures are required for the operational phase of the project.

*Residual Effects:*

9.6.11. It is anticipated that the construction phase will have a positive overall economic benefit for the area and that the proposed development will release significant positive overall economic and social benefit for the local community and the wider. The delivery housing will have a positive effect for the local area.

*Analysis, Evaluation and Assessment: Direct and Indirect Effects:*

9.6.12. I have examined, analysed and evaluated Chapter 4 of the EIAR and all of the associated documentation and submissions on file in respect of population and human health. I have inspected the application site and the surrounding area. In addition, I have had regard to the policy outlined in the current development plan. I am satisfied that the applicants understanding of the baseline environment, by way of desk and site surveys, is comprehensive and that the key impacts in respect of likely effects on population and human health, as a consequence of the development have been identified.

9.6.13. The construction phase of the development is anticipated to have a positive overall economic benefit for the area. The predicted impacts of the operational phase are expected to be significant positive overall economic and social benefit for the local community and wider area. The delivery of housing will have a positive effect for the local area.

9.6.14. It is noted that there are numerous inter-related environmental topics described in detail throughout the EIAR document which are of relevance to population and human health. During the construction and operational phases, noise, traffic, air

(dust emissions), will be the key environmental factors that will have an impact on population and human health and each topic will be addressed in further detail in my assessment of the individual chapters of the EIAR.

9.6.15. Parties to the appeal have raised issues relative to the topic of population and human health including, the lack of adequate community-based infrastructure, services and public transport in the area and impacts during construction. I have addressed these issues in detail in Section 8 of this report, and I am satisfied that the proposed development is acceptable subject to compliance with appropriate conditions.

9.6.16. Regarding the lack of adequate community-based infrastructure and services including public transport) in Mallow to cater for the proposed development. I note that the proposed scheme includes for the provision of a creche facility, a café/interpretive centre, and public amenity areas including the extension of existing park lands (Mallow Town Park). The proposed scheme also facilitates infrastructure upgrades that will improve pedestrian and cycle connectivity to the town centre and to Mallow Train Station to the benefit of existing and future residents. I am satisfied that Mallow is adequately served in terms of community and social infrastructure to cater for the additional population generated by the proposed LRD.

9.6.17. The potential for direct, indirect and cumulative impacts on human health from air quality, noise and vibration, material assets and traffic during the construction and operation phases are addressed in the relevant chapters of the EIAR. I have assessed these relevant chapters. I am satisfied that these effects can be avoided, managed and mitigated by measures that form part of the proposed scheme.

*Conclusion: Direct and Indirect Effects:*

9.6.18. Having regard to the examination of environmental information contained in Chapter 4, it is considered, having regard to the residential nature of the proposed scheme, the location of the proposed scheme within the key town of Mallow and contiguous to the established built-up area and the capacity of Mallow to accommodate the scale of development proposed, and subject to the application of the standard mitigation measures proposed, there is no potential for significant environmental effects on population and human health.

## 9.7. Environmental Topic: Biodiversity:

9.7.1. No issues were raised in the appeal on the EIAR topic of Biodiversity. The need for additional pre-commencement bat surveys was noted during the planning authority's assessment of the application. I also note that An Taisce in their submission to the planning authority, did note the proposed use of LED lighting in the scheme and the potential for adverse impacts on inspects, nocturnal animals and plants.

**Examination of EIAR**

Context

9.7.2. Chapter 13 of the EIAR addresses biodiversity. There were no significant changes to this chapter as a result of the further information submitted. Survey results are contained in Volume III of the EIAR. An Appropriate Assessment Screening Report was prepared as standalone document. To avoid any repetition the potential impact on the designated sites is addressed in the AA section of this report.

9.7.3. This Chapter details the Ecological Impact Assessment (EcIA) of the Proposed Development, which assesses the potential effects of the Development works on habitats and species; particularly those protected by National and International legislation or considered to be of particular nature conservation importance. The Chapter outlines (inter alia) the legislative and policy context, assessment methodology, the baseline environment (existing and receiving), the results of the desk and field studies, potential effects and mitigation, including biodiversity enhancement measures and monitoring.

9.7.4. The methodology included a desktop study of available data and field surveys. The following surveys were carried out:

| | |
|---|---|
| Preliminary Habitat and Invasive Flora Survey | 07th February 2023 |
| Mammal Survey | 07th February 2023 |
| Bird Scoping Survey | 07th February 2023 |
| Preliminary Bat Roost Assessment Survey | 07th February 2023 |
| Bat Roost Emergence Survey (Building C) | 11th May 2023 |

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| Bat Roost Emergence Survey (Building A) | 15th May 2023 |
| Breeding Bird Survey | 15th May 2023 |
| Mammal Survey | 15th May 2023 |
| Habitat and Invasive Flora Survey | 29th May 2023 |
| Bat Roost Emergence Survey (Building A) | 29th May 2023 |
| Site walkover to establish site conditions and to inform surface water mitigation strategy | 15th May 2023 |

*Table 9.4 Biodiversity Field Surveys*

The EIAR notes that no difficulties were encountered in the preparation of this chapter of the EIAR.

*Baseline*

9.7.5. The baseline environment is described in section 13.6 of the EIAR. This includes a description of the underlying hydrology, geology and hydrogeology of the site and an outline of the desk and field study results.

*Designated sites*: - The EIAR identifies one SAC, one SPA, no NHAs and 12 pNHAs within a 15km radius of the site. A pathway between the proposed development site and the Blackwater River (Cork/Waterford) SAC (002170) is identified, owing to the proximity of the Site to this SAC and the underlying geography and topography of the Site.

*Habitat and Flora*: - The habitats present within the site are described in section 13.6.5.1. The dominant habitat type within the site is dry meadows and grassy verges (GS2), with areas of scrub (WS1) and scattered trees and parkland (WD5) revegetating in parts. A small treeline (WL2) and buildings and artificial surfaces (BL3) were located to the west, while there was some construction refuse/waste (ED5) to the east and a stone wall (BL1) habitat was observed along the eastern/southeastern boundary. No rare or protected plant species were recorded within the site.

*Invasive Species*: - Two invasive plant species were recorded on site, namely Butterfly Bush, and New Zealand Flax (Phormium tenax). Butterfly Bush was observed growing on areas of hardstanding/artificial surfaces to the west of the Site,

while New Zealand Flax was observed growing behind a rear garden, to the west of the Site, just behind a dense willow tree canopy.

*Bats*: - The bat surveys and assessments conducted on site in 2023 concluded that the site itself is of negligible importance for bats. The existing buildings showed no signs of bat roosting during emergence surveys, and the site lacks mature trees and commuting and foraging routes. No evidence of roosting bats was present, nor were any significant gaps or cracks evident on the trees capable of supporting roosting bats. The adjacent Blackwater River habitats are likely to support bat commuting and foraging.

Birds: - The Site is considered to hold some value to locally occurring bird species. A total of 24 bird species were recorded at the Site through several site visits, however breeding activity was relatively low with only one species considered likely to be breeding at the Site (Blackbird (Turdus merula)). Red listed bird species noted flying over or in adjacent habitats included Meadow Pipit (Anthus pratensis) and Yellowhammer (Emberiza citronella).

*Non-volant Mammals:* Very limited suitable habitats for protected mammals such as badger (Meles meles) or otter (Lutra lutra) were noted on the site. However, the Site does provide suitable foraging and commuting for badgers. Additionally, Blackwater River is likely to support otters. Small mammals may be present in the scrub and woodland areas, as well as grassland areas of the site.

*Amphibians and Reptiles:* - No amphibians or reptiles were recorded on site, however some suitable habitats were noted.

*Fish / Aquatic species:* - No suitable habitats present within the site; however, fish and other aquatic species can be considered present in the Blackwater River south of the site, which is hydrologically linked to the site via surface and ground water run-off.

*Terrestrial Invertebrates*: - No rare or protected species of invertebrates were recorded on site. The site exhibited very little floral diversity overall for invertebrate species, however, the small stands of Butterfly Bush recorded on Site could attract pollinators and other invertebrates to the Site.

*Potential Effects*

9.7.6. The EIAR identifies the potential for a range of environmental effects on Biodiversity. Table 13-27 provides a summary of potential impacts on Key Ecological Receptors (KERs), mitigation proposed and residual Impacts. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 9.4 below. Minor effects are not identified, except where there is potential for significant impact interactions, cumulative effects or where concerns have been expressed by parties to the application

| **Project Phase** | **Potential Direct, Indirect and Cumulative Effects** |
|---|---|
| Do Nothing | No significant impacts identified. If the proposed development was not to go ahead, habitats at the site would continue to evolve. Eventually, the recolonising bare ground habitat and dry meadows and grassy verges habitats would likely transition to scrub. The site would likely continue to be used by various local fauna such as bats, birds, fox, and hedgehog. |
| Construction | • Possible damage to underground root systems or overground growth of the trees. Predicted Effect: potential negative, long-term, moderate impact at a local scale.<br>• Water quality impacts from polluted surface water discharges to Blackwater River and / or to the ground. Predicted effect: negative, short term, significant<br>• Disturbance from light, noise and / or dust emissions. Predicted Effects: Construction Phase lighting is considered to constitute a potential negative, permanent, slight impact at a local level on bat species.<br>• Habitat loss: Predicted Effects: negative, permanent, moderate impact at a local level on bird species utilising the site.<br>• Spread of invasive species. Predicted Effect: possible negative, long-term, moderate impact at a site scale; |

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| | potentially negative, long-term, significant on adjacent habitats owing to their ecological importance.<br>• Construction related injuries / death / entrapment: Predicted effect: Negative, short-term, moderate impact to Badgers (if found to frequent the site); negative, short-term, significant to small mammals. negative, permanent, moderate impact on the local amphibian population |
| Operation | • Increased human activity within the adjoining parkland alongside the Blackwater River contributing to noise/ nuisance / disturbance.<br>• Impacts from increased lighting on any bats utilising the site. Potential Effect: negative, permanent, significant.<br>• Potential fragmentation of habitats impacting foraging and commuting behaviours of small mammals. Predicted Effect: Negative, permanent moderate. |
| Decommissioning | N/A |
| Cumulative | No significant cumulative impacts involving the Proposed Development and other developments were identified. |

*Table 9.5 Potential impacts – Biodiversity*

*Mitigation*

9.7.7. Avoidance, mitigation, monitoring and enhancement to address the potential impacts are set out in section 13.10 of the EIAR. Table 13.27 provides a summary of potential impacts, mitigation proposed and residual impacts.

9.7.8. Notable measures include the following: -:

- The SUDS features included in the Project Design will ensure the surface water discharge from the Proposed Development is reduced to greenfield runoff rates. These features will be implemented as part of the surface water drainage design.

- Pre-commencement surveys to determine level of mammal (otter and badger) usage immediately prior to commencement of works, to ensure accuracy of information at the beginning of works,
- Adherence to the mitigation measures etc outlined in the Construction Environmental Management Plan, NIS and Waste Management Plan
- Use of protective tree fencing
- Removal of areas of vegetation not to be undertaken between the 1st of March and 31st August.
- Hours of working to be limited to daylight hours where possible.
- Compliance with relevant guidelines in relation to the treatment, removal and disposal of invasive species. During the operational phase, newly landscaped areas to be assessed, within the next botanical season, for the presence of any inadvertently introduced invasive species. If invasive species are detected, an Invasive Species Management Plan to be prepared and implemented at the earliest possibility.
- If identified during the pre-construction otter survey, adherence to otter protection measures, including no construction within 150m of any holts at which breeding females or cubs are present; no wheeled or tracked vehicles within 20m of active, but nonbreeding, otter holts; no light work within 15m of such holts (except under licence). Protective measures including fencing and staff awareness.
- Construction Phase lighting to be switched off (where possible) during non-working hours. During use, directional lighting will be the lighting of choice as this will minimise light spill from the site, into any surrounding areas which may be in use by bats or other nocturnal animals that may be commuting/foraging in the area. Use of LED luminaires possessing a warm white spectrum due to their sharp cut-off, lower intensity, and dimming capabilities.
- Operational phase light to accord with guidelines presented in the Bat Conservation Trust & Institute of Lighting Engineers 'Bats and Lighting in the UK - Bats and Built Environment Series', the Bat Conservation Trust ‘Artificial

Lighting and Wildlife Interim Guidance' and the Bat Conservation Trust 'Statement on the impact and design of artificial light on bats'.

- Enhancement measures include the provision of amphibian and reptile habitats, bird boxes, swift bricks, bat boxes, wildflower meadows, insect hotels and unmanaged log piles. Additionally, a low intervention hedgerow management plan is recommended for the maintenance of any new hedgerows within the proposed development.

*Residual effects*

9.7.9. It is considered that subject to mitigation no significant negative residual impacts on the local ecology, or on any designated nature conservation sites, will occur as a result of the Proposed Development.

9.7.10. *Analysis, Evaluation and Assessment: Direct and Indirect Effects*

9.7.11. I have examined, analysed and evaluated the information provided in Chapter 13 and all the associated documents, and submissions on file in respect of biodiversity. I am satisfied that the applicant understanding of the baseline environment, by way of desk and site surveys, is comprehensive and that the key impacts in respect of likely effects on biodiversity, as a consequence of the development have been identified.

9.7.12. It was noted by the planning authority in their assessment of the application and in their decision (condition 66) that, as per the Arboricultural Impact Assessment, some of the trees surveyed may support roosting opportunities for bats and that further confirmation on this matter would be required. The Ecologist in their report to the planning authority, dated 13th December 2024 also noted that the EIAR failed to include measures in the event that existing buildings, become occupied with roosting bats in the intervening period. I am satisfied that these issues can be adequately addressed by way of condition in the event of a grant of permission.

9.7.13. Regarding the potential for disturbance to bats and nocturnal animals from outdoor lighting. I note that the EIAR includes mitigation for both construction and operational

phase lighting. Such mitigation includes ensuring that the design of lighting accords with guidelines presented in the Bat Conservation Trust & Institute of Lighting Engineers 'Bats and Lighting in the UK - Bats and Built Environment Series', the Bat Conservation Trust ‘Artificial Lighting and Wildlife Interim Guidance’ and the Bat Conservation Trust 'Statement on the impact and design of artificial light on bats'. The measures outlined are, I consider, sufficient to ensure no significant negative impacts.

*Conclusion: Direct and Indirect Effects*

9.7.14. Having regard to the survey work carried out, the location of the site with the development boundary of Mallow, contiguous to the established built-up area, the design of the proposed development which includes features that may act to avoid or mitigate negative impacts on the local ecology and environment and best practice mitigation measures, which include further pre-construction surveys, measures to address the invasive species present on site and measures concerning the design of outdoor lighting, and subject to a condition ensuring the appropriate felling of trees with bat root potential, that there is no potential for any significant direct, indirect or cumulative effects on biodiversity as a result of the proposed development.

9.8. **Environmental Topic: Land, Soil, Water, Air and Climate**

9.9. **Sub-Topic: Land, Soil and Geology:**

*Issues Raised:*

No significant issues raised in the appeal or in the assessment of the application on the topic of land, soil and geology.

**Examination of EIAR**

*Context*

9.9.1. Chapter 5 of the EIAR and Section 3.5 of the EIAR Addendum Report deal with the topic of land, soil and geology. Volume III, Appendix 5.1 includes Trial Pit Logs and Infiltration Tests.

9.9.2. The assessment is undertaken in accordance with government and industry best practice guidelines. The assessment methodology includes desk top study, site visits undertaken in December 2023 and July 2024 and site investigation completed in February 2024. No limitations are identified and are not evident in the assessment.

9.9.3. *Baseline*

The baseline environment is described in section 5.6 of the EIAR. The following points are noted:

*Current and Historical Land Use:* - The site is approximately 18.2 ha and comprises undeveloped lands and have been the subject of previous ground clearance works associated with previously permitted developments. Parts of the site have been used as construction compounds related previously permitted schemes. There are a number of temporary hardstands and construction roads crossing the site and the subsoil is exposed in large areas of the site

*Topography*: - The site slopes southwards towards the Blackwater River with ground elevations ranging from 87.5 meters above Ordnance Datum (mOD) in the north of the site to 43mOD to the south of the site.

*Soils*: - The soils beneath the majority of the site have been mapped by the GSI (GSI, 2024) as deep well drained mineral (mainly acidic) Acid Brown Earths and Brown Podzolics derived from mainly noncalcareous parent materials. While the soils beneath the central portion of the Site and along the southern boundary of the Site have been mapped as shallow well drained mineral (mainly basic) Renzinas and Lithosols derived from mainly calcareous parent materials (IFS Soil Code: BminSW)

Geology: - The Geological Survey Ireland's (GSI) mapping indicates that the majority of the site till derived from Namurian sandstones and shales. The central portion of the site and along the southern boundary is bedrock outcrop or subcrop.

*Soils and Geology*: - The results of the site investigation are summarised as follows:

- Yellowish brown, slightly gravelly sandy CLAY was encountered from ground level to depths ranging from 0.3mbGL (SA02) to 1.7mbGL (SA03).
- At site investigation locations SA01 and SA02, the CLAY unit was observed to be underlain by brown, slightly clayey, slightly gravelly SAND to a maximum depth and final extent of excavation of 2.3mbGL (SA01).

- The CLAY unit was observed to be underlain by brown, clayey sandy GRAVEL at investigation location SA03 from 1.7mbGL to the final extent of excavation of 2.3mbGL.
- Bedrock was not encountered during the site investigation.

*Radon*: With reference to Radon Risk Map of Ireland (EPA, 2024) The site is considered a High Radon Area.

*Geohazards:* Earthquakes are not likely to occur in the vicinity of the Site at a sufficient intensity to pose a risk for the Proposed Development. The site is located within an area of 'low' on the landslide susceptibility classification map. There is no karst features mapped at the site.

*Importance of Baseline Environment*: the EIAR notes that in accordance with the TII Guidance the soil underlying the site would be rated as an attribute of 'low' geological importance given the presence of made ground and considering the subsoils are not mapped as containing a mineral resource. However, the bedrock underlying the site would be rated as an attribute of 'high' geological importance considering the bedrock is mapped as having a very high potential for crushed rock.

*Potential Effects*

9.9.4. The EIAR identifies the potential for a range of environmental effects on Land and Soils. Likely significant effects of the development, as identified in the EIAR, are summarised in the following Table. Minor effects are not identified, except where there is potential for significant impact interactions, cumulative effects or where concerns have been expressed by parties to the application

| Project Phase | Potential Direct, Indirect and Cumulative Effects |
|---|---|
| Do Nothing | No change or resulting impact if the development does not proceed. |
| Construction | *Land take and Use:* The Proposed Development will require land take of approximately 12.7ha and will change from undeveloped lands to residential, interpretive |

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|---|---|
| | centre/café, and creche use. Predicted impact - 'negative', 'significant' and 'permanent' taking account of the surrounding land and zoning objectives.<br><br>*Excavation and Removal of Soil and Subsoil:* - The construction phase will require the excavation of 51366m3 of soil (17,189m³ topsoil and 34,177m3 subsoil). c15,869m³ of which is to be reused. Approximately 35,497m3 of excavated soil (17,189m3 topsoil and 18,308m3 subsoil) will require removal offsite. As the soils underlying the site are considered to have 'low' importance predicted impact on the underlying soils is 'negative' 'slight' and 'permanent' impact.<br><br>*Soil Quality and Contamination*: - potential risk associated with the use of cementitious materials during construction. Predicted impact on existing soil quality is 'negative', 'moderate' and 'long-term'. The potential accidental release of deleterious materials including fuels and other materials. Predicted impact on the receiving soil and geology: 'negative', 'moderate to significant', 'long-term'.<br><br>*Dust Generation*: - considered in Chapter 7 Air Quality of this EIAR.<br><br>Soil Structure: - The temporary stockpiling of soils and subsoils pending reuse will have a potential 'negative,' slight' and 'long term' impact' on the natural strength of the materials. |
| Operation | No significant effects envisioned. |
| Decommissioning | N/A |
| Cumulative | No significant effects envisioned. |

*Table 9.6 Potential impacts - Land, Soil and Geology*

*Mitigation*

9.9.5. Mitigation and monitoring measures are set out in Section 5.9 of the EIAR. These include:

- All works to be undertaken in accordance with the Construction Environmental Management Plan (CEMP) and a preliminary Resource Waste Management Plan (RWMP):
- all imported aggregates and materials to be sourced from reputable suppliers operating in a sustainable manner and in accordance with industry conformity/compliance standards and statutory obligations.
- The importation of aggregates and materials will be subject to management and control procedures, including testing for contaminants, invasive species and other anthropogenic.
- Excavated soils will be carefully managed and maintained to minimise potential impact on soil quality and soil structure.
- Reuse of soil and sub-soil materials onsite
- Stockpiling of soils and subsoils onsite to be avoided, where possible. Where required stockpiled materials will be located away from sensitive receptors as Inland Fisheries Ireland guidelines.
- Surplus material, not suitable for reuse onsite, will be segregated, and stockpiled appropriately for removal offsite. Surplus materials and waste to will be removed offsite in accordance with the requirements outlined in the CEMP and the RWMP
- Dedicated internal haul routes will be established and maintained. The siting of haul routes shall accord with specified criteria. Exclusion zones will be established where soft landscaping is proposed and along site boundaries
- Public roads outside the Site will be regularly inspected for cleanliness and cleaned as necessary.
- Pre-cast concrete to be used where technically feasible. Where cast-in-place concrete is required (i.e., building foundations), all work to be carried out in dry conditions and be effectively isolated from any groundwater.

- Concrete batching will take place offsite, wash down and wash out of concrete trucks will take place into a container located within a controlled bunded area.
- Any diesel, fuel or hydraulic oils stored onsite to be stored in designated areas. These areas are to be appropriately bunded and located away from surface water drainage and features.
- Emergency procedures to be developed by the appointed Contractor in advance of works. Spill kits to be available onsite and construction staff to be informed on emergency procedures.
- Foul drainage from temporary welfare facilities to be discharged to temporary holding tank(s) the contents of which will periodically be tankered off Site to a licensed facility.

*Residual Effects*

9.9.6. Subject to adherence to mitigation measures, it is considered that there would be no significant residual effects on land, soils and geology.

*Analysis, Evaluation and Assessment: Direct and Indirect Effects.*

9.9.7. I have examined, analysed and evaluated the information provided in Chapter 5 and all the associated documents, and submissions on file in respect of Land and Soils. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts and provides suitably comprehensive range of mitigation and monitoring measures in Section 8.6 to reduce any potential impacts.

9.9.8. I note that the proposed development will require a land take of approximately 12.7ha and will change the nature of the lands from undeveloped lands to residential, and creche use. The impact of these works on the landscape and visual amenity is discussed in chapter 10 of the EIAR and considered below. I further note that the development of these lands as proposed would accord with the zoning objectives for the area as set out in the CCDP as discussed in section 8.2 of this report.

*Conclusion: Direct and Indirect Effects*

9.9.9. Having regard to the site investigations carried out, the baseline environment and site-specific best practice mitigation measures including those contained in the Construction Environmental Management Plan (CEMP) and preliminary Resource Waste Management Plan (RWMP), to mitigate potential effects on land soil, and geological environment, I am satisfied that there is no potential for any significant direct, indirect or cumulative effects on lands, soils and geology as a result of the proposed development.

## 9.10. Sub -Topic: Water

*Issues Raised:*

9.10.1. No issues have been raised by any party to the appeal or in the assessment of the application on the topic of water. I note that during their determination of the application, CCC did seek clarification on the capacity and design specifics of the surface water management system. The issues raised were addressed to the satisfaction of both the Area Engineer and planning authority. I am satisfied that no outstanding issues of concern remain.

**Examination of EIAR**

*Context*

9.10.2. Chapter 6 of the EIAR and Section 3.5 of the EIAR Addendum Report deal with the topic of Hydrology & Hydrogeology. Section 3.5 of the EIAR Addendum Report includes consideration of the near stream works which are to be carried out to facilitate the proposed LRD development, comprising the replacement of an existing pedestrian bridge and the widening of existing footpath / cycle paths though Mallow Town Park / Blackwater Amenity Corridor. The EIAR in Volume III, Appendix 5.1 includes Trial Pit Logs and Infiltration Tests. A site-specific flood risk assessment (SSFRA), AA Screening Report and NIS accompany the application.

9.10.3. The assessment is undertaken in accordance with government and industry best practice guidelines. The assessment methodology includes desk top study and site

visits No limitations are identified and are not evident in the assessment. I note that Chapter 6 includes information on and consideration of the proposed development in term of the Water Framework Directive, for clarity, I have dealt with this matter separately in section 11 of this report.

*Baseline:*

9.10.4. The baseline environment is described in section 6.6 of the EIAR. The following points are of note:

*Groundwater*: - The groundwater body beneath the site is identified as the Mitchelstown GWB (EU Code: IE_SW_G_082). Groundwater flow in the vicinity of the site is likely to be in a southerly direction towards the Blackwater [Munster] River.

*Aquifer Classification*: - The site is located on a Bedrock Aquifer classified as 'Regionally Important Aquifer'.

*Groundwater Vulnerability*: - The GSI has a assigned a groundwater vulnerability rating of 'Extreme' (E) and 'Rock at or Near Surface or Karst' (X) for the groundwater beneath the site.

*Site Hydrogeology*: - Groundwater was not encountered during the site investigation. The results indicate that the soil has a moderate permeability, allowing water to drain effectively from the ground surface to the underlying aquifer without causing prolonged surface water retention.

*Hydrology*: - EPA mapping shows the site within the Blackwater (Munster) WFD Catchment (Catchment I.D.: 18), the Blackwater [Munster]_SC_090 WFD Sub-catchment (Sub-Catchment ID 18_21) and the Blackwater [Munster]_140 WFD River Sub-basin (EU Code: IE_SW_18B021720) (EPA, 2024). The closest EPA mapped surface waterbody to the Site is the Blackwater [Munster] River (River Waterbody Code: IE_SW_18B021720) located approximately 0.08km south.

*Site Drainage*: - No surface water courses, drains or sewers mapped or identified on site. There is an existing surface water drainage network in the adjoining Castle Park residential estate to the west. This ultimately outfalls to the Blackwater River. There is also an existing UÉ foul sewer in the adjacent Castle Park estate which discharges

to the Mallow WWTP. Upgrade works to the Mallow WWTP and Mallow Bridge Pumping Station were completed in 2023.

*Flooding*: - The submitted SSFRA identifies that the majority of the site is located in Flood Zone C (low risk of flooding). However, small parts of the site at the southern boundary are within Flood Zone A, an area with a high risk of flooding (more than 1% AEP). The proposed use for this area includes open space and footpaths, which are water-compatible uses, appropriate for development in Flood Zone A. The SSFRA concludes that the proposed development is appropriate for the site.

Water Supply: - There is no existing water supply at the Site. The adjacent Castle Park estate is served by an existing UE watermain. There are no groundwater source protection areas at the site.

*Importance of the Receiving Environment:* - The site is considered to be of 'high' hydrogeological importance due to the underlying regionally important karstified bedrock aquifer. The WFD status has been assigned as 'good' for the Mitchelstown GWB and the Blackwater (Munster) River at its closest point downgradient of the site.

*Potential Effects:*

9.10.5. The EIAR identifies the potential for a range of environmental effects on Hydrology. & Hydrogeology. Likely significant effects of the development, as identified in the EIAR, are summarised in the following Table. Minor effects are not identified, except where there is potential for significant impact interactions, cumulative effects or where concerns have been expressed by parties to the application

| **Project Phase** | **Potential Direct, Indirect and Cumulative Effects** |
|---|---|
| Do Nothing | No predicted impacts if the proposed development does not proceed. |
| Construction | During excavations, the groundwater vulnerability will temporarily be increased and there will be a potential for uncontrolled release of deleterious materials to the underlying groundwater environment with potential impact on the receiving water quality / WFD Status of the |

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|---|---|
| | underlying Mitchelstown GWB. Predicted effect: 'negative', 'significant' and 'medium-term'.<br><br>Potential release of cementitious material during construction works for foundations, pavements and infrastructure to the subsurface and groundwater. Predicted impact - 'negative', 'moderate to significant' and 'long term' impact<br><br>Risk of runoff with entrained sediment or other contaminants from groundworks areas and stockpiled soils entering the Blackwater [Munster] River. Potential Impact: potential 'negative', 'moderate' and 'medium-term' impact on the receiving waterbodies. No perceived risk to downstream waterbodies due to dilution effect. |
| Operation | Hydrogeological and Hydrological Flow Regime - The change in cover from undeveloped land to paved areas within the Proposed Development will result in an unavoidable reduced infiltration potential within a localised portion of the 549km2 Mitchelstown GWB. Predicted effect: 'negative', 'imperceptible' and 'long-term'<br><br>The change in cover from undeveloped land to paved areas within the Proposed Development will result in an unavoidable reduced, albeit limited, rate of groundwater discharge to the Blackwater [Munster] River. Predicted effect: 'negative', 'imperceptible' and 'long-term'<br><br>Water Quality - In the worst-case scenario of accidental spillage from a vehicle engine and failure of SuDS there is a potential risk to water quality in the receiving environment. Predicted effect: 'negative', 'moderate' and |

| | |
|---|---|
| | 'long-term' impact on the quality of the receiving water environment depending on the nature of the incident. |
| Decommissioning | N/A |
| Cumulative | No significant effects envisioned |

*Table 9.7: Potential Impacts – Water*

*Mitigation:*

9.10.6. Mitigation and monitoring measures are set out in Section 5.9 of the EIAR. These measures include (inter alia):

Construction phase:

- All works to be undertaken in accordance with the approved Construction Environmental Management Plan (CEMP) and the Resource Waste Management Plan (RWMP).
- The construction works to be managed in accordance with all statutory obligations and regulations and with standard international best practice.
- No direct discharge to groundwater or surface water
- Surface water runoff will be prevented from entering open excavations with sandbags or other approved method
- Surface water runoff would be directed to on-site settlement ponds where measures will be implemented to capture and treat sediment laden runoff prior to discharge to the surface water network at a controlled rate.
- A temporary interceptor drain, and silt fence or bunding to be installed at the southern boundary of the site to divert surface runoff to an onsite settlement pond.
- Concrete batching will take place offsite, wash down and wash out of concrete trucks will take place into a container located within a controlled bunded area prior to removal offsite in accordance with all relevant waste management legislation.

- Drain inlets will be protected with a drain guard designed to filter oil and silt from stormwater run-off. sandbags will be placed around the inlet to provide additional protection from sediment.
- Any diesel, fuel or hydraulic oils stored onsite to be stored in designated areas. These areas will be bunded and located away from surface water drainage and features.
- Emergency procedures will be developed in advance of works commencing and spillage kits will be available onsite. Remedial action will be immediately implemented to address any potential impacts in accordance with industry standards and legislative requirements.
- Foul drainage from temporary welfare facilities to be discharged to temporary holding tank(s) the contents of which will periodically be tankered off site to a licensed facility.

Operational Phase:

- All ditches and existing drainage features being retained shall be incorporated into the proposed overall surface water network for the overall Site.
- Implementation of SuDS features. Ongoing regular operational monitoring and maintenance of drainage and the SuDS measures to be incorporated into the overall management strategy for the proposed development.

*Residual effects:*

9.10.7. Subject to adherence to appropriate mitigation measures and design standards, it is considered that there would be no residual effects

*Analysis, Evaluation and Assessment: Direct and Indirect Effects*

9.10.8. I have examined, analysed and evaluated the information provided in Chapter 6 and all the associated documents, and submissions on file in respect of Hydrology and Hydrology. I have reviewed Uisce Eireann's wastewater capacity register which confirms that there is available capacity in the Mallow WWTP, and I note Uisce Eireanns confirmation of feasibility reports submitted with the application. I am

satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts and provides suitably comprehensive range of mitigation and monitoring measures in Section 6.9 to reduce any potential impacts.

*Conclusion: Direct and Indirect Effects*

9.10.9. Having regard to the site investigations carried out, the baseline environment, the design of the surface water management system for the site and the site-specific best practice mitigation measures including those contained in the Construction Environmental Management Plan (CEMP) and preliminary Resource Waste Management Plan (RWMP), to mitigate potential effects on water, I am satisfied that there is no potential for any significant direct, indirect or cumulative effects on water as a result of the proposed development.

9.10.10. Consideration of the proposed development in terms of the Water Framework Directive is included section 11 this report.

9.11. **Sub-Topic: Air Quality:**

*Issues Raised:*

9.11.1. Issues were raised in the appeal in relation to dust emissions / nuisance during the construction phase of the project.

**Examination of EIAR**

*Context: -*

9.11.2. Chapter 7 of the EIAR deals with Air Quality. There were no significant changes to this chapter in the EIAR Addendum report. the Construction Environmental Management Plan submitted in support of the applications includes a Dust Management Plan. The assessment is undertaken in accordance with government and industry best practice guidelines. The assessment methodology, as outlined in section 7.4, includes reference to relevant guidance and best practice documents and consultation with TII. A Construction Dust Assessment, Construction Phase Traffic Assessment and Operational Phase Traffic Assessment were conducted. No

on-site surveys were undertaken for the air quality assessment. No limitations are identified and are not evident in the assessment.

*Baseline: -*

9.11.3. The baseline environment is described in section 7.6 of the EIAR. The following points are noted:

- The predominant wind direction is south-westerly with a mean wind speed of 5.0 m/s over the 30-year period 1991 – 2020
- Baseline data and data available from similar environments indicates that levels of nitrogen dioxide (NO2), particulate matter less than 10 microns (PM10) and particulate matter less than 2.5 microns (PM2.5) and are generally well below the National and European Union (EU) ambient air quality standards.
- Air quality in the area is generally good. However, the EPA have indicated that road transport emissions are contributing to increased levels of NO2. There is the potential for breaches in the annual NO2 limit value in future years at locations within urban centres and roadside locations. In addition, burning of solid fuels for home heating is contributing to increased levels of particulate matter (PM10 and PM2.5). The EPA predict that exceedances in the particulate matter limit values are likely in future years if burning of solid fuels for residential heating continues (EPA, 2024).
- In terms of receptor sensitivity to dust soiling, there are 58 no. high sensitivity residential properties within 20 m of the site (see Figure 7.2). Based on these receptor numbers and using the IAQM criteria in Table 7.9, the overall sensitivity of the area to dust soiling impacts is high.
- Based on the IAQM criteria outlined in Table 7.10, the worst-case sensitivity of the area to dust-related human health impacts is low.
- This site is considered a high sensitivity receptor according to the IAQM guidance (2024) due to its European designation and the potential for dust sensitive species to be present. The sensitivity of the area to dust-related ecological effects is high.

*Potential Effects:*

9.11.4. The EIAR identifies the potential for a range of environmental effects on Air Quality. Likely significant effects of the development, as identified in the EIAR, are summarised in the Table 9.8 below.

| **Project Phase** | **Potential Direct, Indirect and Cumulative Effects** |
|---|---|
| **Do Nothing** | No significant effects envisioned. |
| **Construction** | *Construction Dust* from *demolition, earthworks, construction and trackout*: - The surrounding area was assessed as being of high sensitivity to dust soiling and dust-related ecological effects and of low sensitivity to dust-related human health effects. Predicted Effect: short-term, localised, negative, slight and not significant impacts to air quality.<br><br>*Construction Phase Traffic Assessment*: - construction phase traffic emissions have the potential to impact air quality, particularly due to the increase in the number of HGVs accessing the site. Construction stage traffic did not meet the scoping criteria for a detailed modelling assessment outlined in Transport Infrastructure Ireland's 2022 guidance document 'Air Quality Assessment of Specified Infrastructure Projects – PE-ENV-01106'. As a result, a detailed air assessment of construction stage traffic emissions has been scoped out and the construction stage traffic emissions will have an imperceptible, short-term and neutral impact on air quality.<br><br>*Construction Phase Air Quality & Human Health: - Predicted effects*: - Dust emissions from the construction phase of the proposed development have the potential to impact human |

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|---|---|
| | health through the release of PM10 and PM2.5 emissions. The surrounding area is of low sensitivity to dust-related human health impacts. There is at most a low risk of dust-related human health impacts as a result of the proposed construction works. In the absence of mitigation there is the potential for direct, short-term, negative and imperceptible impacts to human health. |
| **Operation** | *Operational Phase Traffic Assessment*: - Potential impact on air quality due to vehicle exhaust emissions as a result of the increased number of vehicles accessing the site. It was determined that concentrations of NO2, PM10 and PM2.5 will increase by an imperceptible amount as a result of the proposed development. Operational stage traffic emissions will have a long-term, localised, direct, negative, and imperceptible which is overall not significant.<br><br>*Operational Phase Air Quality & Human Health:* - Traffic related air emissions have the potential to impact air quality which can affect human health. However, air dispersion modelling of traffic emissions shows that levels of all pollutants are below the ambient air quality standards set for the protection of human health. The impact to human health during the operational stage is determined as long-term, localised, direct, negative, and imperceptible**.** |
| **Decommissioning** | N/A |
| **Cumulative** | *Construction Phase* - There is the potential for cumulative impacts to air quality should the construction phase of the proposed development coincide with that of other developments within 500m of the site. A review of proposed/permitted developments in the vicinity of the site was undertaken to determine the potential for cumulative impacts |

| | |
|---|---|
| | *Operational Phase:* **-** The direct impacts of the operational phase on air quality associated with the proposed development are predicted to be imperceptible. Cumulative impacts are considered direct, long-term, negative and not significant. |

*Table 9.8: Summary of Potential Effects: Air Quality*

Mitigation

9.11.5. Mitigation measures are set out in section 7.9 of the EIAR, these include (inter alia):

- Dust mitigation measures are set out in Section 7.9 of the EIAR. The mitigation measures draw on best practice guidance from Ireland (DCC, 2018), the UK (IAQM (2024), BRE (2003), The Scottish Office (1996), UK ODPM (2002)) and the USA (USEPA, 1997). These measures are to be incorporated into the overall Construction Environmental Management Plan (CEMP) for the site. The measures listed are divided into different categories for different activities.
- Monitoring of construction dust deposition along the site boundary to nearby sensitive receptors during the construction phase of the proposed development to ensure mitigation measures are working satisfactorily.
- No site-specific mitigation measures are proposed with regard to air quality or climate during the operational phase.

*Residual effects:*

9.11.6. Subject to adherence to appropriate mitigation, it is considered that there would be no significant residual effects.

*Analysis, Evaluation and Assessment: Direct and Indirect Effects*

9.11.7. I have examined, analysed and evaluated Chapter 7 of the EIAR, all of the associated documentation and submissions on file in respect of air quality / dust

emissions. I am satisfied that the applicant's understanding of the baseline environment, is comprehensive and that the key impacts in respect of likely effects from dust and / or air emissions, as a consequence of the development have been identified.

9.11.8. I note that parties to the appeal have raised issues relating to the dust emissions during construction phase. Construction activities typically emit dust. There are no statutory guidelines regarding the maximum dust deposition levels that may be generated during the construction phase of a development in Ireland. The Dust Management Plan included in the applicant's Construction Environmental Management Plan and in section 7.9 of the EIAR includes measures to ensure that no significant nuisance dust occurs at nearby sensitive receptors. Subject to the implementation of mitigation measures to supress dust, I am satisfied that the impact of nuisance / visible dust on sensitive receptors is unlikely to be significant.

*Conclusion: Direct and Indirect Effects*

9.11.9. Having regard to the examination of environmental information contained in Chapter 7, I consider, given the residential nature of the development and subject to the proposed mitigation measures, there is no potential for significant environmental effects from dust and / or air emissions in the vicinity of the development. I am satisfied that subject development will not give rise to significant direct, indirect, or cumulative effects on Air Quality

9.12. **Sub- Topic: Climate**

*Issues Raised*

9.12.1. No issues were raised in the appeal or in the assessment of the application on the topic of climate.

**Examination of EIAR**

*Context*

9.12.2. Chapter 8 – Climate Change of the EIAR which deals with the topic of Climate. No significant changes to this section were introduced in the EIAR Addendum Report. A Building Lifecycle Report and Site-Specific Flood Risk Assessment have been submitted with the application.

9.12.3. The assessment is undertaken in accordance with government and industry best practice guidelines. The assessment methodology includes consideration of relevant legislation, policy & guidance, consultation with TII. The climate assessment is divided into two distinct sections: a greenhouse gas assessment (GHGA) and a climate change risk assessment (CCRA).

- Greenhouse Gas Emissions Assessment (GHGA) quantifies the GHG emissions from a project over its lifetime. The assessment compares these emissions to relevant carbon budgets, targets and policy to contextualise magnitude; and
- Climate Change Risk Assessment (CCRA) identifies the impact of a changing climate on a project and receiving environment. The assessment considers a projects vulnerability to climate change and identifies adaptation measures to increase project resilience

9.12.4. No site surveys were undertaken. No limitations are identified and are not evident in the assessment.

*Baseline*

9.12.5. The baseline climate is described in section 8.6 of the EIAR.

9.12.6. Current and Future GHGA Baseline: - The existing climate baseline is determined by reference to data from the EPA on Ireland's total greenhouse gas (GHG) emissions and compliance with European Union's Effort Sharing Decision "EU 2020 Strategy" (Decision 406/2009/EC). The EPA state that Ireland had total GHG emissions of 60.6 Mt $CO_2e$ in 2023. This is 2.27 Mt $CO_2e$ higher than Ireland's annual target for emissions in 2023. EPA projections indicate that Ireland has used 63.9% of the 295 Mt $CO_2e$ Carbon Budget for the five-year period 2021-2025. Further reduction measures are required in order to stay within the budget requirements.

9.12.7. Current CCRA Baseline: - The region of the proposed development has a temperate, oceanic climate, resulting in mild winters and cool summers. The nearest meteorological station to the development site is Cork Airport. The data for the 30-year period from 1991 to 2020 indicates that the wettest months at Cork Airport Metrological Station were January, October and December, and the driest month on average was May. July was the warmest month with a mean temperature of 15.2 Celsius. January was the coldest month with a mean temperature of 5.7 Celsius. The latest Irish climate change projections indicate further warming in the future, including warmer winters. The likelihood of extreme weather events occurring has increased meaning longer dry periods and heavy rainfall events.

9.12.8. Future CCRA Baseline: - Impacts as a result of climate change will evolve with a changing future baseline. Changes have the potential to include increases in global temperatures and increases in the number of rainfall days per year. Therefore, it is expected that the baseline climate will evolve over time and consideration is needed with respect to this within the design of the proposed development. The EPA have compiled a list of potential adverse impacts as a result of climate change including:

- More intense storms and rainfall events.
- Increased likelihood and magnitude of river and coastal flooding.
- Water shortages in summer in the east.
- Adverse impacts on water quality; and
- Changes in distribution of plant and animal species

*Potential Effects:*

9.12.9. The EIAR identifies the potential for a range of environmental effects on Climate. Likely significant effects of the development, as identified in the EIAR, are summarised in the following Table 5.

| **Project Phase** | **Potential Direct, Indirect and Cumulative Effects** |
|---|---|
| Do Nothing | No significant effects identified |

| | |
|---|---|
| Construction | Greenhouse Gas Assessment: - The estimated total GHG emissions, when annualised over the 50-year proposed development lifespan, are equivalent to 0.0006% of Ireland's total GHG emissions in 2023 and 0.001% of Ireland's non-ETS 2030 emissions target. The estimated GHG emissions associated with transport-related activities are 0.0001% of the 2030 Transport budget, construction waste GHG emissions are 0.002% of the Waste budget and industry-related activities are 0.01% of the 2030 Industry budget.<br><br>Climate Change Risk Assessment: - No significant effects envisioned |
| Operation | Greenhouse Gas Assessment: - There will be a slight increase in the traffic on the local road network which will result in some minor increases in CO2 emissions.<br><br>Climate Change Risk Assessment: - No significant effects envisioned |
| Decommissioning | N/A |
| Cumulative | No significant effects identified |

*Table 9.9: Summary of Potential Effects: Climate*

*Mitigation*

9.12.10. Proposed mitigation measures are set out in Section 8.9 of the EIAR. These include:

Construction Phase:

- Adherence to best practice measures to prevent significant GHG emissions and reduce impacts to climate, including
    - Prevention of on-site or delivery vehicles from leaving engines idling, even over short periods.

- Ensure all plant and machinery are well maintained and inspected regularly.
- Minimising waste of materials due to poor timing or over ordering on site will aid to minimise the embodied carbon footprint of the site.
- Implementation of a construction waste management plan will be implemented to minimise construction waste sent to landfills. Recycling of materials will be promoted to and reduce the environmental footprint of the site.
- Sourcing materials locally will be prioritised.

- Preparation of risk assessments and method statements to mitigate against the effects of extreme rainfall/flooding, the effects of extreme wind/storms, temperature extremes and effects of fog, lighting and hail.

Operation Phase:

- A number of mitigation measures have been incorporated into the design of the development to reduce the impact on climate wherever possible. The development will be in compliance with the requirements of the Near Zero Energy Building (NZEB) Standards and will achieve a Building Energy Rating (BER) in line with the NZEB requirements. The following sustainability measures were outlined by the project developer and will be committed to across the project:
  - Energy-Efficient Insulation
  - Heat Recovery Ventilation (HRV) Systems
  - Double-Glazed Argon filled Windows
  - Underfloor Heating Energy
  - Electric Vehicle Charging Points in Homes
  - Public Electric Charging Points
  - Bike Racks Across the Estate
  - Sustainability Measures in Green and Landscaped Areas
  - Maintenance and Conservation of Existing Trees Mature trees

- Landscaping

- Additional measures are outlined in the Building Lifecycle Report in relation to the apartment units within the proposed development

*Residual effects*

9.12.11. The residual impact of the proposed development in relation to GHG emissions is considered direct, long-term, negative and slight, which is overall not significant in EIA terms. In relation to climate change vulnerability, it has been assessed that there are no significant risks to the proposed development as a result of climate change. The residual effect of climate change on the proposed development is considered direct, long-term, negative and imperceptible, which is overall not significant in EIA terms.

*Analysis, Evaluation and Assessment: Direct and Indirect Effects*

9.12.12. I have examined, analysed and evaluated Chapter 9 of the EIAR and the associated appendices. Overall, I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts and provides a suitably comprehensive range of mitigation measures to reduce any potential impacts.

*Conclusion: Direct and Indirect Effects*

9.12.13. Having regard to the examination of the environmental information contained within Chapter 8 it is considered that due to the residential nature of the development the predicted GHG figures are not significant in the context of the sectoral emissions ceilings, therefore I consider that there is no potential for significant environmental effects on climate.

9.13. **Sub-Topic: Noise and Vibration:**

*Issues Raised:*

9.13.1. Issues were raised in the appeal relating to noise and vibration during construction. During the planning authority's assessment of the application, clarification was sought on the location of noise monitoring locations and noise sensitive receptors relative to the proposed development. Clarification on the nature and extent of inward noise impact assessment undertaken in respect of the proposed development was also requested. The applicant's response was deemed acceptable subject to condition**.**

**Examination of EIAR:**

*Context:*

9.13.2. Chapter 9 of the EIAR and sections 2.4.5 and 3.9 of the EIAR Addendum document deal with Noise and Vibration. Additional text was added to the EIAR addendum report to take account of the inward noise assessment detail added in response to the issues raised in the further information request. Noise and vibration impact is considered in terms of two aspects. The first is the outward effect of the proposed development on its surrounding environment, and the second is the inward effect of existing noise sources in the surrounding environment on the development itself. The assessment is undertaken in accordance with government and industry best practice guidelines. The assessment methodology includes, baseline noise monitoring at the development site to characterise the existing noise environment; the establishment of acceptable noise and vibration criteria for the construction and operational phases of the proposed development, predictive calculations performed to estimate the likely noise emissions during the construction and operation phases of the proposed development at Noise sensitive Locations (NSLs) An assessment of potential cumulative effects that may arise as a result of the proposed development and other existing or proposed plans and projects. Details of the environmental noise survey conducted at the site to quantify the existing noise environment is set out in section 9.6.1 of the EIAR and section 3.9 of the EIAR Addendum report. No limitations are identified and are not evident in the assessment.

*Baseline:*

9.13.3. The baseline environment was quantified by undertaking environmental noise surveys, the results of which are presented within Chapter 9 and section 3.9 of the

EIAR Addendum document. The baseline noise surveys determined that the noise environment was largely dominated by residential noise from neighbouring residential developments, distant road traffic and intermittent aircraft noise. Other sources of noise noted were in relation to the existing wastewater treatment plant to the south of the site. Ambient noise levels during the day were in the range of 42 to 44 dB LAeq,15 mins and background noise levels were in the range of 40 to 41dB LA90,15mins. Ambient noise levels during the night were in the range of 33 to 34 dB LAeq,15 mins and background noise levels were in the range of 27 to 31 dB LA90,15mins

*Potential Effects:*

9.13.4. Likely significant effects of the development, as identified in the EIAR, are summarised in the following table:

| ***Project Phase*** | ***Potential Effects*** |
|---|---|
| Do Nothing | In the absence of the proposed project, the existing noise and vibration levels within the study area are expected to remain largely unchanged. |
| Construction | The highest potential noise and vibration impact of the proposed development is expected to occur during the construction phase due to the activity of mobile and construction plant items with high noise levels.<br><br>*Construction Phase - noise*: Construction noise impacts will vary at various receivers throughout the construction phase of the proposed development. The main construction activities in relation to noise are: Site clearance, ground preparation works and general construction. Predicted effects: temporary to short term, negative and significant to very significant.<br><br>*Construction Phase – Vibration:* The main potential source of vibration during the construction of any residential development is associated with piling and any initial groundbreaking or |

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|---|---|
| | demolition activities. It is not anticipated that groundbreaking or piling will be undertaken in relation to the proposed development based on site investigation works. Due to the standard construction techniques anticipated to be incorporated for the proposed development the anticipated effect in relation to construction vibration will be brief to temporary, negative and not significant.<br><br>*Construction Traffic*: Due to the planned phasing of the development, the level of additional traffic introduced onto the local road network during construction is not anticipated to result in a significant noise impact. |
| Operation | The noise impacts relating to the operational phase of the proposed development will relate to Mechanical Plant and Services and additional traffic on public roads<br><br>The noise impacts relating to mechanical plant and services are likely to be neutral, not significant and long-term if guidelines and recommendations within the EIAR chapter are followed.<br><br>The noise impacts relating to Additional Road Traffic on Public Roads will be long term, negative and not significant. |
| Decommissioning | N/A |
| Cumulative | *Construction*: In the event that construction activities at nearby sites are taking place concurrently with the construction of the proposed development, there is potential for cumulative noise impacts to occur. In the event of the two construction phases of the proposed development overlapping predicted construction noise levels within Section 9.9.1.3 may rise by the order of +3 dB.<br><br>*Operation*: The noise limits set for on-site buildings are designed to avoid any significant increase in the prevailing background noise environment external to the site. Operational |

| | |
|---|---|
| | noise limits included in this report refer to cumulative noise from all fixed installations on site. The design of plant and other fixed installations will be progressed during the design stage to ensure the noise limits at off-site noise sensitive locations are not exceeded.<br><br>Traffic volumes assessed take account of the additional traffic from other permitted developments and therefore the traffic noise assessment presented is already assessing the cumulative impact. This assessment has concluded there will be no significant noise impact due to operational traffic. |

*Table 9.10: Summary of Potential Effects: Noise and Vibration*

*Mitigation:*

9.13.5. Mitigation measures are set out in section 10.6 of the EIAR. These include noise and vibration control measure during construction. These measures include but are not limited to:

- Selection of quiet plant
- Control of noise at source, including, for mobile plant, the installation of an acoustic exhaust, utilising an acoustic canopy to replace the normal engine cover and / or maintaining enclosure panels closed during operation can reduce noise levels by up to 10 dB. Mobile plant will be switched off when not in use and not left idling. For percussive tools, the fitting a muffler or sound reducing equipment to the breaker ‘tool’ and ensuring any leaks in the air lines are sealed.
- Use of acoustic lagging or acoustic enclosures
- Screening: standard construction site hoarding, erection of localised demountable enclosures or screens will be used around particularly noisy equipment as required
- Considered placement of site buildings such as offices and stores between the site and sensitive locations

- Restriction on working hours
- Liaison with the public: - a designated Community Liaison Officer (CLO) to liaise with the public will be appointed to site during construction works. Any noise complaints will be logged and followed up in a prompt fashion by the CLO. In addition, prior to particularly noisy construction activity, the CLO will inform the nearest noise sensitive locations of the time and expected duration of the noisy works.
- Monitoring: - During the construction phase the contractor will carry out noise monitoring at representative NSLs to evaluate and inform the requirement and / or implementation of noise management measures.

9.13.6. Operational Phase Mitigation: - None

*Residual Effects*

9.13.7. After mitigation, it is anticipated that the residual worst-case effect of the construction phase noise will remain temporary to short-term, negative, and significant to very significant. This worst-case residual effect will occur at only at NSLs closest to the construction work areas related to the various phases of construction. For most of the construction period, construction works will be further from NSLs, resulting in a lower impact. As construction activities are inherently transient, noise intrusive works will only affect the nearest NSLs for brief periods.

*Analysis, Evaluation and Assessment: Direct and Indirect Effects*

9.13.8. I have examined, analysed and evaluated Chapter 9 of the EIAR and section 3.9 of the EIAR Addendum document and the submissions on file in respect of noise. I am satisfied that the applicant's understanding of the baseline environment, by way of desktop and noise surveys, is comprehensive and that the key impacts in respect of likely effects due to increased noise and / or vibration, as a consequence of the development have been identified.

9.13.9. Parties to the appeal/application have raised issues relating to the construction noise, and vibration. Impacts from construction are considered in section 8 of this report. After the implementation of mitigation measures, residual construction noise levels at the closest NSLs within 10m are expected to be up to 8 dB above the CNT (construction noise threshold) of 65 dB LAeq,T during site clearance and ground preparation works. This will affect the nearest NSLs within 10m of the construction site during phases 1a, 1b and 1c with a predicted effect of temporary to short-term, negative, and significant to very significant. It is acknowledged in the EIAR that the proposed construction works would generate noise emissions of up to 73dB which is in excess of the recommended threshold limit of 65dB for daytime time. However, having regard to the temporary nature of construction works, the limited number of residential properties within 10m of the site, and the mitigation measures proposed which include the appointment of a Community Liaison Officer (CLO) who will inform the nearest noise sensitive locations of the time and expected duration of the noisy works and address any complaints, I am satisfied that the impact is acceptable in the context of the appropriate development of these lands and the provision of much needed housing.

9.13.10. I am satisfied, on the basis of the information contained in Chapter 9, that subject to proposed mitigation no significant vibration impacts during construction will arise, that effects from increase in traffic during construction and operational phases of the proposed development will not be significant and that operational noise impacts in relation to the mechanical plant and services noise will not be significant.

*Conclusion: Direct and Indirect Effects*

9.13.11. Having regard to the foregoing, it is considered that the main significant direct and indirect effects on noise and vibration, after the application of mitigation measures, are temporary to short-term, negative, and significant to very significant impacts on noise sensitive receptors within 10m of the construction site during site clearance and preparation for phases 1a, 1b and 1c, reducing to a short term, negative, moderate to significant impact during the general construction phase.

## 9.14. Environmental Topic: Material Assets, Cultural Heritage and the Landscape.

9.15. **Sub-Topic: Material Assets - Traffic and Transport:**

*Issues Raised:*

9.15.1. Issues were raised in the appeal relating to traffic and transport, these issues are considered in section 8 of this report can be summarised as follows:

- Capacity of the road network - Increased traffic would contribute to congestion and gridlock in Mallow
- Inadequacy of existing road infrastructure – lack of accessibility and connectivity for pedestrians and cyclists,
- Lack of public transport
- Lack of parking within the proposed scheme result in overflow to surrounding areas
- Impacts of construction traffic

**Examination of the EIAR:**

*Context:*

9.15.2. Chapter 11 of the EIAR deals with traffic and transport. This chapter considers the potential significant effects of the proposed LRD on the surrounding road network and transport infrastructure (including pedestrian, cycling and transport facilities) of Mallow. There were no significant changes to this Chapter in the EIAR Addendum Statement.

9.15.3. The assessment is based on the findings of the applicants Traffic and Transport Assessment (TTA) and the following documents:

- TII's Traffic and Transport Guidelines PE-PDV-02045 (May 2014)
- Cork County Council Development Plan (2022-2028)
- NTA Cycle Design Manual; and
- Design Manual for Urban Roads and Streets

9.15.4. The assessment methodology includes consultation with Cork County Council Engineers and Transport Infrastructure Ireland (TII), site visits and traffic surveys. No limitations are identified and are not evident in the assessment.

*Baseline:*

9.15.5. The baseline environment is described in section 11.7 of the EIAR a description of the existing road network is provided in section 11.4. The following points are noted.

- The site is located approximately 800m east of Mallow town centre and just over 2km from Mallow Train Station (c. 30-minute walk). Access to the site will be via the existing entrance to Castle Park from St Joseph's Road via Kingsfort Avenue.
- Existing pedestrian facilities in the vicinity of the site are described as good, with full connectivity to the surrounding roads. The internal footpath network for the proposed LRD will tie into the existing Castle Park development at several locations. A dedicated pedestrian link is to be provided from the site to the existing river walk which links to Mallow town park.
- There are currently no designated cycling facilities in the vicinity of the site. However, according to the Map of Cycle Connects Proposals, it is envisaged that an Inter-Urban cycle route be developed along St Joseph's Road directly to the north of the proposed LRD as well as an Urban Secondary route that would link to the aforementioned Inter-Urban cycle route via Kingsfort Avenue.
- Mallow is one of the best served towns in Ireland for rail services, However, existing public transport facilities are poor in the vicinity of the site. The nearest bus stop is 1.6km (20 minutes' walk) away. The general area does not have a TFI Town Bus service and is primarily served by Bus Éireann.
- Several road improvement schemes in the area are in the early stages of design. Each project will have a significant impact on the surrounding traffic levels, should they proceed. These include the Mallow Relief Road and the M20 project. The Mallow Relief Road scheme proposes to free up the town centre road network for access and local traffic, and to enable national road traffic to travel more efficiently to other surrounding destinations. The National Development Plan (NDP) 2021-2030 sets out that the N/M20 Cork to Limerick scheme would provide better connectivity between Ireland's second and third largest cities, Cork and Limerick. Currently in Phase 2, the preferred route passes to the east of the proposed LRD site near Oliver's Cross (priority Junction which connects St Joseph's Road and the N72)

*Potential Effects*

9.15.6. Likely significant effects of the development, as identified in the EIAR, are summarised in the following table.

| **Project Phase** | **Potential Direct, Indirect and Cumulative Effects** |
|---|---|
| Do Nothing | If the proposed LRD does not proceed there would be no additional demand or loading on the existing road network other than the naturally growing baseline traffic figures on the existing road network. |
| Construction | The traffic volume associated with the construction phase site is not considered to be excessive.<br><br>As the construction works are off-line and due to the designated access point, there will be no significant disruption to the traffic flows on the along St. Jospeh's Road during construction. Diversions may be required for work adjacent to Maple Square, Maplewood, and Kingsfort Avenue. Existing public footpaths are unlikely to be impacted by the project as all works are proposed within the site boundaries<br><br>Predicted effect: negative short-term not significant impact to local traffic during the construction phase. |
| Operation | Predicted traffic trips show that at the AM Peak hours, the development is expected to generate a total of 501 two-way vehicle trips. In the PM peak hour, 369 trips are expected to be generated.<br>Modelling shows that the proposed development will contribute to congestion in the town centre at peak times. Impacted junctions are currently of poor geometric design carrying high baseline traffic. |
| Decommissioning | N/A |

| | |
|---|---|
| Cumulative | The EIAR considers the potential effects of the proposed development cumulatively with:<br><br>The Local Authority projection for 138 no. housing units and a creche at Aldworth Heights<br><br>The now permitted LRD (Spa Glen) for 186 new units and a creche, 1km Northwest of the proposed site.<br><br>Planned St Mary's Secondary School development.<br><br>The impact of these developments was considered in the traffic impact analysis. The Spa Glen generated traffic was included in the background 'Without Development' traffic at surveyed junctions while 'Aldworth Heights' has been assessed separately. It was concluded that the St Mary's Secondary School development would have no impact to the surrounding road network.<br><br>It was concluded that the proposed LRD is not likely to result in significant adverse impacts either alone or in combination with the existing planned or likely future projects. |

*Table 9.11: Summary of Potential Effects: Traffic and Transport*

*Mitigation*

9.15.7. Construction Phase Mitigation:

- Traffic impacts during the construction stage are to be mitigated through the implementation of a Construction Traffic Management Plan (CTMP).
- Construction vehicles will access the site from the N72 at Oliver's Cross and enter via the laneway from St Joseph's Road to Castlelands House, for which the Applicant has a right of way permitting access to the development site. This route will minimise construction traffic at the junctions of St. Joseph's Road/N72/Infirmary Lane/Bridewell Lane while also ensuring that no conflict arises between construction traffic and existing residents in the area,

especially the nearby primary school. Deliveries shall be scheduled outside of peak commuting hours.

- A traffic liaison officer/traffic manager will be appointed to aid in the preparation of the CTMP and to monitor its performance. The traffic liaison officer/traffic manager will be responsible for dealing with any complaints and remedying any non-compliance and developing solutions to prevent re-occurrence.

9.15.8. Operational Phase Mitigation:

- Operational phased mitigation focuses primarily on measures intended to facilitate and incentivise a shift from vehicular travel to more sustainable modes of transport (walking, cycling and public transport), in line with modal shift targets set out in the CCDP. These measures include
    - The provision of bike parking spaces above minimum requirements, including dedicated cargo bike spaces.
    - The provision of fewer car parking spaces.
    - Enhanced pedestrian and cyclist connectivity within the development and its adjacent residential areas to public transport, the nearby River Walk, and public parks.
    - Establishing a 4m wide amenity route dedicated to cyclists throughout the development.
    - Installing four cycle priority crossings within the development as part of the aforementioned amenity route.
    - Undertaking improvement works on the existing pedestrian paths to the Town
    - Ensuring all footpaths within the development adhere to Part M compliance standards, incorporating crossing points in accordance with DMURS and Traffic Management Guidelines.
- The EIAR notes that there is a significant opportunity to optimise the cycle times of signalised junctions in the town centre. Said junctions are currently modelled with a 90 second cycle time to accurately reflect the existing scenario queuing. By increasing the cycle time to an acceptable 120 second cycle time, the modelled throughput on heavily congested approaches can be enhanced, which will also help to reduce queuing and improve overall traffic

flow. I note that the feasibility of increased cycle times was considered by the planning authority in their assessment of the application.

- Phasing of the proposed development to allow for future infrastructure improvements to be implemented outside of the control of the applicant.

*Residual Effects:*

9.15.9. No significant residual impacts on the surrounding traffic and transportation during the construction phase are predicted. Residual impacts on the surrounding roads and traffic during the operational phase is considered to be moderate long-term neutral impact. The volumes of traffic generated from the proposed development will have a moderate effect on the road network and can be considered within the norms for urban developments. The proposed development is not likely to result in significant adverse impacts on roads and traffic either alone or in combination with the existing planned or likely future projects.

*Analysis, Evaluation and Assessment: Direct and Indirect Effects:*

9.15.10. I have examined, analysed and evaluated Chapter 7 of the EIAR, all of the associated documentation and submissions on file in respect of Traffic and Transport. I am satisfied that the applicants understanding of the baseline environment is comprehensive and that the key impacts in respect of likely effects on Traffic and Transport, as a consequence of the development have been identified. Parties to the appeal have raise issues in respect of Traffic and Transport, these issues are addressed in detail in Section 8 above. The following is noted:

- Issues have been raised relating to the capacity of the local road network to accommodate the additional traffic from the proposed LRD. Having considered the information including trip generation figures detailed in Chapter 11 of the EIAR and Traffic and Transport Assessment, I accept that the proposed development is likely to result in an increase in traffic and thus contribute to traffic congestion in the town centre; however, I am satisfied that subject to mitigation as outlined in the aforementioned documents the impact of the development on the local road network would not be significant in an

urban setting. Furthermore, I am satisfied that the development of this site is not premature pending the Mallow Relief Road.

- Regarding the adequacy of existing transport infrastructure (including public transport) and the lack of accessibility and connectivity for pedestrians and cyclists, I am satisfied that the development of this site as proposed, and subject to mitigation as outlined in Chapter 11 of the EIAR and in the applicants Mobility Management Plan, would support the modal shift targets set out in the CCDP and improve connectivity within the development and the surrounding area and improve accessibility to public transport, to the benefit of both existing and future residents of the area.
- Regarding the quantum of parking proposed, this issue is discussed in section 8.3 above. While the quantum of parking proposed within the scheme is relatively low, the provision of parking below the maximum standard is supported by national and local policy and by the findings and conclusions of the applicant's mobility management plan. Impacts arising will be mitigated though measures which support the use of more sustainable modes of transport which in turn contribute to a reduction in car dependency.
- Regarding impacts from construction traffic, having considered the information outlined in Chapter 11 of the EIAR and the Outline Traffic Management Plan I am satisfied that subject to mitigation as proposed including the route and timing of construction traffic, that the impact of the development on the local road network and on properties in the area would not be significant
- The issues relating to potential noise from the construction traffic has been dealt with in the assessment of Chapter 9 – Noise and Vibration.

*Conclusion: Direct and Indirect Effects*

9.15.11. Having regard to the examination of environmental information in respect of Material Assets – Traffic and Transportation, in particular the EIAR, and the submitted Traffic and Transport Assessment, Outline construction Management Plan, Parking Management Plan and Mobility Management Plan, the report of the planning authority and the appeal submissions and my assessment of this topic, as set out in Section 8

above, it is considered that proposed LRD will have a positive effect on the area though the implementation of measures to improve pedestrian and cyclist infrastructure in the area and improved connectivity to public transport. Operational traffic will have a moderate effect on the road network traffic volumes that can be considered within the norms for urban developments. Overall, I am satisfied that the proposed development would not have an unacceptable direct, indirect, and/or cumulative effects on Traffic and Transportation to a degree that would warrant a refusal.

9.16. **Topic: - Material Assets: Service Infrastructure and Utilities:**

*Issues Raised: -*

9.16.1. Issues were raised in the appeal regarding the need for new and improved street lighting in the St. Joesphs Road Area. During the course of their assessment of the application, the planning authority raised issues relating to the public lighting design and surface water management system for the scheme. The matters were addressed to the satisfaction of the Planning Authority with outstanding issues addressed by way of condition.

**Examination of EIAR**

*Context*

9.16.2. Chapter 12 of the EIAR deals with material assets: Service Infrastructure & Utilities. There were no significant changes to this section as a result of the further information received on the 27th of February 2025. *Associated Figures and Appendices are:*

- Appendix 12.1 Proposed DOSA Surface Water Drainage Drawings
- Appendix 12.2 Proposed DOSA Wastewater Drainage Drawings
- Appendix 12.3 Proposed DOSA Water Supply Drawings
- Appendix 12.4 DOSA Infrastructure Report
- Appendix 12.5 DOSA Surface Water Management Plan
- Appendix 12.6 Kelliher Electrical Public Lighting Drawings & Report

9.16.3. The assessment is undertaken in accordance with government and industry best practice guidelines. The assessment methodology includes a desktop study

investigating existing services, infrastructure, and utilities serving the development area, site visits/ investigations and consultations with various sections of Cork County Council and Uisce Éireann. No limitations are identified and are not evident in the assessment.

*Baseline:*

9.16.4. The baseline environment is described in section 12.6 of the EIAR. The following points are noted:

- *Surface Water Drainage*: - There are existing stormwater connections to the River Blackwater to the south of the site serving the existing Castle Park estate which will be utilised for this proposed development
- *Existing Foul Drainage Infrastructure* - There are no records or evidence indicating the presence of any constructed foul water drainage infrastructure within the site. The nearest foul water drainage system to the site is the public network in the adjacent Castle Park estate.
- *Existing Water Supply Infrastructure*: - There are existing public watermain networks within the existing Castle Park estate which will be extended into the site.
- *Existing Flood Risk*: - The site of the proposed residential development is considered to be in Flood Zone C. There is currently no primary risk of flooding to the site.
- *Electrical Supply:* - the existing Castle Park estate is served by extensive networks of Low Voltage and Medium Voltage power supplies, routed both overhead and under- ground. There are a number of overhead lines currently traversing the northern portion of the site. These lines will be diverted and undergrounded.
- *Telecommunications*: - From utility maps received from EIR, there are telecommunications networks in the vicinity of the proposed development.
- *Public Lighting*: - The existing Castle Park estate is served by public lighting which will be extended into the proposed development.

*Potential Effects*

9.16.5. The EIAR identifies the potential for a range of environmental effects on material assets. Likely significant effects of the development, as identified in the EIAR, are summarised in the following table:

| Project Phase | Potential Direct, Indirect and Cumulative Effects |
|---|---|
| Do Nothing | The 'Do Nothing' scenario is considered to have a neutral effect with regards to utilities. |
| Construction | The construction phase of the proposed development has the potential to result in slight and temporary impacts to the existing population in the local area.<br><br>*Earthworks, Civil Works and Asset Installation*: - Excavation work has potential to introduce suspended solids into water run-off from the site. Contaminated surface water from construction activities may impact receiving waters to the south of the development resulting in a moderate short-term negative impact on the water quality in the Blackwater River. Connection to watermain and foul, networks in the Castle Park estate road will require minor local traffic management measures for the duration of the works.<br><br>*Construction Personnel:* - temporary foul and potable water connections will be required with the potential for a direct negative impact on the existing water/wastewater infrastructure in the area of the development and may result in a slight short-term impact on the capacity of the existing water/wastewater networks. |
| Operation | *Foul and Water*: - The operation of the proposed development will result in the generation of additional foul effluent an increase in water demand. This has the potential, in the absence of any mitigation, to have a direct negative impact on the water/ wastewater infrastructure |

| | |
|---|---|
| | serving the development resulting in a significant long-term impact on the capacity of the water/wastewater infrastructure.<br><br>*Surface Water*: Surface water run-off from the development site during the operation phase has the potential to be contaminated with extra organic material. Inadequate control measures within the development could result in large quantities of surface water discharge from the development lands into the Blackwater River. This could lead to significant long-term negative impacts on the water quality and quantity entering the surrounding watercourses. |
| Decommissioning | N/A |
| Cumulative | The cumulative operational impact of the proposed development and other consented development are considered to be slight with regards to services, infrastructure, and utilities with the proposed mitigation measures being implemented and monitored. |

*Table 9.12: Summary of Potential Effects: Utilities and Services*

*Mitigation*

9.16.6. Mitigation measures are set out in section 12.10 of the EIAR. Measures include those proposed in the associated Construction Environmental Management Plan and Operational Waste Management Plan. Other notable measures include water conservation measures strategies to reduce water volumes entering the foul water network and to reduce the demand on the public water supply and appropriately designed surface water management systems.

*Residual effects*

9.16.7. With the implementation of mitigation measures, the residual impacts on material assets during the construction phase will be short term and slight and long-term and neutral during the operation phase.

*Analysis, Evaluation and Assessment: Direct and Indirect Effects*

9.16.8. I have examined, analysed and evaluated Chapter 12 of the EIAR and all of the associated documentation and submissions on file in respect of material assets (service infrastructure and utilities).

9.16.9. Having regard to the nature, the application documentation and the associated appendix, it is considered that the Chapter adequately demonstrates an understanding of the potential impact of the proposed development on material assets (service infrastructure and utilities) and I am satisfied that the subject development will not give rise to significant direct, indirect, or cumulative effects.

Regarding public lighting. I have inspected the site and the surrounding area, and I am satisfied that the public road network in the vicinity of the site, is adequately served in terms of public lighting. The applicant has included proposals for public lighting for the proposed scheme, such proposals were accessed and deemed acceptable by the planning authority, subject to condition.

*Conclusion: Direct and Indirect Effects*

9.16.10. Having regard to the examination of environmental information it is considered that by virtue of the capacity of existing infrastructure, the nature and design of the development and the proposed standard construction mitigation measure, there is no potential for significant environmental effects on Material Assets of the area.

9.17. **Sub- Topic: Cultural Heritage and Archaeology:**

*Issues Raised*

9.17.1. No significant issues have been raised by any party to the appeal/application in respect of Cultural Heritage and / or Archaeology

**Examination of EIAR**

*Context*

9.17.2. Chapter 14 of the EIAR and sections 2.4.11 and 3.14 of the EIAR Addendum Report which deal with Cultural Heritage and Archaeology. The associated appendices contained in Volume 3 are:

- Field Inspection Photographic Record
- Archaeological Inventory Descriptions
- Excavation Database Descriptions
- Geophysical Survey Report
- Archaeological Test Trenching Report

The assessment is undertaken in accordance with government and industry best practice guidelines. The assessment methodology includes desktop research, field inspection, geophysical survey and targeted archaeological test trenching and consultation with consultation with the Cork County Council Archaeologist. There were no difficulties encountered during the compilation of this assessment.

*Baseline*

9.17.3. The proposed development site is located c. 580m outside the east end of the Zone of Archaeological Potential around the historic core of Mallow town, as designated by the National Monuments Service. There is one recorded archaeological site located within the boundary of the proposed development, and this comprises a levelled fulacht fia (CO033-090----). This archaeological site is currently located in a green area within an existing housing estate adjacent to the west side of the proposed development and will be preserved in situ within protective fencing during the construction of the proposed development. There are an additional 12 recorded archaeological sites located within the surrounding 500m study, and a location map of their locations is provided within the chapter. One of these archaeological sites (ringfort C0033-012----) is located within a private third-party property adjacent to the eastern boundary of the proposed development. The Archaeological Survey of Ireland inventory descriptions for all of the archaeological sites within the study area are presented in Appendix 14.2.

9.17.4. There are no Protected Structures or buildings listed by the NIAH located within the proposed development site or the surrounding study area. In addition, the proposed

development site is not located within, or adjacent to, an Architectural Conservation Area. An extant 19th century structure, which may comprise a former lodge building, is located within the southwest corner of the proposed development site. This building is currently boarded up and will be retained and converted into a café and interpretive centre as part of the proposed development.

9.17.5. Field-walking inspections of the proposed development site revealed that much of the lands within its boundary were subject to extensive ground disturbance during site clearance works carried out as part of a housing development during the 2000s. A number of house foundations were also constructed within the site prior to that development halting. The potential for the presence of unrecorded, sub-surface archaeological remains within the proposed development site was, nonetheless, noted and a non-intrusive geophysical survey, under a licence issued by the National Monuments Service (NMS), of suitable undisturbed green field areas was carried out to inform this assessment. This survey did not reveal any sub-surface anomalies of archaeological potential within the proposed development site. A program of archaeological test trenching licensed by the NMS was also carried out as part of the assessment and this site investigation revealed nothing of archaeological significance. Full copies of these two phases of site investigations are presented in Appendices 14.4 and 14.5.

*Potential Effects:*

9.17.6. Likely significant effects of the development, as identified in the EIAR, are summarised in the following table.

| **Project Phase** | **Potential Direct, Indirect and Cumulative Effects** |
|---|---|
| Do Nothing | No significant effects envisioned |
| Construction | *Archaeology:* No predicted effects.<br>*Architectural Heritage:* No predicted effects on the designated architectural heritage. The proposal does involve works to an existing 19th century building located within the southwest corner of the proposed development. this building is not listed as a Protected Structure or included in the NIAH. It is to be retained, repaired and |

| | |
|---|---|
| | converted to a café and interpretative centre as part of the proposed development. The construction phase interventions to this undesignated structure will entail the removal of a later lean-to annex attached to its northern elevation and the removal of an internal wall in the southern end of the building. This will result in a permanent, direct, adverse effect of moderate significance on the building. The construction phase will also entail appropriate repairs of the building which will result in a permanent, direct, positive effect of slight to moderate significance.<br>*Cultural Heritage:* No predicted effects |
| Operation | *Archaeology:* No significant effects envisioned.<br>*Architectural Heritage*: No significant effects envisioned.<br>The operational phase of the proposed development will result in the use of the existing building on site as a café and interpretive centre. This will result in ongoing appropriate maintenance of the building and will also facilitate public access to a historic structure which is currently boarded up and in danger of becoming derelict through disuse. This will result in a direct, permanent, positive effect of moderate significance<br><br>*Cultural Heritage:* No significant effects envisioned. |
| Decommissioning | N/A |
| Cumulative | No significant effects envisioned. |

*Table 9.13: Summary of Potential Effects: Cultural Heritage and Archaeology*

*Mitigation*

9.17.7. Section 14.4 details mitigation measures. These include:

- Fulacht fia (CO033-090) is to be preserved in situ, the area is to be fenced off during construction and a 10m buffer zone retained to protect the area from any potential future development proposals.
- No construction works will be carried out within 20m of the Ringfort (CO033-012) which is located on third party lands to the east of the site.
- As a precautionary measure, licenced archaeological monitoring of topsoil stripping within the environs of the recorded monuments will be carried out by a suitably qualified archaeologist during the construction phase.
- The location of the 19th century building in the southwest corner of the proposed development site will be preserved in situ and protected by fencing for the duration of the construction phase. A pre-works historic building survey and a conservation method statement will be prepared by a suitably qualified conservation specialist in advance of the construction phase.
- A revised method statement for any required excavation works will be submitted to the National Monuments Service and National Museum of Ireland as part of an application for a licence to complete these works. Reports on the archaeological site investigations will then be submitted to the National Monuments Service, the National Museum of Ireland and the Planning Authority which will clearly describe the results of all archaeological works in written, mapped and photographic formats.

*Residual effects*

9.17.8. The archaeological monitoring mitigation measures presented in Section 14.4 will provide for the identification of any currently unknown archaeological features within the environs of two recorded archaeological sites (ringfort C0033-012---- and fulacht fia CO033-090----) located in proximity to proposed construction areas. Preservation in situ of any identified features within these areas shall allow for a negligible magnitude of impact resulting in a potential not significant/imperceptible significance of effect in the context of residual impact on the archaeological resource. Preservation by record through archaeological excavation shall allow for a high magnitude of impact, albeit ameliorated by the creation of a full and detailed archaeological record, the results of which shall be publicly disseminated. This shall

result in a potential slight/moderate range of significance of effect in the context of residual impacts on the unrecorded archaeological resource.

9.17.9. No potential adverse residual effects on elements of the cultural heritage resource located within the surrounding study area are predicted.

*Analysis, Evaluation and Assessment: Direct and Indirect Effects*

9.17.10. I have examined, analysed and evaluated Chapter 14 of the EIAR, all of the associated documentation and submissions on file in respect of Archaeology, Architecture and Cultural Heritage. I am satisfied that the applicants understanding of the baseline environment, by way of desk and archaeological testing, is comprehensive and that the key impacts in respect of likely effects on Archaeology, Architecture and Cultural Heritage, as a consequence of the development have been identified. I note that there remains the possibility of the discovery of unrecorded archaeological resource on site. I am satisfied that the potential effects of same have been considered in the EIAR and addressed by appropriate best practice mitigation.

*Conclusion: Direct and Indirect Effects*

9.17.11. Having regard to the examination of environmental information in respect of Cultural Heritage and Archaeology, in particular the EIAR the reports of the planning authority and the third-party submissions I am satisfied that subject development will not give rise to significant direct, indirect, or cumulative effects on Cultural Heritage and Archaeology

9.18. **Sub-Topic Landscape and Visual Impact:**

*Issues Raised:*

9.18.1. No issues were raised in the planning authority's assessment of the application in respect of landscape and or visual impact. Concerns were raised in the grounds of

appeal in relation to the impact of the proposed apartment / duplex units on the character and visual amenities of the area.

*Context*

9.18.2. Chapter 10 of the EIAR which deals with landscape and visual impact. No significant changes to this chapter were introduced in the EIAR Addendum report. The associated appendices contained in Volume 3 are: photomontages.

9.18.3. Chapter 10 examines the potential effects of the proposed development on views of receptors within the *Zone of Theoretical Visibility* including residential properties and nearby open spaces, in terms of visual intrusion and visual obstruction. It also examines the impact on the landscape character from the permanent physical changes to the site brought about by the development. The assessment is undertaken in accordance with government and industry best practice guidelines. The assessment methodology includes consultations with the local authority, desk top study and site surveys and investigations. The LVIA in the EIAR was carried out in October 2024 and took into consideration aerial photography, emerging design drawings, relevant publications and reports, together with visits to the site and environs of the proposed development. Verified photomontages in accordance with the GLVIA guidance were also considered to facilitate the assessment of visual impacts. A walkover site visit was undertaken of the proposed development site and visual receptors to the north, northeast, and southeast on the 20/02/2024. The locations for the photomontages were agreed with the local planning authority. The desk studies involved assessment of satellite imagery, Google Street View, historic and ordnance survey mapping, background search of the relevant policies from the local council and analysis of the Zone of Theoretical Visibility (ZTV).

9.18.4. Nine (9no.) verified photomontages were produced showing the expected visual impact of the proposed development from selected points around the site. In photomontages where the proposed development is not clearly discernible, an additional image is included where a wireline represents the outline of the extent of proposed buildings.

9.18.5. While no night-time views were observed, this is not expected to reduce the accuracy of the assessment as no significant light nuisance is expected outside the site boundary. Private properties were not accessed during the site visit. Views from private properties were instead approximated to the best possible publicly accessible viewpoint. I have no objection to the methodology used.

9.18.6. *Baseline*

Baseline data, comprising a description of the existing environment, is set out in section 10.6 of the EIAR. The proposed development site is situated east of the town centre of Mallow. The residential estate of Castle Park to the west, is a relatively new development having been completed within the last 20 years. The rural landscape of Mallow has been transformed to that of a vibrant urban centre. The proposed development aims to also open a corridor into the Blackwater River Corridor which has influenced the settlement and development pattern of Mallow. The receiving environment is composed of both visual receptors such as residents, people travelling along the Blackwater River route, and people travelling along existing pathways near the development. This also includes physical elements such as open space, vegetation and the Mallow town centre

*Potential Effects*

9.18.7. Likely significant effects of the development, as identified in the EIAR, are summarised in the following table.

| **Project Phase** | **Potential Direct, Indirect and Cumulative Effects** |
|---|---|
| Do Nothing | No significant effects identified |
| Construction | No significant effects identified<br><br>*Landscape*: - The proposed development will alter the landscape fabric within the boundaries of the site as well as sections of existing wooded areas such along the Blackwater where tree removal is expected to be required to accommodate the proposed walkway. Other changes |

| | |
|---|---|
| | during construction phase would include the addition of welfare units and machinery. Predicted Effect: moderate at highest.<br><br>*Visual Impact:* - The factors of visual changes upon the views include the alteration of the existing landform, the temporary addition of welfare units and machinery equipment during the construction phase. However, due to the presence of existing hoarding panels surrounding effected receptors, the expected visual impact is expected to be moderate at the highest |
| Operation | No significant effects identified<br><br>*Landscape*: - Change to the fabric of the landscape within its boundaries by converting the existing vacant greenfield into a residential area, extending the urban fabric of Mallow and increasing built density. This impact is likely to be softened after the new vegetation planted during construction phase have established, extending naturalised vegetation corridors. Predicted Effect: moderate at highest.<br><br>Visual Impact: - The replacement of open wide space allowing for long ranging views into the river with new residential properties is expected. The newly established vegetation is expected to help soften the impact of a newly urbanised landscape as well as softening the visual impact seen by surrounding receptors. Predicted Effect: slight at highest. |
| Decommissioning | N/A |
| Cumulative | No significant negative cumulative effects are expected to occur |

*Table 9.14: Summary of Potential Effects: Landscape and Visual Amenity*

*Mitigation*

9.18.8. *Construction Phase*: - While no significant visual impact is expected during construction phase, the EIAR recommends that the existing hoarding surrounding receptors R0 (12 no. Houses within the site boundary) and R1 - (Castlelands House and ringfort (CO033-012) be maintained and improved to further soften the visual impact during construction phase. This improved hoarding should come in the form of solid timber panels 2 to 2.5m in height allowing no viewing gaps between them.

*Operational Phase*: -- No significant impacts are expected to derive from the operational phase of the proposed development; therefore, no mitigation measures are necessary.

*Residual effects*

9.18.9. The improved hoarding screening views towards the proposed development from public locations is expected to soften the visual impact during construction phase. The same hoarding is recommended to be retained in place to avoid the possibility of elevating the visual noise to the high sensitivity visual receptors in the vicinity of the proposed development. No residual impacts are expected during the operational phase.

*Analysis, Evaluation and Assessment: Direct and Indirect Effects*

9.18.10. I have examined, analysed and evaluated Chapter 10 of the EIAR, the associated Verified Views Photomontages. I am satisfied that the applicants understanding of the baseline environment, by way of desk and site surveys, is comprehensive and that the key impacts in respect of likely effects on the landscape and visual amenity of the area, as a consequence of the development have been identified.

The proposed development will alter the landscape fabric within the boundaries of the site as well as sections of existing wooded areas such along the Blackwater where tree removal is expected to be required to accommodate the proposed walkway. There are no protected views designated within the CDP which could be impacted by the proposed development. I note that issues were raised in the grounds of appeal regarding the impact of the proposed apartment / duplex units on

the character of the area. This issue was considered in section 8 of this report, and I am satisfied that the quantum, scale and form of apartment / duplex units proposed is appropriate for this location and is consistent with the prevailing pattern and character of development in the area.

Visual impact is expected to be moderate (at highest) during both construction and operational phases. The proposed landscaping scheme is expected to help soften the impact of this newly urbanised landscape and its visual impact from surrounding receptors.

*Conclusion: Direct and Indirect Effects*

9.18.11. The proposed development comprises the extension of the established urban area of Mallow on residentially zoned lands, therefore, changes to the landscape and views would not be out of character or unexpected. Having regard to the examination of environmental information in respect of Landscape and Visual Impact, including photomontages, I am satisfied that there is no potential for any significant direct, indirect or cumulative effects on landscape or visual amenity as a result of the proposed development.

9.19. **Environmental Topic: The vulnerability of the proposed development to risks of major accidents and/or disasters.**

9.19.1. **Major Accidents and Disasters**

No issues have been raised by any party to the appeal/application in respect of major accidents and disasters. I have examined Chapter 17 of the EIAR which deals with this topic.

*Flood Risk*: - A Site-Specific Flood Risk Assessment was submitted with the application. The site is at low risk of pluvial and groundwater flooding. Fluvial risk is limited to a small southern section of the site located nearest to the River Blackwater. Within this section of the proposed development, a low vulnerability link path from the residential development to the riverside amenity path is proposed. This is considered a water compatible use and, as such, appropriate for development in

Flood Zone A. All vulnerable development is above the extreme flood water level from the Blackwater River and therefore the risk of fluvial flooding is low, and a justification test is not required.

*Seismic Activity*: No large seismic events recorded in the immediate vicinity of the subject site.

*COMAH/SEVESO Sites*: - There are no Seveso sites in close proximity to the proposed development. The closest to the subject site is the LPG Cylinder Filling Ltd which is a 'lower tier establishment' and is over 2km from the subject site within the Quartertown Industrial Estate, Mallow, Co. Cork. Given the low risk and 'lower tier' nature of LPG Cylinder Filing Ltd premises and the distance to the proposed development, it is not considered a concern for the proposed development at construction or operational phase.

Having regard to the location of the site and its distance from Seveso site, the nature and design of the development proposed and standard construction methods I am satisfied that there is no potential for any significant direct, indirect or cumulative effects on the potential for Major Accidents and Disasters as a result of the proposed development.

9.20. **Interactions.**

9.20.1. Chapter 15 addresses interactions and highlights those interactions which are considered to potentially be of a significant nature. Table 15.1 provides a matrix of interactions. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis.

9.20.2. The development is concluded in the EIAR to have **no significant negative impacts** when mitigation measures are incorporated. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. Having considered the mitigation measures in place, no residual risk of significant negative interaction between any of the disciplines was identified and no further mitigation measures were identified.

9.21. **Cumulative Impacts**

9.21.1. Each individual chapter provides an assessment of the cumulative impact of the development. I am satisfied that the EIAR has adequately addressed the cumulative impact.

9.21.2. The proposed development could occur in tandem with the development of other sites that are zoned in the area. Such development would be unlikely to differ from that envisaged under the Cork County Development Plan 2022-2028 which has been subject to Strategic Environment Assessment. Its scale may be limited by the provisions of those plans and its form and character would be similar to the development proposed in this application. The actual nature and scale of the proposed development is in keeping with the zoning of the site and the other provisions of the relevant plans and national policy. The proposed development is not likely to give rise to environmental effects that were not envisaged in the plans that were subject to SEA. It is, therefore, concluded that the cumulation of effects from the planned and permitted development and that currently proposed would not be likely to give rise to significant effects on the environment other than those that have been described in the EIAR and considered in this EIA.

9.22. **Schedule of Mitigation Measures:**

9.22.1. Chapter 16 provides a summary of the recommended mitigation measures and monitoring.

9.23. **Reasoned Conclusion:**

9.23.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, and the submission from the planning authority, prescribed bodies and appellants in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

9.23.2. *Population and Human Health*: - Positive economic benefit for the area during the construction phase. Positive effects from the provision of additional housing in a mix of house types and tenure, the additional childcare facility, additional community facilities in the form of a café and interpretive centre and public amenity space and from improved pedestrian / cyclist connectivity. Construction-related impacts

(vibration, dust, and traffic etc) would be mitigated / managed by a suite of appropriate construction phase management measures, including dust management, the control of construction hours and the implementation of a construction traffic management plan, resulting in no significant residual impacts during construction, significant to very significant impacts on noise sensitive receptors within 10m of the construction site during site clearance and preparation for phases 1a, 1b and 1c., reducing to a short term, negative, moderate to significant impact during the general construction phase. Impacts would be localised and short term and mitigated / managed through the application of appropriate construction phase management including noise minimisation measures and monitoring.

9.23.3. *Biodiversity*: - Construction stage would result in the loss and / or damage of habitat which would be compensated for additional planting and the protection of existing trees/ habitats were feasible. Spread of invasive species to be mitigated through adherence with relevant guidelines in relation to the treatment, removal and disposal of invasive species. Direct / indirect effects from the disturbance and/or displacement of fauna during construction and operational stage, would be mitigated by further pre-comment surveys, a suite of appropriate construction phase management (included in a Construction and Environmental Management Plan), lighting design, existing and proposed landscaping, the appropriate timing of works and various enhancement measures including the provision of amphibian and reptile habitats, bird boxes, swift bricks, bat boxes, wildflower meadows, insect hotels and unmanaged log piles.

9.23.4. *Land, Soil, Water, Air and Climate:* - The development of these lands would result in the loss of land and removal of in-situ soil but would facilitate appropriate development and improved amenities in accordance with the proper planning and sustainable development of the area. Direct negative effects arising for land, soils and geology during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including method statements to handle and control any contaminated materials, resulting in no residual impacts on land, soils and geology. Impacts on groundwater and surface water quality, would be mitigated by standard good practice construction stage measures including a Construction Environmental Management Plan, and by the

implementation of suitably designed drainage infrastructure and Sustainable Urban Drainage System (SuDS) measures. Overall slight / imperceptible impact on climate due to the nature and scale of the development.

9.23.5. *Material Assets*: - Direct effects from construction traffic (including deliveries) would be short-term and temporary and would be mitigated through the implementation of a Construction Transport Management Plan (CTMP) and Construction and Environmental Management Plan (CEMP) and measures to minimise construction vehicle movements. The volume of operational traffic generated from the proposed development will have a moderate effect on the road network, within the norms for urban developments. Direct negative impacts on known archaeological features within (fulacht fia (CO033-090) and adjacent to the site (A ringfort (C0033-012) would be mitigated through the established or appropriate buffer zones and separation from works areas. Direct impacts on unknown / undiscovered archaeological remains / features during the construction phase would be mitigated by appropriate archaeological monitoring with provision made for resolution of any archaeological features / deposits that may be identified, resulting in no residual impacts for archaeological, architectural and cultural heritage. There will be permanent visual changes to the landscape which may impact views from neighbouring residential areas and from Mallow Town Park / amenity walkway. This will be mitigated by the proposed landscaping scheme. Once operational, the proposed development will read as part of the built-up area of Mallow and would have no significant direct or indirect effects on the landscape, visual amenity of the area or on any protected view.

9.23.6. Notwithstanding the conclusion reached in respect of the inability of the proposed measures to fully mitigate the impacts arising from construction related noise and from the increase in operational traffic, it is considered that the environmental effects would not justify a refusal of planning permission having regard to overall benefits of the proposed development.

## 10.0 Appropriate Assessment (AA)

10.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Blackwater River (Cork/Waterford) SAC (Site Code 002170) in view of the conservation objectives of this site and the Appropriate Assessment under the provisions of Section 177U was required.

10.2. Following an examination, analysis and evaluation of the Natura Impact Statement (NIS) and all associated material submitted, I consider that adverse effects on site integrity of the Blackwater River (Cork/Waterford) SAC can be excluded in view of the conservation objectives of this site and that no reasonable scientific doubt remains as to the absence of such effects.

10.3. My conclusion is based on the following:

- Detailed assessment of the construction and operational impacts.
- The proposed development will not affect the attainment of conservation objectives or prevent or delay the restoration of favourable conservation condition for the qualifying species and habitats.
- The effectiveness of the mitigation measures proposed.

## 11.0 Water Framework Directive (WFD):

11.1. The purpose of the Water Framework Directive (WFD) is to protect and enhance all waters as well as water dependent wildlife and habitats, with the aim to achieve 'good' water quality status for all waters subject to the WFD and to mitigate against the risk of a decline in the water body quality and quantity status.

11.2. The water framework directive is considered in Chapter 6, Hydrology and Hydrogeology of the EIAR submitted with the application. I have assessed the proposed development having regard to the information provided in the EIAR and publicly available information on www.catchments.ie when considering the objectives as set out in Article 4 of the Water Framework Directive to protect and, where necessary, restore surface and ground waterbodies in order to reach good

status, meaning both good chemical and good ecological, and to prevent deterioration.

11.3. The site of the proposed development is located within the Blackwater (Munster) river catchment and the Blackwater [Munster]_SC_090 sub catchment. The Site lies within the Blackwater (MUNSTER)_140 sub basin (EPA, 2024) which is classified as having “Good” status and ‘not at risk’. The site is situated on the Mitchelstown groundwater body which is classified as having “Good” status and ‘at risk’. The closest mapped surface water body, the Blackwater River is located c80m to the south of the site. This river is a 5th order river which flows west to east, before converging with the Upper Blackwater M Estuary transitional waterbody approximately 57.76km downstream of the Site. Upper Blackwater M Estuary transitional waterbody flows initially east before turning south and converging with the Lower Blackwater M Estuary/Youghal Harbour transitional waterbody a further 18.15km downstream. The Lower Blackwater M Estuary/Youghal Harbour transitional waterbody flows, in a southerly direction, a further 13.60km downstream before discharging to the Youghal Bay coastal waterbody.

11.4. As per the information provided in the EIAR, the potential impact on WFD status for water bodies was assessed based on the worst-case scenario, taking account of the baseline hydrological and hydrogeological conditions at the site, the WFD status assigned by the EPA (EPA, 2024) to the Blackwater [Munster] River and downstream waterbodies and the underlying Mitchelstown GWB. It was found that in the absence of mitigation measures, there could be a potential ‘negative’, ‘significant’ and ‘long-term’ impact to the WFD status or the potential to achieve ‘good’ status of the of the Blackwater [Munster] River and underlying Mitchelstown GWB. Taking account of the distance downstream and the dilution which will occur, it is considered that there is no perceived impact on any further downstream waterbodies.

11.5. The design avoidance and mitigation measures outlined in the EIAR, including the implementation of SuDS in accordance with the GDSDS and the construction mitigation measures, will prevent any impact on the receiving groundwater and surface water environment. Hence, it was concluded that the proposed Development will not:

- have any impact on compliance with the EU Water Framework Directive, European Communities (Environmental Objectives) Surface Water Regulations, 2009 (SI 272 of 2009, as amended 2012 (SI No 327 of 2012), and the European Communities Environmental Objectives (Groundwater) Regulations, 2010 (S.I. No. 9 of 2010), as amended 2012 (SI 149 of 2012) and 2016 (S.I. No. 366 of 2016).
- cause a deterioration in the status of waterbodies hydraulically connected with the Proposed Development, taking account of design avoidance and mitigation measures that will be implemented.
- jeopardise objective to achieve 'good' surface water status or good ecological potential. The proposed petrol interceptors incorporated into the overall drainage design for the Proposed Development will lead to a positive

11.6. I have assessed the proposal having regard to the objectives as set out in Article 4 of the Water Framework Directive to protect and, where necessary, restore surface and ground waterbodies in order to reach good status (meaning both good chemical and good ecological), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that there is no conceivable risk to any surface and/or ground waterbodies.

11.7. The reason for this conclusion is as follows:

- Chapter 6 of the EIAR submitted by the applicant, including baseline data collected in relation to the hydrogeology for the site.
- The nature and location of the development
- The design of the proposal and mitigation measures proposed

11.8. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any waterbody (rivers, lakes, groundwaters, transitional and coastal) either on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives.

## 12.0 **Recommendation**

12.1. Following from the above assessment, I recommend that permission is GRANTED for the development as proposed due to the following reasons and considerations, and subject to the conditions set out below.

## 13.0 **Reasons and Considerations**

Having regard to the following:

a) the location of the site within the development boundary of Mallow, designated as a 'Key Town' in the Regional Spatial & Economic Strategy for the Southern Region 2020-2032 and the Cork County Development Plan 2022-2028
b) the policies and objectives of the Cork County Development Plan 2022-2028 and the Regional Spatial & Economic Strategy for the Southern Region 2020-2032
c) Housing for All - a New Housing Plan for Ireland (2021)
d) Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)
e) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments (2023)
f) the Design Manual for Urban Roads and Streets (DMURS) (2013)
g) the Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)
h) the nature, scale and design of the proposed development
i) the existing pattern of development in the area
j) the availability of a wide range of physical, social and community infrastructure and services in the area,
k) the proposed infrastructure upgrade works that will improve the sites accessibility and connectively
l) the submissions received,

it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable density of development in this

urban location, would not seriously injure the residential or visual amenities of the area or properties in the vicinity, would be acceptable in terms of layout, urban design, height and unit mix and would be acceptable in terms of traffic, pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area and consistent with the Climate Action Plan, 2025 and the Climate Action and Low Carbon Development (Amendment) Act 2021.

## 14.0 Recommended Draft Order

**Appeal** by Frank Heffernan against the decision made on the 23rd day of April 2025 by Cork County Council to grant permission to Reside (Castlepark) Ltd.

**Proposed Development:**

The development will consist of a large-scale residential development at Castlepark, Castlelands (Townland), St. Joseph's Road, Mallow, Co. Cork. The particulars of the development are as follows:

- 469 no. residential units comprising 305 no. houses and 164 no. duplex/apartments.
- A 788.6sqm creche providing 122 no. childcare spaces and including a community room on the ground floor of the building.
- The redevelopment of the existing gate lodge to the southeast of the development site, to provide an interpretive centre and café.
- All associated ancillary development works including vehicular and pedestrian access (via the existing Castle Park residential estate), drainage, footpaths and cycle lanes, landscaping, amenity and open space areas, boundary treatments, bicycle and car parking, bin and bike storage, plant, public lighting and all other ancillary development at Castlepark,
- Landscaping and boundary treatments.
- All associated site development works.

An Environmental Impact Assessment (EIAR) has been prepared in respect of the proposed development

**Decision**

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

**Matters Considered:**

In making its decision, the Commission had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

In coming to its decision, the Commission had regard to the following:

- The location of the site within the development boundary of Mallow, designated as a 'Key Town' in the Regional Spatial & Economic Strategy for the Southern Region 2020-2032 and the Cork County Development Plan 2022-2028
- The policies and objectives of the Cork County Development Plan 2022-2028 and the Regional Spatial & Economic Strategy for the Southern Region 2020-2032
- Housing for All - a New Housing Plan for Ireland (2021)
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)
- the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments (2023)
- The Design Manual for Urban Roads and Streets (DMURS) (2013)
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)
- The nature, scale and design of the proposed development
- The existing pattern of development in the area
- The availability of a wide range of physical, social and community infrastructure and services in the area,
- The proposed infrastructure upgrade works that will improve the sites accessibility and connectively
- The submissions received,

- The report of the Planning Inspector

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable density of development in this urban location, would not seriously injure the residential or visual amenities of the area or properties in the vicinity, would be acceptable in terms of layout, urban design, height and unit mix and would be acceptable in terms of traffic, pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

**Appropriate Assessment (AA): - Stage 1:**

The Commission completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within an established town centre location and adequately serviced urban site, the Appropriate Assessment Screening Report submitted with the application, the Inspector's Report, and submissions on file.

In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, other than the Blackwater River (Cork/Waterford) SAC (Site Code 002170), which is a European Site for which there is a likelihood of significant effects.

**Appropriate Assessment (AA): - Stage 2:**

The Board considered the Natura Impact Statement, and all other relevant submissions received and carried out an appropriate assessment of the implications of the proposed development on the Blackwater River (Cork/Waterford) SAC (Site Code 002170) in view of the above sites' Conservation Objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's Conservation Objectives using the best available scientific knowledge in the field.

In completing the assessment, the Board considered, in particular, the following:

a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
b) the mitigation measures which are included as part of the current proposal, and
c) the conservation objectives for the European sites.

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

In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site in view of the conservation objectives of the site. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects

**Environmental Impact Assessment (EIA):**

The Commission completed an environmental impact assessment of the proposed development, taking into account: (a) the nature, scale, location and extent of the proposed development, (b) the environmental impact assessment report and associated documentation submitted with the application, (c) the submissions from the planning authority, applicant, third parties and prescribed bodies in the course of the application; and (d) the report of the Planning Inspector's.

The Commission 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 Commission is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. Having regard to the examination of environmental information contained above, and in particular in the

EIAR and supplementary information provided by the applicant, and the submissions form the planning authority, prescribed bodies and observers.

The Commission considered and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are:

*Population and Human Health*: - Positive economic benefit for the area during the construction phase. Positive effects from the provision of additional housing in a mix of house types and tenure, the additional childcare facility, additional community facilities in the form of a café and interpretive centre and public amenity space and from improved pedestrian / cyclist connectivity. Construction-related impacts (vibration, dust, and traffic etc) would be mitigated / managed by a suite of appropriate construction phase management measures, including dust management, the control of construction hours and the implementation of a construction traffic management plan, resulting in no significant residual impacts during construction, significant to very significant impacts on noise sensitive receptors within 10m of the construction site during site clearance and preparation for phases 1a, 1b and 1c., reducing to a short term, negative, moderate to significant impact during the general construction phase. Impacts would be localised and short term and mitigated / managed through the application of appropriate construction phase management including noise minimisation measures and monitoring.

*Biodiversity*: - Construction stage would result in the loss and / or damage of habitat which would be compensated for additional planting and the protection of existing trees/ habitats were feasible. Spread of invasive species to be mitigated through adherence with relevant guidelines in relation to the treatment, removal and disposal of invasive species. Direct / indirect effects from the disturbance and/or displacement of fauna during construction and operational stage, would be mitigated by further pre-comment surveys, a suite of appropriate construction phase management (included in a Construction and Environmental Management Plan), lighting design, existing and proposed landscaping, the appropriate timing of works and various enhancement measures including the provision of amphibian and reptile

habitats, bird boxes, swift bricks, bat boxes, wildflower meadows, insect hotels and unmanaged log piles.

*Land, Soil, Water, Air and Climate:* - The development of these lands would result in the loss of land and removal of in-situ soil but would facilitate appropriate development and improved amenities in accordance with the proper planning and sustainable development of the area. Direct negative effects arising for land, soils and geology during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including method statements to handle and control any contaminated materials, resulting in no residual impacts on land, soils and geology. Impacts on groundwater and surface water quality, would be mitigated by standard good practice construction stage measures including a Construction Environmental Management Plan, and by the implementation of suitably designed drainage infrastructure and Sustainable Urban Drainage System (SuDS) measures. Overall slight / imperceptible impact on climate due to the nature and scale of the development.

*Material Assets*: - Direct effects from construction traffic (including deliveries) would be short-term and temporary and would be mitigated through the implementation of a Construction Transport Management Plan (CTMP) and Construction and Environmental Management Plan (CEMP) and measures to minimise construction vehicle movements. The volume of operational traffic generated from the proposed development will have a moderate effect on the road network, within the norms for urban developments. Direct negative impacts on known archaeological features within (fulacht fia (CO033-090) and adjacent to the site (A ringfort (C0033-012) would be mitigated through the established or appropriate buffer zones and separation from works areas. Direct impacts on unknown / undiscovered archaeological remains / features during the construction phase would be mitigated by appropriate archaeological monitoring with provision made for resolution of any archaeological features / deposits that may be identified, resulting in no residual impacts for archaeological, architectural and cultural heritage. There will be permanent visual changes to the landscape which may impact views from neighbouring residential areas and from Mallow Town Park / amenity walkway. This will be mitigated by the proposed landscaping scheme. Once operational, the

proposed development will read as part of the built-up area of Mallow and would have no significant direct or indirect effects on the landscape, visual amenity of the area or on any protected view.

14.1.1. The Commission completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the environmental impact assessment report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Commission adopted the report and conclusions of the Inspector.

**Conclusions on Proper Planning and Sustainable Development:**

The Commission considered that subject to compliance with the conditions set out below, the proposed development would constitute an acceptable density of development in this urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 15.0 Conditions

*1.* The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 25th of October 2024, as amended by the further plans and particulars received by the planning authority on the 27th 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 10 years from the date of this order.

**Reason:** Having regard to the nature and scale 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 and monitoring measures contained in the submitted Environmental Impact Assessment Report (EIAR), received by the Planning Authority on 25th of October 2024 as amended by the EIAR Addendum Report Received by the Planning Authority on the 27th of February 2025 shall be implemented.

**Reason**: To protect the environment.

4. The mitigation measures contained in the submitted Natura Impact Statement (NIS), received by the planning authority on the 27th day of February 2025, shall be implemented.

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

5. Prior to commencement of tree felling and/or the demolition of existing structures, the developer shall engage a suitably qualified ecologist to carry out a bat survey of mature trees and structures to confirm the absence of roosting bats. In the event that trees/ structures are identified hosting a bat roost or with potential for same, the developer is obliged to adhere to the legal provisions set out in Regulations 51 and if necessary, Regulation 54 (seek derogation licence) of the European Communities (Birds and Natural Habitats) Regulations 2011-2021. Prior to the removal of mature trees and/or the demolition of existing structures, the bat survey results, methodologies for

felling and any derogation licences shall be submitted for the written agreement of the planning authority.

**Reason:** to ensure the protection of Bats in the interests of proper planning and development.

*6.*

a) The development shall be carried out in accordance with the phasing scheme dated 27/02/2025 lodged with the application, except as otherwise may be required to comply with the requirements of the conditions of this grant of permission.
b) Works detailed in interventions 1 to 29 (inclusive), plus 35, 39, 40, and 41 as per the 'Existing Infrastructure Upgrade Works Report' document received on 27th February 2025 shall be undertaken and completed by the applicant at their own expense. Works shall be completed to the satisfaction of the Planning Authority. These interventions shall be completed prior to the occupation of dwellings included in Phase 1 (a) and (b).
c) Intervention 34 (new 3-metre-wide pedestrian bridge) as per the 'Existing Infrastructure Upgrade Works Report' document received on 27th February 2025 shall be undertaken and completed by the applicant at their own expense. Details of construction methods and timelines shall be submitted and agreed in writing with the Planning Authority prior to the commencement of development. Works shall be completed to the satisfaction of the Planning Authority. This intervention shall be completed prior to the occupation of dwellings included in Phase 1 (a) and (b).

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

*7.* Prior to the commencement of development, the applicant / developer shall submit to and for the written agreement of the planning authority, a revised

layout and detailed design of the following Infrastructure Improvement Works proposed within the existing Castle Park Development

a) Item No. 1 and 29 – Proposed crossing location to be examined in the context of proximity to the estate entrance piers and the potential shielding of pedestrian visibility at the proposed crossing point by the piers. Supporting Safety Audit inputs are required.

b) Item Nos. 5, 7, 8, 10, 13, 15 and 29 - Position of proposed crossing tactile paving to be examined to provide crossing outside the extents of existing dwelling vehicular entrance. Supporting Safety Audit inputs are required.

**Reason**: In the interests of orderly development.

*8.* Prior to the commencement of development, the developer shall submit to and for the written agreement of the planning authority:

a) Details of the materials, colours and textures of all the external finishes to the proposed dwellings / structures / buildings. The bin and bike stores shall be finished in brick.

b) Details of all external hard and soft landscaping materials including street furniture (seats benches, signages etc) as well as all surface treatments (paving / resin/ concrete finishes).

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

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

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

*10.* Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

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

*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.* 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 / cycle routes through open spaces. Such lighting shall be provided prior to the making available for occupation of any residential unit.

**Reason**: In the interest of amenity and public safety.

*13.* The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs shall comply with the

detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).

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

*14.* The development shall be carried out and operated in accordance with the provisions of the Mobility Management Plan (MMP) submitted with the application. The developer and/or the Mobility Management Plan Co-Ordinator shall undertake an annual monitoring exercise to the satisfaction of the Planning Authority for the first five years following the completion of Phase 2 and shall submit the results to the planning authority for consideration and placement on the public file.

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

*15.* The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.

**Reason:** To ensure that adequate parking facilities are permanently available to serve the proposed residential units and to prevent inappropriate commuter parking.

16. All of 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.

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

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

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas

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

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

19. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction

Environmental Management Plan (CEMP) for the written agreement of the planning authority. This plan shall provide details of intended construction practice for the development with measures to reflect mitigation described in the submitted EIAR for the application.
A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

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

*20.* The Construction Environmental Management Plan (CEMP) shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development as set out in Chapter 14 of the EIAR following consultation with NMS. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.

**Reason**: To ensure the continued preservation of archaeological features or objects on the site.

*21.* Prior to the commencement of the proposed development, the developer /applicant shall submit a site layout drawing (scale of at least 1:500) of the temporary site compound, giving details of materials storage areas, car parking area, machinery and equipment storage areas, fuel tanks and refilling area, and welfare facilities, bunded areas, etc.

The following information shall be included as part of the site layout drawing and details:

a) The types, quantities and waste codes of all waste arisings from portaloo cabins, the canteen and other mixed waste arisings anticipated from the temporary site compound during the construction phase of the development.

b) Measures to be put in place for the management of Surface water runoff from machinery & equipment areas, hydrocarbons storage areas and diesel filling areas of the temporary site compound will not result in environmental risks.

c) The temporary site compound shall not be located in any area identified as open space or in any location that may impede pedestrian and cycling travel.

**Reason**: To prevent soil contamination, water pollution and in the interest of orderly development.

*22.* Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of proper planning and sustainable development

*23.* There shall be no interfering with, bridging, piping, draining, or culverting of any watercourse, its banks or bankside vegetation to facilitate this development without the prior approval of the Planning Authority.

**Reason**: To safeguard the amenities and prevent pollution and/or erosion.

*24.* A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials 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.

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

*25.* The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason**: To ensure the satisfactory completion and maintenance of this development.

*26.* Landscaping of this site shall be carried out in accordance with the site layout and landscaping plans submitted to the Planning Authority on 25/10/2024 within the first planting season following substantial completion of external construction works.
All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of [five] years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning

authority.

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

*27.* Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

*28.*

a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority, such agreement must specify the number and location of each house, pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential 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 of the residential units 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.

*29.* 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 Coimisiún Pleanála for determination.

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

*30.* The developer shall pay a financial contribution to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of infrastructure upgrade works, comprising works identified in the 'Existing Infrastructure Upgrade Works Report' submitted to the planning authority on the 27th of February 2025, namely (intervention) Item Nos. 30, 31, 32, 33, 36, 37 and 38 and, road improvement works on the L-1220-25 St. Joseph Road between the construction site entrance and N72, Olivers Cross, which benefits the proposed development. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

**Reason**: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority in respect of public services, which are not covered in the Development Contribution Scheme or the Supplementary Development Contribution Scheme and which will benefit the proposed development.

*31.* 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.*

Lucy Roche
Planning Inspector

7th August 2025

| Appendix 1 (a) Screening for Appropriate Assessment | |
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| **Step 1: Description of the project and local site characteristics** | |
| **Brief description of project** | Large-scale residential development comprising 469no. residential units, a creche, an interpretive centre /café (refurbishment and reuse of existing building) on a site area of 18.2ha at Castle Park in the townland of Castlelands, Mallow, County Cork.<br><br>The project as amended at RFI stage includes works within the applicant's land holding, comprising<br><br>- The demolition / removal of the existing pedestrian bridge and its replacement with a new pedestrian / cyclist bridge at the same location.<br><br>- Widening of the footpath along the riverwalk to Mallow Town. These works were proposed and permitted as part of the Mallow Town Park Enhancement works permitted under ABP – 310354-21 and were subject to appropriate assessment.<br><br>Foul water from the proposed development will discharge to the existing Uisce Éireann (UÉ) foul sewer, located in the adjacent Castle Park residential estate to the west of the site and to the Mallow WWTP (EPA Licence No. D0052-01) for treatment before ultimately discharging to River Blackwater. |

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| | Surface water at the proposed development is to be managed in accordance with the principals and objectives of Sustainable Drainage Systems (SuDS) and the Greater Dublin Sustainable Drainage System (GDSDS) to treat and attenuate water prior to discharging offsite. Treated surface water will be discharged to the existing stormwater network that serves the Castle Park estate which outfalls directly to the River Blackwater.<br><br>Water supply to the proposed development will be from the existing UÉ watermain, located in the adjacent Castle Park |
| **Brief description of development site characteristics and potential impact mechanisms** | The project site comprises c. 18.2ha of greenfield land within the urban area of Mallow. The lands appear to have been the subject of previous development works including site clearance, removal of hedgerows, access track and partial construction. The site is mostly made up of areas that have been allowed to revegetate after site clearance works in 2022. These areas have evolved from bare ground to form dry meadow and grassland habitats over most of the site. Areas of scattered trees and parkland are located to the south of the site, and an old stone wall bounds the site to the |

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| | east/southeast. The site adjoins an existing park area to the south with treelines and amenity grassland areas, alongside the Blackwater River.<br><br>The proposed development will require land take of approximately 12.7ha and will change from undeveloped lands to residential and retail / commercial land use with associated vehicular and pedestrian access, car parking landscaping.<br><br>Two invasive plant species were recorded on site, namely Butterfly Bush (Buddleia davidii), and New Zealand Flax (Phormium tenax). Butterfly Bush was observed growing on areas of hardstanding/artificial surfaces to the west of the site, while New Zealand Flax was observed growing behind a rear garden, to the west of the Site, just behind a dense willow tree canopy.<br><br>The nearest designated site is the Blackwater River (Cork/Waterford) SAC (Site Code 002170) which adjoins the southern boundary of the site. Potential impact mechanisms are via topographical gradient, surface water runoff and proximity. There are no watercourses within the site. Very limited suitable habitats for otter (Lutra lutra) were noted on the Site. However, the Blackwater River is likely to support otters. |

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| | The construction phase of the development is expected to take 96 months. |
| **Screening report** | Yes, updated at RFI stage received by the planning authority on the 27th of February 2025 |
| **Natura Impact Statement** | Yes, updated at RFI stage received by the planning authority on the 27th of February 2025 |
| **Relevant submissions** | No issues / concerns have been raised in the grounds of appeal regarding appropriate assessment or potential impact of the development on European Sites. |

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

One European site, the Blackwater River (Cork/Waterford) SAC, is potentially within a zone of influence of the proposed development. I note that the screening report considered a further three sites in the wider area namely the Blackwater Callows SAC (004094) and Blackwater Estuary SPA (004028) c. 25km to the southeast and the Kilcolman Bog SPA (004095) to the north but rules these out for further examination due to distance (> 20km) and weak ecological connections. I am satisfied that these sites can be excluded from further consideration.

| **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** |
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| Blackwater River (Cork/Waterford) SAC (002170) | • Estuaries<br>• Mudflats and sandflats not covered by seawater at low tide<br>• Perennial vegetation of stony banks<br>• Salicornia and other annuals colonising mud and sand<br>• Atlantic salt meadows (Glauco-Puccinellietalia maritimae)<br>• Mediterranean salt meadows (Juncetalia maritimi)<br>• Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation<br>• Old sessile oak woods with Ilex and Blechnum in the British Isles<br>• Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)<br>• Margaritifera margaritifera (Freshwater Pearl Mussel)<br>• Austropotamobius pallipes (White-clawed Crayfish)<br>• Petromyzon marinus (Sea Lamprey)<br>• Lampetra planeri (Brook Lamprey)<br>• Lampetra fluviatilis (River Lamprey)<br>• Alosa fallax fallax (Twaite Shad)<br>• Salmo salar (Salmon)<br>• Lutra lutra (Otter)<br>• Vandenboschia speciosa (Killarney Fern) | Adjoins the site | The southern boundary of the Site abuts the Blackwater River SAC site boundary. A direct hydrological, hydrogeological and land/air pathway therefore exists between the Site and this SAC, owing to the proximity between the two. | Yes |

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| | https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002170.pdf | | | |

| **Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites** | | |
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| **Site name**<br><br>**Qualifying interests** | **Possibility of significant effects (alone) in view of the conservation objectives of the site*** | |
| | **Impacts** | **Effects** |
| **Blackwater River (Cork/Waterford) SAC (002170)**<br><br>• Estuaries<br>• Mudflats and sandflats not covered by seawater at low tide | **Direct:**<br><br>The application site as defined by the red line site boundary is not within any European site and therefore there is no direct loss or alteration of habitat as a result of the project. However, the applicant has agreed to facilitate works (bridge replacement and footpath widening) within Mallow Town Park which is within the Blackwater River (Cork/Waterford) SAC boundary. There is potential | • Damage / loss of riparian habitats: As per the information provided, the bridge works are to be carried out with minimal disturbance to the riparian vegetation and any lost vegetation is to be replaced as far as is practicable, limiting potential for direct habitat loss. No direct loss of QI habitats is likely to occur as a result of bridge replacement works or footpath widening as done were identified within |

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| • Perennial vegetation of stony banks<br>• Salicornia and other annuals colonising mud and sand<br>• Atlantic salt meadows (Glauco-Puccinellietalia maritimae)<br>• Mediterranean salt meadows (Juncetalia maritimi)<br>• Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation<br>• Old sessile oak woods with Ilex and Blechnum in the British Isles<br>• Alluvial forests with Alnus glutinosa and Fraxinus | for damage / loss of riparian habitats along the Blackwater River and disturbance of QI species as a result of these works.<br><br>**Indirect:**<br>• Surface water run-off containing contaminant or sediment<br>• Direct emissions to air and water<br>• Increased noise, dust and / vibrations during construction<br>• Disturbance<br>• Spread of Invasive Alien Plant Species (IAPS)<br>• Overloading of Mallow WWTP<br>• Hydraulic/organic overloading of Mallow WwTP leading to the release of untreated sewage into the Blackwater River and the associated European sites. | the development footprint during field surveys. However, in the absence of mitigation and precaution, the possibility of damage / loss of riparian habitats along the river by these works does exist and thus potential for indirect impacts on QI habitats exists.<br>• Disturbance of QI Species<br>• Deterioration in water quality during and post construction has the potential to damage riparian and river habitats and freshwater qualifying interest species dependent on water quality, an impact of sufficient magnitude could undermine the site's conservation objectives.<br>• Potential impacts to natural hydrological processes of the Blackwater River during and post construction also has the potential to damage riparian and river habitats and freshwater qualifying species<br>• Potential spread of invasive species associated with ground disturbance activities during the construction phase. |

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| excelsior (Alno-Padion, Alnion incanae, Salicion albae)<br>• Margaritifera margaritifera (Freshwater Pearl Mussel)<br>• Austropotamobius pallipes (White-clawed Crayfish)<br>• Petromyzon marinus (Sea Lamprey)<br>• Lampetra planeri (Brook Lamprey)<br>• Lampetra fluviatilis (River Lamprey)<br>• Alosa fallax fallax (Twaite Shad)<br>• Salmo salar (Salmon)<br>• Lutra lutra (Otter)<br>• Vandenboschia speciosa (Killarney Fern) | • Changes in hydrological regime of the Munster Blackwater due to land use changes (e.g. conversion of areas of well-draining greenfield lands to hardstanding) and proposed site drainage, | <u>Mallow WWTP</u><br><br>Upgrade works to the Mallow WWTP were completed in 2023. Uisce Eireann have confirmed that (via Pre-connection Inquiry) that the upgraded WWTP has the capacity to cater for the proposed LRD without upgrade. Having reviewed Uisce Eireann's 2023 Annual Environmental Report (AER) I note that the Mallow WWTP is compliant with emissions limit values, has 6,030 population equivalent (PE) remaining organic capacity and therefore can accommodate the PE form the proposed LRD. It is not expected that foul waters generated by the Proposed Development will present any source of significant impacts to the Blackwater River SAC post treatment and discharge from Mallow WWTP. Potential impacts from this effect mechanism can therefore be ruled out. |
| **Likelihood of significant effects from proposed development (alone):** | | Yes |

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| **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** | |
| Based on the information provided in the screening report, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result in significant effects on the Blackwater River (Cork/Waterford) SAC | |

| **Appendix 1(b): Appropriate Assessment** |
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| The requirements of Article 6(3) as related 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 LRD in view of the relevant conservation objectives of the Blackwater River (Cork/Waterford) SAC based on scientific information provided by the applicant.<br><br>The information relied upon includes the following:<br>• Natura Impact Statement (NIS) prepared by Enviroguide. (updated at RFI Stage)<br>• National Parks and Wildlife Service Conservation Objectives Supporting Document (July 2012) and related publications.<br>• Appropriate Assessment of Plans and Projects in Ireland, Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009).<br>• Managing Natura 2000 sites, The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC (European Commission, 2019).<br>I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness. |
| **Submissions/observations**<br>I note that there were no issues raised by submissions in relation to AA. |

| **Blackwater River (Cork/Waterford) SAC (002170)**<br><br>**Summary of Key issues that could give rise to adverse effects (from screening stage):**<br>• Water quality degradation (construction and operational phases)<br>• Damage / loss / fragmentation of riparian habitats<br>• Disturbance of mobile species<br>• Spread of invasive species | | | |
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| **Qualifying Interest features likely to be affected** | **Conservation Objectives**<br><br>**Targets and attributes** | **Potential adverse effects** | **Mitigation measures (summary)** |
| Fresh Water Pearl Mussel<br>1029 | To **restore** the favourable conservation condition, defined by, inter alia, restore to 35,000 adult mussels, restore water quality-macroinvertebrates and restore substratum quality-stable cobble and gravel substrate with very fine material. | Water quality impacts could cause a significant impact on the population of FWPM within the Blackwater River, as water quality impacts could lead to habitat deterioration resulting in displacement and/or mortality of FWPM populations at a scale that could prevent the conservation objective being met (e.g., decline in population greater than 5%, changes in hydrological regime, water quality, substratum quality or changes in population structure).<br>In addition, populations of FWPM which occur upstream of the Proposed Development Site could be significantly affected if host fish were impacted by the project (during the Construction/Operational Phases) via the previously identified impact pathways.<br><br>Dust and vibrations arising from Construction Phase activities also have the potential to affect FWPM. FWPM or their host fish may be sensitive to impacts | **Construction Phase**<br><br>Implementation of CEMP.<br><br>Best practice measures for the protection of watercourses from hydrological, hydrogeological and air/land pathways will be applied during the Construction Phase.<br><br>Specific mitigation measures for the protection of this species.<br><br>Site specific measures to limit the potential for significant adverse impacts as a result of bridge construction works are also proposed.<br><br>**Operational Phase** |

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| | | arising from Construction Phase vibrations, while Construction Phase activities particularly associated with development of large sites can be a source of dust or other airborne contaminants which can impact on water quality if deposited or washed into waters as a result of rainfall events.<br><br>In the case of roads, the transport of certain material can also lead to airborne dust and particulates. This can be especially significant if such a deposition is allowed to take place over long periods of time.<br><br>Potential introduction of pesticides such as tick and flea treatments from pets can cause harm to FWMP populations within the river even in small quantities | Management and design measures to ensure no change in chemistry of overland surface water or groundwater from the Site into the nearby Blackwater River.<br><br>Signage to encourage keeping pets on leads within the park and out of Blackwater River.<br><br>SuDS measures to retain and filter pollutants and remove suspended solids.<br><br>Hydrobrake and petrol interceptor at surface water outfall |
| White-clawed Crayfish 1092 | To **maintain** the favourable conservation condition, defined by, inter alia, no reduction in the baseline (illustrated in Map 9 of the NPWS Conservation Objectives supporting document 2012), and water quality with at least a q-value of Q3-4 at all sites sampled by the EPA. | Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives<br><br>It is not envisaged the Proposed Development has the potential to affect the baseline distribution of WCC in this SAC, as the nearest record for this species lies upstream of the Site, and no further populations are known to exist for ca.15km downstream. It is not envisaged that the Proposed Development has the potential to affect water quality within the SAC to this extent.<br><br>Additionally, potential introduction of pesticides such as tick and flea treatments from pets can cause harm even in small quantities to any potentially present WCC populations within the river. | |

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| Sea Lamprey 1095 | To **restore** the favourable conservation condition, defined by, inter alia, no decline in extent and distribution of spawning beds | Juveniles of all three lamprey species have been recorded downstream of Mallow, with Sea lamprey spawning grounds located along the Blackwater River downstream of Mallow town (NPWS, 2012, King & Linnane, 2004).<br><br>Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives. Pets allowed to enter the Blackwater River may also cause direct disturbance to Lamprey species.<br><br>It is deemed unlikely that the Proposed Development would lead to any significant reduction in lamprey distribution or spawning/juvenile habitats. Nevertheless, with the presence of spawning of Sea Lamprey in particular noted downstream of Mallow, mitigation measures have been included to mitigate any potential construction and operational Phase impacts to downstream water quality. | As Above |
| Brook Lamprey 1096 | To **maintain** the favourable conservation condition, defined by, inter alia, no decline in extent and distribution of spawning beds. | As Sea Lamprey above | |
| River Lamprey 1099 | To **maintain** the favourable conservation condition, defined by, inter | As Sea Lamprey above | |

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| | alia, no decline in extent and distribution of spawning beds. | | |
| Salmo salar (Salmon) | To **maintain** the favourable conservation condition, defined by, inter alia, no decline in number and distribution of spawning redds due to anthropogenic causes and q-values of at least Q4 at all sites sampled by the EPA. | Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives. Pets allowed to enter the Blackwater River may also cause direct disturbance to this species. | As above |
| Alosa fallax fallax (Twaite Shad) | To **restore** the favourable conservation condition, defined by, inter alia, no decline in extent and distribution of spawning habitats, oxygen levels no lower than 5mg/l and to maintain stable gravel substrate with very little fine material. | Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives. Pets allowed to enter the Blackwater River may also cause direct disturbance to this species.<br>However, it is deemed unlikely that the proposed development would lead to any significant effects with regards the conservation attributes and targets for Twaite Shad. | |
| Lutra lutra (Otter) | To **restore** the favourable conservation condition, defined by, inter alia and no significant decline in distribution or habitat (terrestrial and river). | The stretch of the Blackwater River that occurs south of the Site does have the potential to support Otter<br><br>Potential for disturbance and a significant degradation of water quality may adversely affect foraging/ fish biomass. Potential introduction of pesticides such as | As Above.<br>Pre-construction otter surveys |

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| | | tick and flea treatments from pets can cause harm and disturbance to prey species of otter, and thus impact on the conservation objectives of this QI species. Pets may also directly disturb any otters present in the vicinity of the Site. | |
| Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation | To **maintain** the favourable conservation condition, defined by, inter alia, no decline in habitat distribution, a stable or increasing habitat area and sufficiently low concentration of nutrients in the water column. | Water quality degradation.<br>Spread of invasive species<br><br>It is deemed that the Proposed Development does not have the potential to adversely affect any of the conservation attributes/targets; due to the nature and scale of the development. Nevertheless, the potential for reductions in water quality downstream of the Site is addressed with mitigation measures. | Construction Phase<br><br>• Implementation of CEMP. •<br>• Best practice construction measures during construction phase<br><br>Operational Phase<br>• SuDS measures to retain and filter pollutants and remove suspended solids.<br>• Hydrobrake and petrol interceptor at surface water outfall. |
| Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) | To **restore** the favourable conservation condition, defined by, inter alia, a stable or increasing habitat area and no decline in habitat distribution | Overland surface water runoff from the Site could transfer pollutants from parked cars (e.g., fuel/oil spills) to these habitats in the event of heavy rainfall. However, it is considered that the volume of potential spills even in a worst-case scenario (i.e., full car fuel tank approx. 45-65L) is considered to be relatively small in relation to the dilution and dispersion potential of a heavy rainfall event. | |
| Old sessile oak woods with Ilex and Blechnum in the British Isles | To **restore** the favourable conservation condition, defined by, inter alia, a stable or increasing habitat area and no | None - This is a terrestrial habitat with no pathway between the Proposed Development and this QI habitat. | None required |

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| | decline in habitat distribution. | | |
| The following qualifying interests are located over 50 km downstream of the proposed development site and no impact on these habitats is predicted given the distance and potential dilution: | | | |
| Vandenboschia speciosa (Killarney Fern) | Maintain favourable conservation condition | None – No impact pathways | None required |
| Estuaries | Maintain favourable conservation condition | None – No impact pathways | None required |
| Mudflats and sandflats not covered by seawater at low tide | Maintain favourable conservation condition | None - a significant intervening distance of c.53km (as the crow flies) which is deemed to provide sufficient buffering and dilution capacity | None required |
| Perennial vegetation of stony banks | Maintain favourable conservation condition | None – No impact pathways | None required |
| Salicornia and other annuals colonising mud and sand | Maintain favourable conservation condition | None – No impact pathways | None required |
| Atlantic salt meadows (Glauco-Puccinellietalia maritimae) | Restore favourable conservation condition | None – No impact pathways | None required |

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| Mediterranean salt meadows (Juncetalia maritimi) | Maintain favourable conservation condition | None – No impact pathways | None required |

The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

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

**(a) Water quality degradation**

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

Mitigation Measures

Avoidance measures have been integrated into the project design which will serve to protect water quality of the Blackwater River (and downstream designated sites). This includes attenuation and Sustainable Drainage Systems measures, such as permeable paving, rainwater harvesting and tree pits, to retain and filter pollutants and assist with suspended solids removal prior to discharge. A hydrobrake will be provided at the surface water outfall to restrict the flow of water and a petrol interceptor will be provided upstream of the attenuation tanks to ensure that any hydrocarbons or pollutants are treated prior to outfall to the Blackwater River.

Pre-construction, a detailed Water Management System (WMS) is to be prepared this will incorporate all water protection measures.

During the pre-construction and construction phases, best practice measures will be implemented including the carrying out of the works in accordance with a final Construction and Environmental Management Plan (CEMP), the employment of an ecological clerk of works, the development of a Schedule of Works Operations Record (SOWOR), Spill Response and Site Environmental Emergency Plans; the preparation of a water management system, the implementation of a dust management plan, the refuelling of plants in designated locations, the location of stockpiling in designated, secure and impermeable areas on site, incorporation of silt-fencing along the southern boundary of the site and storage of fuels in designated area.

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

**(b) Damage / loss / fragmentation of riparian habitats:**

No direct loss of QI habitats is likely to occur as a result of bridge replacement works or footpath widening as done were identified within the development footprint during field surveys. However, there is the possibility of damage / loss of riparian habitats along the river as a result of these works and thus potential for indirect impacts on QI habitats exists.

Mitigation Measures

- The demolition of the existing pedestrian bridge and the construction of the Pedestrian / cyclist replacement bridge to be undertaken in accordance with the methodology detail in the Method Statement submitted with the application and the requirements of the CEMP.
- All works carried out adjacent to the river will adhere to the guidelines of Inland Fisheries Ireland and TII and to CIRIA C648 Control of Water Pollution from Linear Construction Projects (2006)

- Preparation of Construction Method Statements for key construction activities, including pedestrian bridge replacement and pouring of concrete
- ECoW to be present on-site during works for the demolition of the existing pedestrian bridge and the construction of the pedestrian / cyclist replacement bridge
- Prior to commencement of development, protective measures such as silt fencing / berms are to be installed upstream and downstream of the works. Silt fencing will be monitored and maintained.
- Entry to the stream and Blackwater River will be avoided and vehicle usage along the banks restricted as much as practicable. Any machines working in proximity to the watercourse will be protected against leakage etc.
- Works will occur only in dry weather
- Use of precast concrete where possible
- Existing vegetation along the riverbanks will be preserved where possible. Disturbed areas to be replanted promptly to stabilize soil and reduce erosion.
- Regular monitoring of water quality upstream and downstream of the works area will be undertaken by the ECoW to detect any changes and take corrective action if necessary.

I am satisfied that the measures proposed are adequate and will be effective in ensuring minimal impact to riparian habitats in the vicinity of the works.

**(c) Disturbance of mobile species**

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

Mitigation measures and Conditions

- Pre-construction otter survey to ensure no otter holt established in intervening period. If identified, otter mitigation measures to be implemented including, no works to take place within 150 metres of any holts, no wheeled or tracked vehicles (of any kind) within 20m of active, but nonbreeding, Otter holts. Light work, such as digging by hand or scrub clearance not within 15m of such holts, except under licence.
- Implementation of noise reduction measures to minimisation of noise during construction works.
- Implementation of best practice construction methods and water quality measures.
- During the construction phase, signage is to be erected clearly stating that all pets should be kept on leads at all times and that all dog foul must be picked up per existing national legislation.

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

(d) Spread of Invasive Species

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

observed growing behind a rear garden, to the west of the site. There is also potential for the spread of other invasive species potentially present in the areas west of the proposed bridge replacement works, which are earmarked for temporary access route and compound for the duration of these works.

Mitigation Measures:

- The non-native/invasive flora recorded at the Site to be controlled/removed as per best practice guidelines and in consultation with the relevant qualified invasive species personnel.
- Further, pre-commencement surveys to confirm the presence and extent of invasive species.
- Measures to control the spread of invasive species will be employed such as the treatment and eradication of butterfly bush onsite by a specialist and the sourcing of soils and materials from sites that are certified invasive flora free.

I am satisfied that the measures proposed can be implemented, supervised effectively and will be effective in preventing the spread of invasive species.

All Mitigation measures are captured in planning condition number 4 recommended above.

**In-combination effects**

I am satisfied that in-combination effects have been assessed adequately in the NIS. Having reviewed the NIS submitted with this application, and mitigation and monitoring measures proposed, I am satisfied that no significant residual effects will remain post the application of mitigation measures

**Findings and conclusions**

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

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