



An
Coimisiún
Pleanála

Inspector's Report ABP-322566-25

Development

LRD construction of 150 dwellings, creche, ESB substation together with all associated site works. A Natura Impact Statement is submitted to the planning authority with this application.

Location

Gortnahomna More, Castlemartyr, Co. Cork

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

246216

Applicant(s)

Marshall Yards Development
Company Ltd.

Type of Application

Large-Scale Residential Development (LRD).

Planning Authority Decision

Grant Permission

Type of Appeal

First Party & Third Party

Appellant(s)

Marshall Yards Development
Company Ltd.
Patrick Cunningham.

Observer(s)

Caroline Murray
Milinda Golden.

Date of Site Inspection

30th of July 2025.

Inspector

Stephanie Farrington

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1.0 Site Location and Description

- 1.1. The site, which has a stated area of 6.88 ha, is located on the eastern edge of Castlemartyr village along the N25. The site comprises 3 agricultural fields. The northern field comprises largely overgrown lands which includes an extensive area of immature willow woodland. The southern fields were in agricultural use at the time of site inspection. The N25 forms the northern boundary of the site.
- 1.2. The site is adjoined by open agricultural lands to the east and south and suburban housing to the west. Development in this area comprises mainly two-storey terraced and semi-detached houses of different character and in general the housing is in small groupings. The existing site topography, as illustrated on DOBA Engineering drawing C-0001, is relatively steep in the southern portion of the application lands with levels ranging from +22mOD at the south-west corner to +11.0mOD. The northern portion of the lands are generally gently sloping.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of the construction of 150 no. residential units, creche and all associated site works. Access to the development is proposed via the N25 and the development includes connection to existing water and wastewater infrastructure.
- 2.2. Table 2.1 below provides a summary of key development statistics:

Table 2.1 Key Development Statistics	
Site Area	4 ha (net site area), 6.88ha (gross site area)
Residential Units	150 no. houses
Unit Mix	60 no. 2 bed units (40%) 82 no. 3 bed units (54.6%) 8 no. 4 bed units (5.4%)
Unit Type	4 no. two bed bungalows (J1 & K1) 56 no. 2 bed townhouses (E1)

	43 no. 3 bed townhouses (F1 & D1) 39 no. 3 bed semi-detached units (C1 & F3) 1 no. 4 bed townhouse (F4) 7 no. 4 bed semi-detached houses (B1 & F5)
Density	Net Site Density 37.5 units per hectare (150/4 ha)
Height	Bungalow, 2 storey and 3 storey
Creche	364.5 sq.m., Catering for 68 no. children.
Public Open Space	6,084 sq.m. (15.2%)
Car Parking	240 no parking spaces for residential units. Creche - 8 no. spaces including 2 no. drop off spaces.
Phasing Plan	5-year permission Phase 1 – Access and 72 no. units to the east Phase 2 - 78 no. units contiguous to existing development to the west

2.3. The application was accompanied by the following documentation:

- Architectural, Engineering, Lighting and Landscaping Drawings
- Completed Application Form and Notices
- Planning Report
- EIA Screening Report
- Letter of Consent from Cork County Council
- Architectural Design Statement
- Universal Design Statement
- Housing Quality Assessment
- CGI's and Photomontages

- Landscape Planning Report
- Drainage Impact Assessment
- Road Safety Audit
- Outdoor Lighting Report
- Response to Cork County Council Pre-Application Consultation Opinion
- School Assessment
- Childcare Demand Report
- Statement of Consistency
- Screening Report for Appropriate Assessment
- Natura Impact Statement
- Ecological Impact Statement
- Arboricultural Report
- Flood Risk Assessment
- Archaeological Impact Assessment
- Traffic and Transport Assessment
- Construction Management Plan
- Infrastructure Design Report
- Operational Waste Management Plan

2.4. The following documentation was submitted in response to Cork County Council's request for further information (FI):

- FI Response Cover Letter
- Updated Drawings
- Outdoor Lighting Report
- Technical Note
- CGI's & Photomontages

3.0 Planning Authority Pre-Application Opinion

3.1. A Section 32 Consultation Meeting took place on the 24th of August 2024 with representatives of the applicant and planning authority in attendance. A Large-Scale Residential Development (LRD) Opinion issued on the 23rd of September 2024 and set out that a number of issues need to be addressed before the proposal would constitute a reasonable basis for an application.

3.2. The following issues are raised:

- Core Strategy: The growth rate identified for the Castlemartyr settlement is to accommodate 122 no. units over the life cycle of the current County Development Plan (2022-2028). The proposal currently exceeds this figure by 28no. units. In addition, it would also mean the entirety of the growth allocation would be utilised by a single developer. It is acknowledged the overall issue of population growth allocation is likely to be revised following publication of the National Planning Framework review however the subject planning proposal is running ahead of this plan lead process. The current proposal for 150 dwelling units is therefore premature pending further resolution of this issue.
- Appropriate Assessment: A Natura Impact Statement, Ecological Impact Assessment Report and revised Landscaping Plan is required.
- Design/Layout Considerations: A number of layout amendments are suggested. An overall masterplan approach is recommended, particularly in respect of the Northern part of the site as this forms the main interaction with the street/ Road.
- Servicing: Ensure a Feasibility of Connection (FoC) agreement with Irish Water is included with any application consenting to the accommodation of the treated hydraulic load to the public system.
- Engineering: Installing a watermain on the N25 to serve the site is highly undesirable and a road opening license may not be granted for this proposal (having regard to the volume of traffic on this section of the N25 and the fact that the road was totally reconstructed recently). Note that CCC installed a 150mm watermain as part of the major roadworks project which should be

adequate to serve the proposed development. (If this is not adequate then alternative routes would need to be considered that would minimise the impact to the N25. This aspect of proposal needs to be reviewed and verified and the overall level of development needs clarity around infrastructure.

- Archaeology: The identified sub-surface archaeology appears to be located outside the red line boundary for the current development proposal, although in the ownership of the applicant. Potential additional testing to fill in the gaps (in areas not tested previously) should be considered by the appointed archaeologist to rule out the presence of additional sub-surface archaeology within the red line boundary area. The appointed archaeologist is advised to liaise with co. archaeologist over the findings of the assessment and any further mitigation measures at this stage.
- Public Lighting: The design, materials and installation must comply with the Cork County Council Public Lighting Manual and Product Specification 2021.

3.3. The application includes a document entitled “Response to Cork County Council Pre Application Opinion” which addresses the specific issues raised.

4.0 Planning Authority Decision

4.1. Decision

Cork County Council issued a notification of decision to grant permission for the development on the 24/04/25 subject to 63 no. conditions. The following conditions attached to the permission are of note:

- Condition no.1: (a) The proposed development shall be carried out in accordance with plans and particulars lodged with the Planning Authority on 22/11/2024 and 28/02/2025 save where amended by the terms and conditions herein. (b) This permission is for a total of 93 dwelling units and creche.
- Condition no. 2: Proposed dwelling no's 42-71, 73- 110 shall be omitted (57 no. dwellings). The vacated area shall be secured / fenced. Full details pertaining to the treatment of this vacated area shall be agreed in writing with the Planning Authority.

- Condition no.3: All works required to the N25 and adjacent junctions arising out of the TII Design Report process and the TII Stage 3 Road Safety Audit process shall be in place prior to first occupation of the development. All such works shall be carried out by the developer at their sole expense.
- Condition no. 5: The necessary Transport Infrastructure Ireland (TII) approvals, including the submission and acceptance of a Design Report and Stage 2 Road Safety Audit in accordance with TII standards, for the design and location of the access to the N25 national road and any necessary changes to the N25 road itself including adjacent junctions shall be obtained in advance of development commencing on site.

4.2. Planning Authority Reports

4.2.1. Planning Reports

Area Planner's Report (23/01/2025)

- In terms of EIA the report outlines that the proposed number of units and site area are well below the mandatory thresholds for EIA. Having regard to the screening detail submitted as per schedule 7A, the characteristics of the receiving site, the standalone nature of the proposal relative to neighbouring developments, the proposal does not trigger the requirements for sub threshold EIA.
- The proposal represents a new residential scheme on lands which are zoned to accommodate further residential development. Accordingly, the general principle of a housing scheme is considered acceptable on this site.
- The main concern at this juncture relates to the extent of development proposed relative to the growth rate envisaged for the settlement under the County Development Plan (CDP) core strategy. The growth rate identified for the settlement is to accommodate 122 no. units over the life cycle of the plan. The proposal (if permitted) would exceed this figure by 28no. units. In addition, it would also mean the entirety of the growth allocation would be utilised by a single developer.

- The key consideration relates to determining whether there is capacity across other villages within the MD to re-allocate housing numbers to the subject case. The report refers to the information provided by the applicant in this regard and in particular the reference to wastewater capacity issues within Cloyne.
- The planner's report outlines that a further issue that comes to light refers to the fact that the subject proposal, if permitted, would mean the entirety of the growth projection (plus the transferred 28 units) would be utilised by a single developer potentially leaving a problem across the remainder of the settlement should new applications arise. To date, CCC has had a pre-planning inquiry for another large-scale mixed-use scheme on the Western side of the village however no application has ever materialised. The subject site is the only application to materialise over the current and previous development plan cycles and as such there has been a serious underperformance across the settlement in terms of housing delivery.
- The applicant has also acknowledged this issue and stated that in reality, only phase 1 (72 units) of this scheme is likely to be delivered across this plan cycle. This is connected to the upgrade of public infrastructure as the upgraded WWTP is not likely to be operational until 2026. Should permission be granted, construction would not be permitted to start until such time as a full service connection is in place with UE. Construction timelines therefore will likely overlap with the adoption of the new CDP (2028) at which time settlement population projections will be re-visited.
- The report outlines that population targets across the region are likely to alter following the update to the National Planning Framework (NPF). The draft outlines that 300,000 additional persons are expected over the period 2022-2040 relative to the original NPF projections. NPO 11 of the draft states that it will be up to each Planning Authority to review its own population allocations in light of same and apply the revised growth targets based on particulars of the receiving environment/ availability of services etc. In this context, it may ultimately come to pass that Castlemartyr population projection is "uplifted" thus any additional applications that could arise across the settlement would

likely be using a new frame of reference from an overall population growth perspective.

- On this basis therefore, one could allow the current proposal to be considered in the reasonable assumption that this would not prevent any future applications that may materialise across the settlement over the plan period. As such it would seem reasonable to proceed on the current (phased) basis.
- The planner's report outlines that the PA is generally satisfied with the layout/site strategy and refers to the specific comments on the layout from the Architectural Department in CCC as detailed within the report received.
- The report outlines that a masterplan has been proposed as suggested and shown under S3 of the submitted "design statement". The report outlines that there is limited detail on this "masterplan". The access arrangement (both vehicular and pedestrian) would not appear to inhibit future development. The pedestrian access corridor running along the NW boundary will also help retain a buffer vis a vis neighbouring housing scheme to the West. The planner's report refers to an objection received from an occupier of a dwelling to the East of the masterplan area. This is an issue that would be given greater consideration should a future application on this section of land ever materialise.
- The subject site has a "Medium B" designation which carries a prescribed density of 20-35 per ha. The planner's report outlines that having regard to National Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area, this site should be regarded as an "Outer Suburban", Greenfield site. National guidelines suggest that net residential densities in the order of 35 to 50 units per hectare should be encouraged on such sites. The subject proposal sets out a density of 37.5 units per/ha which marginally exceeds local targets but adheres to broader National targets. As such, the applicant was advised at pre-planning stage that the subject density provision was acceptable.
- A reasonable overall mix has been provided with a heavier weighting given to 2 and 3 bed units. While no 1 bed units have been provided, 2 bed units would be preferential given its more peripheral location. Notwithstanding,

some element of 1bed unit could be considered should later phases of the scheme materialise.

- The site is well positioned relative to Castlemartyr village town, walkable and connected with existing/new footpaths.
- 15.2% usable public OS is proposed as part of the submitted layout. In addition, incidental OS has also been provided (the retained central ecological corridor, the area of scrub/ willow and the pedestrian cycling corridor adjacent the NW boundary). Adding same to the calculation, the overall OS level rises to 21%.
- Objections received have highlighted concerns over the loss of a strip of hedgerow along the NW boundary (at the proposed pedestrian connection point) and the loss of trees along the NE boundary of the site (see areas circled on image above). The landscaping strategy indicates new hedgerow planting in this location however it does not appear to reference the proposed pedestrian/ cyclist linkage. New planting should be installed here where possible. The majority of the trees in the NE corner of the site are being retained. The two that are being removed are classed as “poor quality”.
- The report outlines that traffic is a key concern having regard to the requirement to take access from the N25 national route. The report refers to the reports on file from the Area Engineer, NDRO Office and the submission on file from Transport Infrastructure Ireland. A request for further information is recommended.
- The report outlines that the key impact in relation to neighbouring amenity relates to the two proposed pedestrian linkage points. These linkages potentially create openings into neighbouring estates to allow alternative routes through the site. This element has generated a largely negative response from the occupiers of the existing neighbouring estates and several objections have been submitted from residents of the neighbouring Castle Manor estate.
- The provision of the linkages is also referenced in the wider zoning objective for the site and is a sensible consideration from a sustainability perspective.

The routes would also provide a shortened walking length to the village centre for dwellings to the rear of the proposed scheme. Conversely, the proposed linkages would allow residents of the neighbouring estate to access the proposed crèche and the amenity facilities proposed).

- The dwellings proposed adjacent the common boundaries all retain a min 16m separation distance between opposing first floor windows. The planner's report raises concern in relation to the dwellings proposed adjacent the northern boundary of the site. The existing dwellings immediately to the North of same (Cuir na Greine/ Joseph Morrissey place) are at lower OD levels. Proposed dwelling no's 81 and 82 and 87 and 88 (townhouse type) will generate a direct overlooking threat relative to the rear garden areas of the adjoining estate to the North. First floor overlooking windows will need to be removed from this elevation and/or a revised single storey house type inserted.
- In terms of infrastructural services, the report outlines the Uisce Éireann (UE) secured permission to upgrade the existing WWTU (PI Ref No.22/6416) and works to implement this project are currently ongoing with an expected completion date in 2026. On this basis, the current proposal can be adequately serviced however a condition would need to apply limiting commencement of development until such time as full connection agreement with UE is in place. This is likely to be 2026 however it would still leave 4 years on the permission (in terms of implementation) and this is considered reasonable.
- As more than 75 dwellings are proposed, the developer is required to provide a crèche to accommodate the dwelling units on the site. The crèche proposed will cater for a maximum of 68 children (accommodating both the proposed dwellings and neighbouring estates). A childcare demand assessment has informed the current proposal, and the unit is designated at a large enough scale to attract a childcare operator.
- One issue raised in objection received relates to the lack of community facilities/ buildings in this area. The creche building could serve a dual purpose in that regard and should be considered.

- 240 no. car parking spaces assigned to individual houses as resident spaces, with 1 no. space assigned to 2-bed units and 2 no. spaces assigned to 3- or 4- bed units. CDP max requirement would return a figure of approx. 309 spaces thus there is a shortfall. The shortfall is acceptable when considered in conjunction with the mobility management plan and cycling/ pedestrian connectivity to the settlement. The report cross refers to the report from the estates engineer which requests additional provision for communal EV parking and visitor parking.
- The report recommends a request for further information.

Senior Planner's Report (27/01/2025)

- The proposal is acceptable in principle having regard to the residential zoning objectives, the design and layout, the density being achieved and availability of wastewater services and infrastructure.
- The scale of the development is a material issue having regard to the core strategy of the CDP and the growth target of 128 no. units over the lifetime of the plan.
- Additional lands are available for development within the “existing residential” zoning. The misaligned scale of development set against a growth target can be exacerbated by a future development. Additional town centre and more central lands are available for development.
- It is considered prudent to reserve position on these points until outstanding issues raised within the planner's report are addressed by means of a request for further information. The most pressing matter in which is the access/egress onto the N25 and the resulting impact on performance of the national road.
- The points raised within the local objections can be addressed at decision stage.
- The report recommends a request for further information.

Planner's Report – Further Information Assessment (23/04/2025)

- The planner's report provides a summary and assessment of the applicant's FI response. The proposed response is deemed acceptable.
- In terms of the applicant's response to Item 1 of the FI request, the report outlines that there is a precedent for the approach suggested by the applicant under CCC ref 24/4243 wherein CCC granted permission for an LRD on the N72.
- The report outlines that the final issue to be resolved relates to the extent of development relative to the growth rate envisaged for the settlement under the County Development Plan (CDP) core strategy. The report outlines that the growth rate identified for the settlement is to accommodate 122 no. units over the life cycle of the plan. The proposal would exceed this number by 28 no units. In addition, it would mean that the entire growth allocation would be utilised by one developer.
- The key outstanding matter is that the scale of the development proposed, if permitted, would lead to Castlemartyr exceeding its growth target with 2 years remaining on the lifecycle of the CDP. This could pose problems should any new large-scale applications materialise elsewhere across the settlement. The report outlines that while it is likely that the overall population targets will be reviewed following final adoption of the draft NPF, the application is running ahead of any formal readjustment of the CDP core strategy that may ultimately arise.
- The report outlines that, taking the foregoing into consideration and having regard to infrastructural constraints (both Uisce Éireann and road access), it is deemed reasonable to omit a portion of the phase 2 development at this time and reduce the overall level of development to 122 units. When/if the overall core strategy is amended the applicant could re-apply for any omitted dwellings in tandem with the plan led approach to the settlement.
- It is therefore proposed to omit the line of peripheral dwellings 73-110. This would take the development back to 122 units permitted for the settlement. The report outlines that these dwellings and associated linkages to

neighbouring sites are the most contentious parts of the application in terms of the objections received.

- The desirability of providing linkages through neighbouring schemes still holds but these would not have been delivered until late in Phase II in any event. These elements can be re-considered as the scheme is ultimately built out or re-adjusted if required.
- The report outlines that approx. 7 no. Part V units will be impacted but this can be agreed with the housing section.
- The report recommends that permission is granted for the development subject to 63 no. conditions.

Senior Planner's Report – Further Information Assessment (24/04/25)

- The principle of development is acceptable but at a reduced quantum at this time to comply with the Core Strategy and to ensure sustainable additional growth without damage to the settlement's character and carrying capacity of their environment and infrastructure for reasons set out.
- The development of 150 no. units would materially contravene the CDP growth target of 122 units for the key village and as such contravenes the core strategy.
- Castlemartyr is a Key Village or lower order settlement within the County Settlement Hierarchy. It is conceivable that any material increase in population and growth targets in lieu of NPF review will be focussed on higher order settlements (Metropolitan towns within the Cork Metropolitan Area that benefit from high quality public transport services).
- The report refers to the provisions of Section 2.13.3 of the CDP which relates to Core Strategy Settlement which outlines that the allocation of growth targets seeks to *“ensure the capacity to accommodate the additional growth without damage to the settlement's character and carrying capacity of their environment and infrastructure”*. In this regard it is stated that there is concern around the site access and junction with the N25 and potential to compound current congestion in the absence of a comprehensive upgrade of the N25 through east Cork.

- The report refers to the provisions of Section 4.9 of the CDP which sets out the design approach to village and outlines that *“the size of any individual residential scheme should not normally be over 50% of the Overall Scale of Development within the Plan period”*. The report outlines that the scale of the development exceeds this safeguard and exceeds the growth target and has the potential to prejudice further grants of permission within the village.
- It is considered premature to grant the full quantum of units prior to resolution of the N25 access/junction with TII. Furthermore, the upgrade works to the Castlemartyr WWTP (PA Ref: 22/6216) and increased capacity is not guaranteed to be completed until 2026.
- In addition to the omissions set out within the Area Planner’s Report it is considered that a contiguous block of units (nos. 42-71) should also be omitted at this time. This facilitates Phase 1 of the development and an additional block of 22 units under Phase 2.
- On foot of agreement of the N25 access arrangements, completion of the WWTP upgrades and delivery of first tranches of residential units, in tandem with a completed review and revised Core Strategy, a second planning application could be considered in the context of the policy context at that time.
- The report recommends permission for a scheme of 93 no. units, creche and site works and omission of 57 no. units subject to 63 no. conditions.

4.2.2. Other Technical Reports

Reports on Initial Application

Environment Report (24/01/2025)

- The applicant proposes to connect the proposed development to the public sewerage scheme which is connected to the Castlemartyr Wastewater Treatment Plant. The proposed development should be subject to a connection agreement with Uisce Éireann prior to any works commencing.
- The proposed development is located approx. 250m east of the Womanagh River. This River is currently of Moderate status and categorised as “At Risk” of failing to meet its Water Framework Directive Objectives by 2027.

Mitigation measures shall be implemented during construction phase to ensure that surface water leaving the site is of good quality and does not affect the WFD status of the River. Compliance with the requirements of the Construction Environmental Management Plan (CEMP) must be adhered to during the construction phase of the proposed development.

- The report raises no objection to the proposal on environmental grounds subject to the attachment of conditions.

Architects Report (comments attached to planner's report and undated)

- The overall design strategy is deemed satisfactory in term of compliance to provide a quality housing development. The mix and range of housing units are commended.
- The report refers to outstanding design concerns, as raised within the LRD opinion, in relation to the design and siting of a number of units which have not been addressed within the layout. The report recommends that these are addressed by means of condition.

Ecology Report (23/01/205)

- The report cross refers to the relevant application documentation including the Site-Specific Flood Risk Assessment, Appropriate Assessment Screening Report, Natura Impact Statement, Ecological Impact Assessment, Arboricultural Report and Landscaping Report.
- In terms of Waterbodies and Water quality the report outlines that the development is located within the Womanagh _010 sub catchment of the Lee, Cork Harbour and Youghal Bay WFD catchment. Treated wastewater from the development will discharge via WWTP to the Kiltha River. Both waterbodies are at Moderate Ecological Status and At Risk of failing to meet WFD objectives by 2027. Upgrades to the WWTP are in progress.
- The Assessment section of the report outlines that the primary issue of concern from an ecological perspective is whether the development as proposed poses any risk to impact on nearby designated sites. An Appropriate Assessment is undertaken by the Planning Authority (PA) in respect of the Ballymacoda (Clonpriest and Pillmore) SAC and Ballymacoda

Bay SPA. The key potential impacts are identified as groundwater and surface water pollution. The report outlines that given the distance of the site from designated sites and lack of suitable habitat, SCI species are not likely to be impacted directly or through disturbance. This outlines that the measures outlined in the applicant's Natura Impact Statement are sufficient to prevent adverse effects on the integrity of both the SAC and SPA.

- The report concurs with the findings of the Ecological Impact Assessment Report (EclA) in terms of the evaluation of the habitat. The report recommends a revised landscaping plant to retain more willow on site; a dedicated translocation plan of the bee orchid recorded on site and retention of the northern section of Hedgerow (H2). These points are addressed by means of condition.
- The report recommends a grant of permission subject to conditions.

Estates Supplementary Report (21/01/25)

- The report cross refers to and restates the comments on the previous report dated 20/01/2025.
- The report includes suggested conditions in the instance of a grant of permission.

Cork National Roads Office Report (undated) – *Heading of Estates Supplementary Report

- The proposal seeks permission for the creation of a new entrance off the N25. The report refers to the TII Standard DN GEO 03030 which requires the preparation of a Design Report and its acceptance by TII prior to any works changing the layout of the national road take place. The report refers to the LRD application under CCC Ref: 24/4243 wherein a request for further information was issued to address the issue of a Design Report with TII.
- The report outlines that a FI request may be prudent in this case.
- The report outlines that the TTA submitted in support of the application provides a reasonable assessment and no objection is raised in relation to overall traffic impact.

- The report outlines that in accordance with NRA Circular 08/2009, the views and opinions expressed above are those of the Cork National Roads Office and are not those of Transport Infrastructure Ireland.

Area Engineer's Report (20/01/2025)

- The proposed entrance details to the N25 are deemed satisfactory. The proposed entrance onto the N25 is 30 metres outside the 50 kph speed zone and within the current 60 kph urban speed limit zone. Later consideration can be given to extending the 50 kph zone and shortening the current 60 kph speed limit zone from its current length of 372m.
- Surface water management and discharge rates are deemed acceptable.
- No objections are raised in relation to the findings of the Site-Specific Flood Risk Assessment.
- No objection is raised in relation to a decision to grant permission.

Estates Primary Report (20/01/2025)

- The report recommends a request for further information in relation to boundary treatment at the access/estate road to delineate between the access road and woodland area, clarity in relation to the use of green spaces, provision for visitor parking and clarification on finished floor areas.

Archaeologist Report (14/01/2025)

- The report refers to the Archaeological Impact assessment submitted in conjunction with the application which provides a summary of the planning history of archaeological investigations undertaken on site. The conclusions of the report are accepted.
- No objection to the proposal subject to conditions.

Public Lighting Report (19/12/2024)

- Recommends a request for further information in relation to the submission of a revised public lighting report and layout.

Water Services Report (16/12/2024)

- No objection subject to conditions.

Housing Officer's Report (16/12/2024)

- Part V proposal is deemed acceptable.
- No objection to the development.

Reports on Further Information

Architects Report on FI Response (02.04.25)

- A number of the design concerns raised have not been addressed within the FI response.
- The development as designed, will provide for a sustainable residential community with longevity and opportunity for a satisfactory level of integrated community living.
- The construction of a dedicated creche building will foster a sense of community-based living.
- The revised design is accepted, and a grant of permission is recommended. The report recommends that the following points are addressed via condition:
 - The location/position of dwellings 120 – 130 are moved forward in a northerly direction in order to remove the negative relationship / opportunity for overlooking of the adjoining dwellings 116-119.
 - Main entrance to dwelling no. 97 should be repositioned to the side north facing gable to allow for an improved level of defensibility and natural surveillance with adjoining proposed pedestrian connection to the Castlemartyr Estate.
 - The parking arrangement to the front of units 120-130 shall be revised to introduce a soft landscaped buffer between the front property line and the public road where the layout of the parking needs to be reconsidered.
 - A Community Meeting Room should be provided for in the creche design.
 - Provision for visitor parking.

Environment Report Further Information (17/04/2025)

- No objection subject to conditions.

Cork National Roads Office – Further Information (23/04/2025)

- The applicant's FI response is noted. The applicant will have to obtain TII approval of a Design Report in accordance with TII Standard DN GEO 03030 which requires the preparation of a design report and its acceptance by TII prior to any works changing the layout of the national road taking place.
- The report accepts that the statutory timeframe for responding to the RFI meant that it is not feasible to obtain the necessary acceptance of the Design Report.
- The creation of a new access onto the N25 is considered acceptable in principle. Some of the issues to be addressed within the Design Report would be the location of the entrance, traffic calming on the national road, justification for the provision of a right turning lane, nearby junctions.
- The process of obtaining TII acceptance is a significant one and there is certainly a likelihood that TII acceptance of a Design Report for the proposed junction arrangements as currently proposed by the applicant would not be forthcoming.
- A condition is therefore recommended that the necessary TII approval of the Design Report is obtained prior to any development commencing on site (save for the necessary pre-development works such as archaeological excavations and site investigations). A further condition is also recommended that the N25 upgrade works subject to an approved TII Design Report are in place prior to first occupation of any dwelling in the development.
- In accordance with NRA Circular 08/2009, the views and opinions expressed above are those of the Cork National Roads Office and are not those of Transport Infrastructure Ireland.
- The report recommends a grant of permission subject to conditions.

Ecology – FI Response (16/04/2025)

- No further comments.

Engineering Report – FI Response (14/04/2025)

- No Objection.

Archaeologist's Report – Further Information (10/04/2025)

- No objection subject to archaeological conditions. As per primary report dated 14th of January 2025.

Public Lighting – Further Information (25/03/2025)

- The majority of the applicant's FI response is deemed satisfactory. A number of revisions to the public lighting layout are recommended. These are addressed by means of recommended conditions.

4.3. Prescribed Bodies

Uisce Éireann (02/01/2025)

- No objection on principle.
- The proposed water connection is deemed feasible without infrastructure upgrades.
- The Wastewater Connection is deemed feasible subject to upgrades. In order to facilitate the development upgrade works are required to the Castlemartyr Wastewater Treatment Plant. This upgrade project is currently underway and scheduled to be completed in 2026 (may be subject to change). The proposed connection could be facilitated as soon as possibly practicable after this date.
- A grant of permission is recommended subject to conditions.

Transport Infrastructure Ireland (20/12/2024)

- The development is deemed to be at variance with official policy in relation to control of development on/affecting national roads as outlines in DoECLG Spatial Planning and National Roads Guidelines for Planning Authority's.
- The submission refers to the provisions of Section 2.5 of the Guidelines which relates to development within transitional speed limit zones.
- The development, if approved, would create an adverse impact on the national road and would be at variance with national policy in relation to the control of frontage developments on national roads.

- The application indicated inappropriate standards which are not in accordance with those set out in TII Publications.

4.4. Third Party Observations

The following provides a summary of the key issues raised within the third-party observations on the application.

- Impact of proposed access on access arrangements of property to the east. Noise impact on property given proximity of access road.
- Objections are raised in relation to the removal of existing hedgerows and trees on boundaries with adjacent site. A 2m high wall is requested at the eastern site boundary to maintain privacy and security.
- The observations relate to the phased approach to future development on the site. The lack of information on future phases limits potential to consider development in its entirety.
- Lack of provision of community facilities
- Traffic and Parking Impacts
- Inadequate Public Transport
- Insufficient Capacity at Schools/ services
- Environmental Impact of construction phase. Insufficient information is provided in relation to construction phase impacts. The Site-Specific Construction Management Plan is generic.
- Lack of Consultation
- Unit Mix: Lack of 1-bedroom units to accommodate people who seek to get on the property ladder or downsize.
- Objection in relation to proposed pedestrian linkages to Castlemanor Estate. Concerns are raised in relation to anti-social behaviour and safety concerns, conflict with Emergency Vehicle Turning Areas, and hazards associated with the proposed entrances.

5.0 Planning History

- 5.1.1. The following planning history relates to a wider site area, part of which includes the subject site.

PA Ref: 07/6114

- 5.1.2. In August 2007 Cork County Council issued a notification of decision to grant permission for a for a residential development on the site and adjoining lands to the south. The development comprised of 200 houses, creche, 2 no. sports pitches and site development works including widening of the N25 to provide right turning lanes. A third-party appeal was lodged with ABP and subsequently withdrawn (ABP Ref: PL 04.225246). A final grant of permission was issued for the development in February 2008.

PA Ref: 08/7605

- 5.1.3. Permission granted by CCC in September 2008 for construction of 15 no. dwellings (change of house type & site layout on part of a residential development granted under ref.no. 07/6114 on sites numbered 9-18 inclusive, 65 and 96-99 inclusive) and alterations to front boundary wall.

PA Ref: 17/4624, ABP Ref: 301316-18

- 5.1.4. Planning permission refused by ABP in August 2018 for a residential development on the site. The scheme, as originally proposed comprised of 209 houses. The quantum of units was reduced to 30 no. units in response to Cork County Council's request for further information.

- 5.1.5. Permission was refused for the development in accordance with the following reasons and considerations:

1. *The proposed development would be premature by reason of the existing wastewater constraints and the Board is not satisfied that there is certainty around the period within which the constraints involved may reasonably be expected to cease. It is considered that the proposed development, at a location where there is limited capacity for development and having regard to these deficiencies and given that the existing wastewater treatment plant to which the proposed development would connect is currently in breach of the*

Emission Limit Values at the primary discharge point as noted by the Environmental Protection Agency, would be contrary to the proper planning and sustainable development of the area.

- 2. On the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on Ballymacoda (Clonpriest and Pillmore) Special Area of Conservation (Site Code 000077), in view of the site's Conservation Objectives. In such circumstances, the Board is precluded from granting permission.*
- 3. Having regard to the information available, including the Flood Risk Assessment report submitted, the Board considers that there is a lack of clarity regarding the flood risk at the northern end of the site. In particular, the Board is not satisfied with the basis for the designation of part of the site as being within Flood Zone A and whether this information is compiled from the most up to date studies. The Board, therefore, is not satisfied that the layout of the northern end of the site, which is heavily dominated by open space in response to the Flood Zone A, is appropriate.*

Other

ABP Ref: 316768-23

- 5.1.6. Appeal under Section 653J (1) of the Taxes Consolidation Act 1997, as amended, against the inclusion of land on the Residential Zoned Land Tax. In October 2023 ABP confirmed the determination of the local authority that part of the appeal site (2 southern fields) are included in the Residential Zoned Land Tax map.

6.0 Policy Context

6.1. Development Plan

Cork County Development Plan 2022-2028

Chapter 2: Core Strategy

- 6.1.1. Chapter 2 of the Cork County Development Plan sets out the Core Strategy which is the settlement and growth strategy for the County. Section 2.2.1 of the Plan outlines that the Core Strategy is the key component of the County Development Plan, in that it sets out, in line with the overarching hierarchy of national and regional plans, and the Development Plan Vision, the quantum and location of development in the County over the lifetime of the Plan. Section 2.6 of the Plan relates to Compact Growth and outlines that the Development Plan seeks to support and implement the underlying theme of the NPF regarding providing for more consolidated urban cores at the heart of our settlements.
- 6.1.2. The following objectives are of note:
- County Development Plan Objective CS 2-1 Core Strategy: Support the delivery of the Core Strategy in accordance with the Core Strategy Table 2.9 and the Core Strategy Map illustrated in Figure 2.6
 - County Development Plan Objective CS 2-2 Supply of Zoned Land: Ensure that sufficient zoned land continues to be available to satisfy the housing requirements of the County over the lifetime of the Plan.
- 6.1.3. Section 2.10 of the Plan relates to Additional Provision and outlines that the Core Strategy for this plan, after identifying the site/land requirements to meet the housing supply target for that settlement, also identifies additional sites/lands to ensure sufficient choice for development potential is safeguarded. Where a settlement meets the criteria for the allocation of additional provision, then the amount of land and equivalent unit supply is outlined in the overall Core Strategy with further detail in the respective Core Strategy Statement and Volume Three, Four, and Five of the Plan. It is intended that these sites are available for residential development throughout the lifetime of this plan, subject to proper planning and sustainable development.

- 6.1.4. Section 2.11.1 of the Plan relates to Phasing. This outlines that *“it is not considered appropriate to impose phasing on the development of lands which are located within or contiguous to the existing built up area of Settlements”*.
- 6.1.5. Section 2.13.1 of the Plan outlines that in line with the NPF and RSES, a significant portion of County Cork’s proposed growth will be in the County Cork Metropolitan Area and the two Key Towns of Mallow and Clonakilty. In the other County towns, Key Villages and smaller settlements outside of this area, the overall objective is to ensure that these settlements grow at an appropriate rate where both physical and social infrastructure keeps pace with population growth. Having regard to the population and household projections and the settlement hierarchy identified in the RSES, the population and household projections to 2028 are allocated to each level of the settlement network.
- 6.1.6. The following approach was adopted in deciding the appropriate growth rates for the different settlements within the settlement hierarchy:
1. Within the Cork County Metropolitan Area, the majority of the population allocation is to be facilitated within the Metropolitan Towns and Key Villages over 1,500 population.
 2. Outside of the Cork MASP, the Key Towns of Mallow and Clonakilty are large scale urban centres functioning as self-sustaining regional drivers.
 3. Generally, the allocation of growth targets, seeks to ensure that the growth would be sustainable and in keeping with the scale of the settlements. It also ensures the capacity to accommodate the additional growth without damage to the settlement’s character and the carrying capacity of their environment and infrastructure. In accordance with the NPF the population growth rates are generally not proposed in excess of 30% of the 2016 population.
 4. The extent of residential development and to a lesser extent mixed use residential development, which has occurred since the 2016 Census will affect the growth of future housing within the Plan period. In respect of settlements which saw uniform growth rates over the 2016 population, the requirement for additional housing will result in some settlements having a greater need for additional housing than others of similar size.

5. In limited circumstances, where there is outstanding planning permission for dwelling units, such developments or commitments may result in these settlements already breaching or close to breaching the 30% rate, this is evident in some of our Key Villages which are to exceed 1,500 people over the lifetime of the plan, within the Cork County Metropolitan Area (Glounthaune and Killumney Ovens). In these cases, it is considered important that an allowance for growth on-sites without the benefit of planning permission, taking into account spare capacity or the imminent construction of additional water infrastructure which failed to materialise over the course of the previous plan period is made.
6. This plan does not zone residential development within the boundaries of villages less than 1,500 population or villages that are due to grow in excess of 1,500 during the lifetime of the plan. Rather, each village is assigned an 'Overall Scale of New Development'. It is not intended that this figure is seen as a target, or an absolute maximum limit on development, but as an indication of the number of additional dwellings which could reasonably be accommodated within a settlement over the lifetime of this plan subject to other considerations of proper planning and sustainable development.

6.1.7. Section 2.13.3 of the Plan outlines that Core Strategy Statements for the individual settlements over 1,500 population are set out in Appendix C. These set out the evidence base for the determination of the proposed housing allocation for the duration of this plan period. Where evident, the Core Strategy Statement gives an indication as to the most pertinent issues considered in the determination of the proposed population and household allocation, based on a wide range of factors and allied to a detailed residential settlement audit and a through servicing and environmental appraisal.

6.1.8. Table 2.9 of the Plan sets out the Cork County Core Strategy Table. Castlemartyr is identified as a Key Village within the Development Plan and envisaged to grow from 1,600 in 2016 to 1,920 by 2028. A housing target of 122 no. units is identified for Castlemartyr. This target is envisaged to be allocated as follows: 47 units – Compact Growth/Infill/Brownfield Zoned Lands and 75 units Compact Growth Residential Zoning. A total of 148 units is identified to account for additional provision under heading Total Units Provided for in this Plan including Additional Provision.

- 6.1.9. Objective CS 2-7 relates to Network of Settlements – Lower Order Settlements and outlines the following:

Key Villages- Strategic Objective: Establish key villages as the primary focus for development in rural areas in the lower order settlement network and allow for the provision of local services, by encouraging and facilitating population growth at a scale, layout and design that reflects the character of each village, where water services and waste water infrastructure is available. Supporting the retention and improvement of key social and community facilities, and inter urban public transport.

Chapter 4- Housing

Housing Mix:

- 6.1.10. County Development Plan Objective HOU 4-6: Housing Mix:

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

b) Require the submission of a Statement of Housing Mix with all applications for multi-unit residential development in order to facilitate the proper evaluation of the proposal relative to this objective. The Statement of Housing Mix should include proposals for the provision of suitable housing for older people and the disabled in the area.

Residential Density

- 6.1.11. The Plan sets out a tiered, locally tailored approach to different scales of settlements within the County. A range of densities are provided including: higher density development, Medium Density 'A', Medium Density 'B', Medium Density 'C' (Low Density Development)
- 6.1.12. The appeal site is identified for Medium Density 'B' purposes. Section 4.8.12 provides the following guidance in respect of such lands: An increased minimum threshold is recommended from 12 to 20 units /ha in this category and the maximum threshold from 25 to 35 units /ha which will overlap with the Medium A category. This

revised Medium B density category would be generally applicable to suburban and greenfield sites of the smaller towns with a population

6.1.13. Objective HOU 4-7, as follows, sets out the new density categories in the Plan:

County Development Plan Objective HOU 4-7: Housing Density on Residentially Zoned Land

Medium B: Min Net Density: 20 – Max Net Density 35:

- Normally applicable to lands in the suburban/greenfield lands of the smaller towns.
- In larger towns with a population >5,000 or planned to grow >5,000 population, may be applicable in a limited instance (outside Metropolitan Cork) for edge of centre sites and sensitive sites with difficult topography, heritage constraints to allow for a broader typology within the urban envelope.

6.1.14. Table 4.1 sets out the Settlement Density Location Guide. Castlemartyr is located within the settlement category of Smaller Towns (<1,500) & Key Villages (>1,500) - The Plan outlines that Medium Density B (20-35 units/ha) is *“Generally applicable for future development on edge of centre sites”*.

6.1.15. Section 4.9.2 of the Plan relates to Density Approaches to Villages. This outlines that: *“Some changes are proposed to the current approach to development within the village network of the County. The “Overall Scale of Development” will continue to apply, reflecting the future core strategy growth target for the village over the Plan period. The “Normal Recommended Scale of any individual scheme” will be removed. In order to ensure some diversity in design and to encourage the delivery of units it is recommended that the size of any individual residential scheme should not normally be over 50% of the Overall Scale of Development within the Plan period”*.

6.1.16. Section 4.9.7 of the Plan outlines that higher densities up to 30 units/ha will be considered in village infill and backland sites within/ adjacent to the village core. On greenfield lands, a broad housing mix will normally be required including detached/ serviced sites unless otherwise specified. Proposals for including a lower standard of public open space provision may be considered where larger private gardens are provided.

Building Height

- 6.1.17. Section 4.10.6 outlines that the building height of urban settlements in County Cork generally range from 2-4 storeys.

Chapter 11- Water Management

Flood Risk

- 6.1.18. Section 11.11.9 of the Plan outlines that the Flood Zones are shown on the zoning maps in the Development Plan. The Castlemartyr zoning map illustrates that part of the northern portion of the appeal site is located within Flood Zone B.
- 6.1.19. The Plan outlines that *“where it can be satisfactorily shown in the detailed site-specific flood risk assessment that the proposed development, and its infrastructure, will avoid significant risks of flooding in line with the principles set out in the Ministerial Guidelines, then, subject to other relevant proper planning considerations, permission may be granted for the development”*.

Chapter 12 – Transport and Mobility

National Primary and Secondary Roads

- 6.1.20. Section 12.16.4 of the Plan outlines that *“the Council, in consultation with TII will protect proposed national road route corridors where the route selection process has been completed/approved and where preferred route corridors have been identified. The Government’s Spatial Planning and National Roads Guidelines (2012) remain a key guiding document in relation to planning policy and National Roads”*.
- 6.2. County Development Plan Objective TM 12-13: National, Regional and Local Road Network is of relevance as follows:
- a) Support the sustainable development of infrastructure that strengthens the quality of inter-regional connectivity from Cork to Limerick (proposed N/M20 and Rail), and from Cork to Waterford (N25) as identified in the NDP.*
 - b) Support the maintenance of the efficiency and safety of the existing national primary and secondary roads network by targeted transport demand management and infrastructure improvements.*
 - j) Restrict individual access onto national roads in order to protect the substantial investment in the national road network, to improve carrying*

capacity, efficiency and safety and to prevent the premature obsolescence of the network.

m) Avoid the creation of additional access points from new developments or the generation of increased traffic from existing accesses onto national roads to which speed limits of greater than 50kph apply.

n) Prevent the undermining of the strategic transport function of national roads and protect the capacity of interchanges from locally generated traffic

o) Ensure that in the design of new development adjoining or near National, Regional or Local Roads, account is taken of the need to include measures that will serve to protect the development from the adverse effects of traffic noise for the design life of the development

6.2.1. Table 12.6 sets out Car Parking Requirements for New Developments (Maximum per sq.m.). The following standards are of relevance to the proposal.

- Creches – 1 space per 3 staff and 1 space per 10 children
- Residential; Dwelling Units: 2 spaces per dwelling

Chapter 14 Green infrastructure & Recreation

Private Open Space

6.2.2. Objective GI 14-6 relates to Public/Private Open Space Provision and states the following:

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.

Chapter 18: Zoning and Land Use

6.2.3. County Development Plan Objective ZU 18-2 is of relevance as follows:

ZU 18-2: Development and Land Use Zoning Ensure that development, during the lifetime of this Plan, proceeds in accordance with the general land use objectives and any specific zoning objectives that apply to particular areas as set out in this Plan.

6.2.4. The application site is subject to 3 separate zoning objectives as follows:

- Existing Residential/Mixed Residential and Other Uses (ER);
- Residential (R); and
- Residential Additional Provision (RAP).

6.2.5. The Plan provides the following definition for these zoning objectives:

- Existing Residential/Mixed Residential and Other Uses (ER)

6.2.6. The Plan outlines that the objective for this zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities. The Plan generally supports proposals for increased densities within this category to optimise the development of lands within the built envelope of a settlement subject to compliance with appropriate design/amenity standards and protecting the residential amenity of the area and normal sustainable planning considerations.

6.2.7. County Development Plan Objective ZU 18-9: Existing Residential/Mixed Residential and Other Uses * outlines that: *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.

6.2.8. Appropriate Uses in Existing Residential/Mixed Residential and Other Uses Areas include Residential development and childcare facilities.

- Residential (RE)

6.2.9. Section 18.3.13 outlines that residential areas are intended primarily for housing development but may also include a range of other uses, particularly those that have the potential to foster the development of new residential communities. Appropriate amenity and public open space will always be required as an integral part of new development proposals.

- Residential Additional Provision (RAP)

6.2.10. Section 18.3.18 outlines that: In providing housing sites for development within settlements, it may be necessary to zone more serviced land and sites for residential (or a mixture of residential and other uses), than would equate to meeting precisely the projected housing demand for that settlement. This approach recognizes that a degree of choice in development sites to be provided locally is desirable to avoid restricting the supply of new housing development through inactivity on a particular landholding or site.

6.2.11. The extent of any Additional Provision shall not exceed 20-25% of the required quantum of zoned land and sites in settlements in any planning authority area as a whole, for any six-year plan period. The Plan outlines that The Planning Authority takes the view that Residential Additional Provision will apply as required to most Main Towns and Key Villages (>1,500 population) as it is critically important that the maximum amount of residentially zoned land is available to ensure an adequate supply of housing given the current severely dysfunctional housing market where supply of new houses is trailing well behind demand and there is significant unmet demand in the market all cross the county which remains to be satisfied. It is

intended that these sites are available for residential development throughout the lifetime of this plan, subject to proper planning and sustainable development.

- 6.2.12. Objective ZU 18-11 will apply to lands identified as Residential Additional Provision as follows:

County Development Plan Objective ZU 18-11: Residential Areas (including Residential Additional Provision, / Residential Further Additional Provision (Long Term Strategic and Sustainable Development Sites) and Residential Reserve) Promote development mainly for housing, associated open space, community uses and, only where an acceptable standard of amenity can be maintained, a limited range of other uses that support the overall residential function of the area. Normally discourage the expansion or intensification of existing uses that are incompatible with residential amenity.

- 6.2.13. Appropriate Uses in Residential Areas (including Residential Additional Provision, / Residential Further Additional Provision (Long Term Strategic and Sustainable Development Sites) and Residential Reserve) include residential development and childcare facilities.

Appendix C – Core Strategy Statements

- 6.2.14. Cork County Core Strategy Statement: Greater Cork Ring Strategic Planning Area. The population target of 1,920 for Castlemartyr will require the delivery of 122 units for the plan period. The target was decided on the basis of the following considerations:

- A detailed analysis of the carrying capacity of zoned lands, including wastewater and water supply infrastructure, public transport accessibility and environmental/flooding sensitivity.
- Its existing scale of population and social/community infrastructure, including schools, sports facilities, and recreational amenities which serve a large rural hinterland. 3. Its location on the N25 Corridor and the proposed investment in improvements to this corridor including the Midleton to Youghal sections of the route.

Volume 4 – South Cork

6.2.15. Volume 4 of the CCDP relates to the South Cork Area which includes the Municipal Districts of Carrigaline, Cobh, East Cork and Macroom. Castlemartyr is located within the East Cork Municipal District. Section 3.6 relates to Castlemartyr and includes a zoning map for the town. The appeal site is subject to the following objectives:

- Existing Residential/Mixed Residential and Other Uses (ER);
- Residential (R); and
- Residential Additional Provision (RAP).

6.2.16. Part of the site is identified within Flood Zone B within the zoning map. The zoning map illustrates that the following Specific Development Objectives relate to the site:

- CM-R-01: Medium B density residential development. To include connectivity with adjoining development to the north and west. The site contains mature hedgerows and scattered trees which are of important local biodiversity value *
- CM-RAP-02: Medium B density residential development. To include connectivity with adjoining development to the north and west. The site contains mature hedgerows and scattered trees which are of important local biodiversity value.

6.2.17. Castlemartyr has been identified as a key village in this plan with a target population of 1,920 up to 2028. The vision for Castlemartyr to 2028, as set out within the Plan, is to develop a compact, strong village core, carefully manage the village's valuable heritage and to achieve a sustainable level of population growth, residential development and provision of employment and services commensurate with the scale of this village.

6.2.18. The strategy for Castlemartyr, as set out in the plan, provides for the population of the village to grow to 1,920 persons by 2028 as illustrated within Table 4.3.10 Castlemartyr Population 2006-2028. In order to accommodate this level of population growth, an additional 122 housing units will be required up to 2028.

- 6.2.19. The Plan outlines that it is considered that there is a sufficient amount of land within the development boundary to accommodate this scale of development, and two new greenfield sites have been zoned for residential development (CM-R-01 and CM-RAP-02) which will provide approximately 5ha of residential land. New residential developments should be well integrated with the existing village and allow for easy and safe access to the centre and main facilities by foot and bicycle.
- 6.2.20. Section 3.6.17 of the Plan outlines that the village is located on the N25 and congestion is a major factor particularly at peak times. Section 3.6.20 of the Plan outlines that Where access to the National Primary Route (N25) is essential to the carrying out of development, particularly relevant in objective, B-01, development will need to be in accordance with the provisions of the official policy as outlined in the DoECLG Spatial Planning and National Roads Guidelines, as published in 2012. In this context it may also be considered appropriate to carry out a review of the speed limits within the village during the lifetime of this plan.
- 6.2.21. Section 3.6.22 of the Plan relates outlines that the Waste Water treatment plant serving the village has limited but sufficient capacity to accommodate growth. The Wastewater Treatment Plant is currently not compliant with Waste Water Discharge Licence Emission Limit Values. Castlemartyr is on the Irish Water Investment Plan for an upgrade of the Wastewater Treatment facilities in the village in order to protect the environment and quality of receiving waters and to facilitate growth. This project is due for completion in 2023/24.

General Development Objectives

- 6.2.22. The following general objectives are set out for Castlemartyr
- CM-DB-01: Within the development boundary of Castlemartyr encourage the development of up to 122 houses during the plan period.
 - CM-DB-02: All proposals for development within areas identified as being at risk of flooding will need to comply with relevant objectives in Chapter 11 'Water Management
 - CM-DB-03: The green infrastructure, biodiversity and landscape assets of Castlemartyr include its river corridor, mature trees, woodlands and Clasharinka Pond pNHA. New development should be sensitively designed

and planned to provide for the protection of these features and will only be permitted where it is shown that it is compatible with the requirements of nature conservation directives and with environmental, biodiversity and landscape protection policies as set out in Volume One Main Policy Material and Volume Two 'Heritage and Amenity' of this plan.

6.3. National Policy and Guidance

Project Ireland 2040 – National Planning Framework (NPF) - First Revision April 2025

- 6.3.1. The NPF First Revision was published in April 2025. The National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of our country out to the year 2040. In the period between 2022 and 2040 it is expected that there will be roughly an extra one million people living in Ireland. The target is for at least 40% of all new housing to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites. The rest of our homes will continue to be delivered at the edge of settlements and in rural areas.
- 6.3.2. The Plan identified 10 no. National Strategic Outcomes including to promote Compact Growth. Section 1.3 outlines that: *"Carefully managing the sustainable growth of compact cities, towns and villages will add value and create more attractive places in which people can live and work"*.
- 6.3.3. Section 2.3 of the NPF relates to Strategy Development. In terms of population projections, the NPF outlines that the 2018 NPF planned for population growth of 1.1 million people, and a total population of 5.85 million by 2040. Census 2022 recorded a population of 5.15 million (CSO) in Ireland. The ESRI has updated its national and regional population projections to account for Census 2022 and to take account of up to date economic, fertility, mortality and migration data. The updated projection is that the population of Ireland will increase to approximately 5.7 million by 2030 and to 6.1 million by 2040. Given the key role of international migration in shaping population growth in Ireland, the ESRI have also modelled a higher international migration scenario with a projected population of 6.3 million people by 2040 (baseline + 200,000). The ESRI projections form the basis for the revised NPF. This

means that the NPF will now need to plan for a population of 6.1 million by 2040, an additional 250,000 people over that planned for in 2018.

6.3.4. The following NPO's are of relevance:

- National Policy Objective 2: The projected level of population and employment growth in the Eastern and Midland Regional Assembly area will be at least matched by that of the Northern and Western and Southern Regional Assembly areas combined.
- National Policy Objective 3:
 - Eastern and Midland Region: approximately 470,000 additional people between 2022 and 2040 (c. 690,000 additional people over 2016-2040) i.e. a population of almost 3 million.
 - Northern and Western Region: approximately 150,000 additional people between 2022 and 2040 (c. 210,000 additional people over 2016-2040) i.e. a population of just over 1 million.
 - Southern Region: approximately 330,000 additional people over 2022 levels (c. 450,000 additional people over 2016-2040) i.e. a population of just over 2 million.
- National Planning Policy Objective 11: Planned growth at a settlement level shall be determined at development plan-making stage and addressed within the objectives of the plan. The consideration of individual development proposals on zoned and serviced development land subject of consenting processes under the Planning and Development Act shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment.
- National Policy Objective 43 seeks to *'Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location'*.

Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities

- 6.3.5. Section 3.3 relates to Settlements, Area Types and Density Ranges. Policy and Objective 3.1 is of relevance as follows:
- Policy and Objective 3.1: It is a policy and objective of these Guidelines that the recommended residential density ranges set out in Section 3.3 are applied within statutory development plans and in the consideration of individual planning applications, and that these density ranges are refined further at a local level using the criteria set out in Section 3.4 where appropriate.
- 6.3.6. Castlemartyr would fall within the definition of Small and Medium Sized Towns (1,500 – 5,000 population) in the Guidelines. Section 3.3.4 of the Guidelines provide the following description of these settlements: *“Small to medium sized towns outside of metropolitan areas vary considerably in terms of population, employment and service functions and the level of public transport provision. Some small to medium sized towns have a district-wide service and employment function and are largely self-sustaining”*.
- 6.3.7. The strategy for all small to medium sized towns is to support consolidation within and close to the existing built-up footprint. The key priorities for compact growth in smaller to medium sized towns in order of priority are to:
- a) *strengthen town centres,*
 - b) *protect, restore and enhance historic fabric, character, amenity, natural heritage, biodiversity and environmental quality,*
 - c) *realise opportunities for adaption, reuse and intensification of existing buildings and for backland, brownfield and infill development, and*
 - d) *deliver sequential and sustainable urban extension at locations that are closest to the urban core and are integrated into, or can be integrated into, the existing built up footprint of the settlement.*
- 6.3.8. Table 3.6 sets out Areas and Density Ranges for Small to Medium Sized Towns as follows:

Small / Medium Town Edge: The edge of small to medium sized towns are the lower density housing areas constructed around the centre, while urban extension refers to greenfield lands at the edge of the built-up area that are zoned for residential or mixed-use (including residential) development. It is a policy and objective of these Guidelines that densities in the range 25 dph to 40 dph (net) shall generally be applied at the edge of small to medium sized towns.

- 6.3.9. Section 3.2 of the Guidelines relates to Tailoring Policy to Local Circumstances. This outlines that while densities should generally be within the ranges set out in Section 3.3 it may be necessary and appropriate in some exceptional circumstances to permit densities that are above or below the ranges set out in Section 3.3. In such circumstances, the planning authority (or An Bord Pleanála) should clearly detail the reason(s) for the deviation in the relevant statutory development plan or as part of the decision-making process for a planning application, based on considerations relating to the proper planning and sustainable development of the area.
- 6.3.10. Section 4.4 relates to key indicators of quality urban design and placemaking including (i) Sustainable and Efficient Movement (ii) Mix and Distribution of Uses (iii) Green and Blue Infrastructure (iv) Public Open Space and (v) Responsive Built Form.

Section 28 Ministerial Guidelines

- 6.3.11. Having considered the nature of the proposed development sought under this application, its location, the receiving environment, the documentation contained on file, including the submission from the Planning Authority, I consider that the following guidelines are relevant:
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)
 - Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities’, 2007.
 - Childcare Facilities – Guidelines for Planning Authorities (2001)
- 6.3.12. Other documents taken into consideration include the following:
- Housing for All – A New Housing Plan for Ireland 2030

- Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021.
- Climate Action Plan 2024 and Climate Action Plan 2025.
- National Biodiversity Action Plan 2023-2030.
- Design Manual for Urban Roads and Streets (DMURS) 2019

6.4. Natural Heritage Designations

6.4.1. The appeal site is not located within any designated European site. The nearest designated European sites to the appeal site, including SAC's and Special Protection Areas (SPA's) include the following:

- Clasharinka Pond Proposed Natural Heritage Areas (pNHA) – c.170m to east
- Loughs Aderry And Ballybutler (p NHA) – 2.4km west
- Ballymacoda Bay SPA (004023) – 7.8km southeast
- Ballycotton Bay SPA (004022) – 6.9km south
- Blackwater Estuary SPA (004028)- 14km northeast
- Cork Harbour SPA (004030)- 10km southwest
- Ballymacoda (Clonprlest and Pillmore) SAC (000077)- 7km southeast
- Great Island Channel SAC (001058)- 8.3km west
- Blackwater River (Cork/Waterford) SAC (002170) – 14.2km northeast

7.0 The Appeal

7.1. Grounds of Appeal – First Party Appeal

7.1.1. A first party appeal was submitted in respect of Cork County Council's notification of decision to grant permission for the development. The Commission will note that the appeal is incomplete as a number of pages are missing from the appeal document (i.e. only pages 1,3,5,7, and 9 are included, pages 2,4,6 and 8 are missing). The following provides a summary of the key points made within the submitted appeal:

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- The appeal relates to Condition nos. 1 (b) and 2 of the notification of decision of CCC to grant permission for the development which omit 38% of the

proposed dwellings. It is stated that a detailed and considered approach was taken to the layout and design of the site to ensure that the scheme reflected the proper planning and sustainable development of the area which aligns with national and local planning policy, particularly in relation to housing supply, compact growth and efficient land use.

- The appeal seeks to amend/remove Condition no's 1(b) and 2 to allow for the sustainable development of lands at Castlemartyr and provide a permission which can be delivered within a 5-year timeframe.

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- The appeal refers to the completion of the upgrade works at the Wastewater Treatment Plant by Q4 2026.
- The proposed development supports compact growth and sustainable settlement patterns which are key principles of the NPF and RSES. The development also complies with Objective HOU 4-7 for housing density which supports housing delivery where infrastructure and services are available.
- The site is located within the built-up area and is the only site explicitly zoned for residential development within the village.
- Uisce Éireann have confirmed available water and wastewater infrastructure to serve the development and the proposed density is in accordance with the compact growth guidelines.
- The appeal outlines that the core strategy has underestimated demand due to recent population growth. The appeal outlines that Section 2.13.1 (6) of the core strategy allows flexibility in the implementation of the Core Strategy where it supports proper planning and sustainable development of the area which outlines that villages are assigned an overall scale of new development and *"It is not intended that this figure is seen as a target or absolute maximum limit on development"*.
- The appeal outlines that CCC's assessment of application incorrectly assumes that development of up to 122 houses is a maximum target.
- The appeal refers changing policy context since CCC's decision in light of the publication of the National Planning Framework, First Revision (2025) which

was signed by the Oireachtas in May 2025. The appeal cites extracts from the planner's report which informs the decision of CCC to grant permission for the development which refers to additional population growth for Castlemartyr and outlines that the phased approach to the proposed development is deemed acceptable.

- The appeal outlines that the phased development approach represents a measured approach to both existing and anticipated housing needs within Castlemartyr as it aligns with the principles of sustainable development by ensuring growth is infrastructure led and responsive to the evolving demographic trends within the area. The phased nature of the development is considered to be in accordance with Objective 4-7 which encourages a sequential approach to development and the NPF clearly supports 150 units.

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- Materials, rooflines and building heights reflect local vernacular and integrate seamlessly with surrounding developments. The density is in accordance with national guidance and the layout avoids overdevelopment and maintains a balance between built form and open space.
- The appeal outlines that CCC acknowledge the slow pace of development within Castlemartyr and reject the Council's proposal to reserve housing units for future speculative developments.
- Sequentially the development represents a logical extension to the village and given it is the only application to materialise over the current and previous development plans, this will ensure houses can be provided in a timely manner for the area. The sequential development of zoned land is strongly advocated in the Sustainable Compact Guidelines (2024) and the appeal cites the provisions of Section 3.3.5 of the Guidelines which relates to development in rural towns and villages. The appeal outlines that the proposal supports the principles of compact growth and sustainable settlement patterns.
- Other key villages within the Municipal District are currently constrained due to infrastructure limitations and cannot deliver units during the lifetime of the Development Plan. The appeal site is fully serviced and immediately available for development. The proposal represents a deliverable solution to local

housing needs and supports the objectives of the revised National Planning Framework.

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- The applicant's response to CCC's request for further information (FI) addresses the concerns of the Council in relation to separation distances between the proposed units and the adjoining properties. The rear gardens provide a separation distance in the range of 10.7m to 10.8m which is in excess of the minimum 8m requirement of the Compact Settlement Guidelines. The existing hedgerow furthermore prevents overlooking. The Council's reasoning to omit these units is unreasonable.
- The Commission is requested to remove the conditions which omit units within the development.
- The scheme is proposed to be developed over 2 phases which can be delivered over 5 years and span 2 Development Plans. Planning Authority's have been requested to amend their Development Plans to account for significant increase in housing output set out within the revised NPF.
- The appeal refers to a lack of clarity in Condition no.2. The Condition refers to the loss of 57 no. dwellings, however units numbered 42-71 and 73-110 results in the omission of 68 no. dwellings from the development. It is assumed that this is a typological error within the condition given the errors within the planner's report.

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- Access to the development has been aligned with best practice and the design of the site access has been guided by the Design Manual for Urban Roads and Streets (DMURS). Access arrangements have been subject to agreement with CCC, the National Roads Office (NRO) and Transport Infrastructure Ireland (TII).
- The proposal complies with national design standards, incorporates high quality urban design, open space and environmental protection and does not result in adverse impacts on local character or infrastructure.

- The PA assessment of the Core Strategy is interpreted as a maximum threshold despite the flexibility within the Development Plan. This overlooks the point that housing allocation can be reallocated from other areas that will not be serviced within the lifetime of the Development Plan and therefore cannot be delivered.
- The proposed 150-unit development is in accordance with the County Development Plan as it stands and the expected variation to the County Plan to align with the revised NPF.
- The Commission is requested to grant permission subject to revised conditions which omit the conditions that hamper the delivery of residential units.

7.2. Grounds of Appeal – Third Party Appeal

7.2.1. A third-party appeal was submitted by Patrick Cunningham in respect of Cork County Council's notification of decision to grant permission for the development. The following provides a summary of the grounds of appeal:

- The appellant requests further assessment of the concerns raised within their initial submission on the application in relation to the following:
 - Safety concerns relating to the proposed location of the new access to the development.
 - Lack of available information as to the environment controls.
 - Lack of detailed construction phase planning.
- The main issue raised within the appeal relates to the provision of a boundary wall between the appellant's property and the appeal site. The appeal outlines that it is not unreasonable to request that the developer provide a 2m high capped and plastered wall to the boundary of their property located to the east of the site. It is stated that this is essential to preserve privacy and security.
- The appeal furthermore requests that trees and existing hedgerow to the boundary are not removed.
- The appeal outlines that the lack of consultation with the developer is disappointing.

- A copy of the appellants submission on the planning application is attached to the appeal.

7.3. Applicant Response

- 7.3.1. A response to the third-party appeal was submitted on behalf of the applicant. The following provides a summary of the key points raised:

Access and Road Safety

- Proposed access arrangements to the development were subject to engagement with Cork County Council (CCC) and Transport Infrastructure Ireland (TII).
- The appeal response refers to the requirements of Condition nos. 3, 4 and 5 of CCC's notification of decision to grant permission for the development which relate to the requisite next steps in the Road Safety Audit process and TII standards. These conditions ensure that the access arrangement will be subject to independent technical review and that all necessary safety measures will be put in place prior to use.
- TII has not made an appeal on CCC's decision indicating their satisfaction with the proposed access arrangements from the N25.

Environmental and Construction Phase Management

- The application was accompanied by a Construction Management Plan which provides a framework for how the site will be managed in 3 sections including (1) the Construction and Demolition Waste Management (2) Construction Environmental Management (3) Construction Traffic Management. The Natura Impact Statement furthermore details measures required at the construction and operational phases of the development.
- A Site-Specific Construction and Environmental Management Plan (CEMP) will be submitted for agreement of CCC prior to the commencement of development in accordance with the requirements of Condition no. 42 of CCC's decision.

- The appeal response furthermore refers to the requirements of condition nos. 38 to 40 which impose restrictions on construction related noise and dust emissions. Condition nos. 58 to 61 require the implementation of best practice waste and resource management plan in accordance with EPA Guidelines. An Environmental Clerk of Works is required to be appointed under condition no. 47.

Future Phasing and Site Context

- Areas of the site will be subject to future development proposals. No development is proposed on these lands within the current application. Any future proposals will be subject to a separate planning application and an assessment of the potential impact of future development will be undertaken at that time.

Boundary Treatment and Hedgerow Retention

- The proposed development does not propose any changes to the shared boundary between the appellants property and the application site.
- Other than open space, there is no development being proposed adjacent to the appellant's property.
- The appellants request a solid 2m boundary wall adjacent to their boundary. A weldmesh fence is proposed along the eastern boundary which allows for the hedgerow to be maintained in this location, providing robust security. The existing boundary provides natural visual screening, maintains a high degree of privacy and offers an ecological function as a green corridor. The installation of a solid block wall along this boundary would require the removal of the existing hedgerow in its entirety. It would not be possible to erect a block wall at this location without excavation works.
- Objective BE 15-6 of the CCDP seeks to protect biodiversity and retain existing natural features such as hedgerows and tree lines.
- The majority of the shared boundary between the appellant's property and the proposed development is immediately adjacent to the area identified for future development. It is premature to determine a future boundary treatment at this stage prior to detailed design being developed.

Conclusion

- The Commission is requested to uphold the decision of Cork County Council and grant permission for the proposed development.

7.4. Planning Authority Response

- None received.

7.5. Observations

- 7.5.1. 2 no. observations were made in respect of the first party appeal. The following provides a summary of the issues raised within each observation:

Caroline and Gerard Murray

- The observers' property at Castlemanor Crescent is adjacent to the western boundary of the site.
- The observer is in agreement with CCC's decision, and the conditions imposed. The PA are considered to be acting in the best interests of existing and future residents.
- The observer strongly objects to the proposed pedestrian access immediate outside their property (6.15m from their front door). Concerns are raised in relation to impacts on safety, privacy and security.
- The observation refers to the mature hedging boundary treatment and layout of the corner turn resulting in blind spot when reversing in and out of the driveway. This is not currently a problem as there is no footfall in the vicinity.
- The observer's property is adjoined by an ESB substation and turnaround area for emergency vehicles. The observation outlines that the developers have not taken into account the real, practical and safety effects that the pedestrian entrance will have on the existing residents of Castle Manor Crescent and the future residents of the new development.
- The observation raises concern in relation to restricted footpath widths in the vicinity of the proposed pedestrian connection. The observation raises concern in relation to future vehicular access to the development at the

pedestrian connection point and outlines that the estate cannot accommodate additional vehicular traffic. Any future vehicular access should be subject to a Road Safety Audit.

- The proposed removal of Hedgerow (H2) which runs along the observer's property and its replacement with a post and mesh panel fence will remove privacy and safety. Condition no. 33 of CCC's notification of decision to grant permission for the development outlines that all western hedgerow shall be retained to preserve biodiversity. It is requested that this condition is upheld.
- The observation outlines that Cork County Council are acting in the best interests of the people living in Castlemartyr and the developer should adhere to all conditions attached.

Milinda Golden on behalf of Castlemanor/Kiltha Residents Association

- The observation raises objection to the provision of pedestrian connections between the development and Castle Manor Crescent.
- Residents bought houses in the estate on the understanding that the development would remain a cul de sac.
- The observation refers to previous objections in relation to vehicular/pedestrian connections to the Bridgetown estate which was subsequently refused by Cork County Council.
- The current cul de sacs are turning points for ambulances, doctors, fire brigade, refuse collections as well as access to houses at the end of the cul de sacs.
- The residents are concerned that pedestrian connectivity may lead to anti-social behaviour, litter problems, devalue properties at Castlemanor Estate, overlooking and loss of privacy, security concerns and safety concerns for children due to increased footfall.
- The observation raises no issues in relation to the construction of new estates as long as they have their own/independent access.
- The observation refers to a petition signed by residents in the estate submitted with the original objection.

8.0 Assessment

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

- Principle of Development
- Scale and Density of Development – Conditions 1 (b) and 2
- Design and Layout
- Access and Traffic Impact
- Impact on Residential Amenity
- Water and Wastewater Infrastructure
- Flood Risk
- Ecology
- Other Issues

8.2. Principle of Development

8.2.1. The proposed development comprises the construction of 150 no. residential units, together with creche and associated site development works. Access to the development is proposed via the N25.

8.2.2. The subject site is currently undeveloped and located within the settlement boundary of Castlemartyr, at the eastern edge of the village and contiguous to existing developed lands. The northern boundary of the site fronts onto the N25. The policies and objectives of the Cork County Development Plan support residential development within existing settlement boundaries on such sites. Castlemartyr is identified as a Key Village in the East Cork Municipal District, within the Cork County Settlement Hierarchy. The Strategic Objective for such designated villages is to facilitate *“population growth at a scale, layout and design that reflects the character of each village, where water services and waste water infrastructure is available”* (Objective CS 2-7).

8.2.3. The site is subject to the following zoning objectives within the Cork County Development Plan:

- (ER) Existing Residential/Mixed Residential and Other Uses – northern portion of site
- (R) Residential – southern 2 fields of site
- (RAP) Residential Additional Provision – portion of site to the south

8.2.4. The northern portion of the site, which is zoned for “ER” purposes is proposed to accommodate an access road to the site and creche. The residential units are proposed on lands zoned for Residential purposes. The application site boundary extends to include a portion of RAP zoned lands to the south of the site. This area is proposed to accommodate part of the internal road network and open space associated with the development. Residential Development and creche use are listed “appropriate uses” on lands zoned for ER and R purposes.

8.2.5. On an overall basis, I consider that the principle of the development of existing residentially zoned lands within the settlement boundary of Castlemartyr for residential purposes is acceptable subject to appropriate scale, density, design, layout, residential amenity, access, flood risk and infrastructural capacity considerations.

8.3. Scale and Density of Development – Conditions 1(b) and 2

8.3.1. The development as proposed seeks permission for 150 no. residential units on the site. The first party appeal relates to the requirements of Conditions 1(b) and 2 of CCC’s notification of decision to grant permission for the proposed development which reduce the overall scale of development from 150 as proposed to 93 as permitted as detailed below:

- Condition no.1: (a) The proposed development shall be carried out in accordance with plans and particulars lodged with the Planning Authority on 22/11/2024 and 28/02/2025 save where amended by the terms and conditions herein. (b) This permission is for a total of 93 dwelling units and creche.
- Condition no. 2: Proposed dwelling no's 42-71, 73- 110 shall be omitted (57 no. dwellings). The vacated area shall be secured / fenced. Full details

pertaining to the treatment of this vacated area shall be agreed in writing with the Planning Authority.

Typographical Errors within Conditions 1 & 2

- 8.3.2. At the outset, prior to considering the overall scale of development proposed, I note the reference within the first party appeal to a typographical error in Conditions no. 1 and 2 of the PA's decision. The omission of units 42-71 and 73-110 results in the removal of 68 no. units as stated within the 1st party appeal and not 57 no. units as detailed within Condition 2. I accept that the reference to the omission of 57 no. dwellings within Condition no. 2 is incorrect on the basis of the revisions identified.
- 8.3.3. On review of the contents of the Senior Planner's report (dated 24/04/2025), it is my view that the intent of the planning authority was to remove 57 no. units from the scheme including Units 73-110 and Units 119-150 within Phase 2 of the development. This would result in 57 no. units within Phase 2 being omitted from the scheme and the full development of Phase 1. I do not consider that it was the intent of the planning authority to remove proposed units 42-71 of the scheme which comprises a centrally located block within Phase 1. The omission of the cited units would result in a solitary dwelling, Unit 72, being provided within the proposed Phase 1 block. The Senior Planner's Report refers to the removal of additional units within Phase 2 of the development and refers to the proposed dwellings contiguous to Units 73 to 110, namely Units 119 to 150.
- 8.3.4. In the instance that the Commission is satisfied with the requirements of Conditions 1(b) and 2, I recommend that the reference to the omission of Units within Condition no. 2 is corrected as follows:
- Condition no. 2: Proposed dwelling no's 73- 110 and 119-150 shall be omitted (57 no. dwellings). The vacated area shall be secured / fenced. Full details pertaining to the treatment of this vacated area shall be agreed in writing with the Planning Authority.
- 8.3.5. The omission of units 73-100 and 119-150 would result in the omission of 57 no. units from the development and construction of 93 no. units.

Scale of Development and Compliance with Core Strategy

8.3.6. Conditions 1(b) and 2 of the permission reduce the overall scale of development from 150 as proposed to 93, through the omission 57 no. residential units. The Senior Planner's Report (dated 24/04/25) which informs the decision of CCC to grant permission for the proposed development outlines that the principle of the development is acceptable but at a reduced quantum at this time to comply with the Core Strategy and to ensure sustainable additional growth without damage to the settlement's character. The report outlines that the development of 150 no. units as proposed, would constitute a material contravention of the Core Strategy of the CCDP. I note that concerns in relation to the overall scale of the development and compliance with the Core Strategy of the Cork County Development Plan 2022-2028 were raised by the Planning Authority throughout the LRD pre - application process.

8.3.7. At the outset in considering the grounds of appeal I consider the provisions of the Cork County Development Plan (CCDP) 2022-2028. Chapter 2 of the Development Plan sets out the Core Strategy for the County. Objective CS 2-1: Core Strategy seeks to: *"Support the delivery of the Core Strategy in accordance with the Core Strategy Table 2.9 and the Core Strategy Map illustrated in Figure 2.6. Table 2.9 of the Plan sets out the Cork County Core Strategy Table"*. Castlemartyr is identified as a Key Village within the Development Plan and envisaged to grow from 1,600 in 2016 to 1,920 by 2028. A housing target of 122 no. units is identified for Castlemartyr within Table 2.9. This target is envisaged to be split as follows:

- 47 units – Compact Growth/Infill/Brownfield Zoned Lands
- 75 units Compact Growth Residential Zoning.

A total of 148 units is identified to account for additional provision under heading Total Units Provided for in this Plan including Additional Provision. The area of the appeal site which accommodates the proposed housing units is zoned for residential purposes.

8.3.8. Volume 4 of the Development Plan sets out further guidance for Castlemartyr. The following general objective is provided for the village:

- CM-DB-01: Within the development boundary of Castlemartyr encourage the development of up to 122 houses during the plan period.

8.3.9. The proposed development comprises 150 no. dwelling units, which is over and above the total housing target for Castlemartyr as set out within the Cork County Development Plan. The application and appeal documentation sets out a rationale for the scale of development proposed on the basis of the following considerations:

- Castlemartyr is a large village with potential to grow in population to 1,920 by 2028.
- The Plan envisages the need for an additional 122 housing units in Castlemartyr. The subject site is zoned for 'Residential' Uses.
- The principle of residential development has been previously established on the site by the planning authority.
- The site is served by high quality infrastructure and facilities, including a Wastewater Treatment Plant.
- The village is served by a good range of services and community facilities.
- Sequentially the development represents a logical extension to the village core.
- The proposed density of 37.5 units per hectare is in line with the Compact Settlement Guidelines 2024.
- It is proposed to deliver the scheme over 2 phases, meaning the development would span 2 Development Plans. The scale of the development is therefore not considered to be over 50% of the population allocation for the village in this regard.
- There is a shortfall in the construction of units in East Cork due to infrastructural deficiencies in terms of both water supply and wastewater infrastructure. The East Cork MD will fail to meet the current housing needs as set out within the Core Strategy unless there is reallocation to key villages including Castlemartyr which has capacity to cater for additional units.

8.3.10. The first party appeal outlines that Cork County Council's assessment of application incorrectly assumes that development of up to 122 houses is a maximum target. In this regard, the appeal outlines that Section 2.13.1 (6) of the Core Strategy outlines that the overall scale of new development assigned to villages is not anticipated to

provide a maximum limit on development but instead provides *“an indication of the number of additional units which could reasonably be accommodated”*.

- 8.3.11. In considering the point raised within the appeal, I note that Section 2.13.1 (6) of the Core Strategy relates specifically to villages less than 1,500 population or villages that are due to grow in excess of 1,500 during the lifetime of the plan which do not include residential zonings in their boundaries. Castlemartyr does not fall within this category. I acknowledge the reference to the word target within the Core Strategy Table 2.9. However, I furthermore note the requirements of Objective CM-DB-01 of the Plan which outlines that:

“Within the development boundary of Castlemartyr encourage the development of up to 122 houses during the plan period”.

- 8.3.12. Table 2.9 of the Development Plan relates to the spatial distribution of units within Castlemartyr between infill/ brownfield and residential zoned land. I am not satisfied that the scale of the development proposed on one development site is in accordance with the proper planning and sustainable development of Castlemartyr in this regard. Such concerns are raised within the planner’s report which informs the decision of CCC to grant permission for a reduced scale development which outlines that the development has the potential to prejudice further grants of permission in the village and highlights that additional town centre and more central lands are available for development. Further guidance set out within Section 4.9.2 of the CCDDP relates to Density Approaches to Villages and outlines that *“In order to ensure some diversity in design and to encourage the delivery of units it is recommended that the size of any individual residential scheme should not normally be over 50% of the overall scale of development within the Plan period”*. The development of 150 no. units as proposed would represent 120% of the overall scale of development envisaged for the village. The scale of the development exceeds the 50% recommendation and the growth target for the village.

- 8.3.13. I note the case set forward within the grounds of appeal that the phased delivery of the development would result in the proposal being delivered over 2 no. Development Plan periods. In this regard I note that, I have assessed the development in accordance with the provisions of the operative Development Plan for the area namely the Cork County Development Plan 2022-2028. I consider it

premature to speculate on the provisions of any future Development Plan or variations. I concur with the conclusions of the Planning Authority that the development of the scale proposal would be premature pending future policy updates.

- 8.3.14. The first party appeal furthermore outlines the core strategy has underestimated demand due to recent population growth and update to the Core Strategy will be required to meet the revised population targets as set out within the Revised Draft National Planning Framework. The planner's report which informs the decision of CCC to grant permission for a reduced scale development on site outlines that the scale of development as proposed is premature pending an update to the Core Strategy of the Plan. Cork County Council's Pre – Application Opinion outlines that the overall issue of population growth allocation is likely to be revised following publication of the NPF review however the subject proposal is running ahead of the plan led process. The proposal for 150 dwelling units is therefore deemed premature by the Planning Authority pending further resolution of the issue.
- 8.3.15. I refer to National Planning Policy Objective 11 of the Revised Draft NPF which outlines that: *Planned growth at a settlement level shall be determined at development plan-making stage and addressed within the objectives of the plan. The consideration of individual development proposals on zoned and serviced development land subject of consenting processes under the Planning and Development Act shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment.* I do not consider that the approach as advocated by the applicant is in accordance with NPO 11 of the Revised NPF.
- 8.3.16. In conclusion, while I acknowledge the detailed rationale put forward by the applicant, I share the concerns of the Planning Authority in relation to the overall scale of development proposed and the provision of the entirety of this allocation to one development site in the village. I concur with the findings of the Planning Authority that the development would constitute a material contravention of the Core Strategy of the CCDP. I consider that a material contravention arises by reason of the overall scale of development, which is over and above the overall target for the village, and its concentration on a single development site. In this regard, I note that Table 2.9 of the CCDP envisages that the target allocation is split between infill

brownfield zoned lands and residential zoned lands to support compact growth and Section 4.9.2 advises that *any individual residential scheme should not normally be over 50% of the overall scale of development within the Plan period*. I consider that development would materially contravene Objectives CS 2-1: Core Strategy and CM-DB-01 and the provisions of Table 2.9 and Section 4.9.2 of the Cork County Development Plan 2022-2028 in this regard.

Density of Development (as proposed)

- 8.3.17. The development as initially proposed consisted of 150 units, yielding an overall density of 37.5 units within a developable area of 4ha of the site. Section 3.3.4 of the Sustainable Residential Development and Compact Settlement Guidelines relates to Settlement, Area Types and Density Ranges for Small and Medium Sized Towns (1,500 – 5,000 population). According to the 2022 Census, Castlemartyr had a population of 1,603 in 2022. The Guidelines recommend densities in the range of 25 to 40 units per hectare for Small and Medium Sized Towns.
- 8.3.18. The Cork County Development Plan sets out a tiered, locally tailored approach to different scales of settlements within the County. A range of densities are provided including: higher density development, Medium Density 'A', Medium Density 'B', Medium Density 'C' (Low Density Development). The southern portion of the site, upon which the residential units are proposed is zoned for Medium Density B with a density range of 20 to 35.
- 8.3.19. The proposed development of 150 units yields a density of 37.5 units per ha is in accordance with the density range set out within the Compact Settlement Guidelines and above the maximum range of 20-35 set out within the Cork County Development Plan 2022-2028. I refer to the Specific Development Objective CM-R-01 pertaining to the site which relates to the provision of Medium Density residential development on site. Objective HOU 4-7 relates to Housing Density on Residentially Zoned Land – Medium B: Min Net Density 20 – Max Net Density 35. Having regard to the requirements of Specific Development Objective CM-R-01 which relates to the provision of a Medium Density residential development on the site and the identification of 35 uph as a max density within Objective HOU 4-7 I consider that a material contravention of Objective HOU 4-7 and Specific Development Objective

CM-R-01 of the Cork County Development Plan 2022-2028 arise in the instance of the development as initially proposed.

- 8.3.20. As detailed in the preceding section of this report, I have concerns in relation to the overall scale of the development. In this instance that the Commission consider the scale of development to be acceptable, I consider that a case could be made for the proposed density, as originally proposed, on the basis of the density ranges of the Sustainable Residential Development and Compact Settlement Guidelines 2024 which were published subsequent to the publication of the Cork County Development Plan 2022-2028.

Conditions 1(b) and 2

- 8.3.21. In order to address concerns in relation to the overall scale of development, the planning authority propose the removal of 57 no. units within the development as detailed in Conditions 1 (b) and 2 of the notification of decision to grant permission for the development.
- 8.3.22. I have noted the typographical errors in the wording of Conditions 1(b) and 2 as detailed earlier in this report. In the instance that the Commission is satisfied with the general requirements of Condition no. 2, I recommend the rewording of Condition no. 2 as earlier detailed. This would result in permission for a total of 93 no. units and a net density of 23.25 units per ha on the site.
- 8.3.23. The reduced scale of development as permitted by the planning authority would result in a development of 93 units yielding a density of 23.23 uph. This is within the density range for medium density development as set out within both the Compact Settlement Guidelines and Objectives CCDP. I consider that density is just one of many factors which influence the quality of a development. As earlier noted, I consider that the scale of the development as originally proposed would materially contravene the Core Strategy of the CCDP.
- 8.3.24. I have considered the proposed revisions to the development as proposed by Cork County Council within Conditions 1(b) and 2. I do not consider that the omission of units as proposed together the securing/fencing of this area would result in a satisfactory layout. I consider that the development as revised would constitute a piecemeal and uncoordinated development of the site. I consider that a reduced

scale of development on the site is best addressed by means of a revised layout for the site as further detailed in the following section of this report.

8.4. Design and Layout

- 8.4.1. The development as originally proposed comprised of the construction of 150 units. The proposed layout is generally suburban in nature, includes in curtilage parking and public and private amenity space. The application site includes 3 separate fields, including a northern field which fronts the N25 and is proposed to accommodate a creche and access road and 2 no. southern fields which are proposed to accommodate the residential units.
- 8.4.2. The Design Statement submitted in support of the application outlines that the development has been designed in accordance with the key principles of the Sustainable Residential Development and Compact Settlement Guidelines. Section 4.4 of the Guidelines relates to Key Indicators of Quality Urban Design and Placemaking including (i) Sustainable and Efficient Movement (ii) Mix and Distribution of Uses (iii) Green and Blue Infrastructure (iv) Public Open Space and (v) Responsive Built Form. Compliance with these principles is addressed within Section 05 of the Design Statement.

Built Form

- 8.4.3. Having regard to my concerns in relation to the overall scale of development on the site, relative to the Core Strategy targets I have considered the proposed revisions to the development as proposed by Cork County Council within Conditions 1 (b) and 2, namely the provision of 93 no. units through the omission of Units 73 to 110 and 119 to 150 in Phase 2 of the development. The removal of units 73-110 and 119 to 150 would result in the omission of units which are contiguous to existing residential development and which provide the requisite connections to adjoining existing residential developments. I refer to the requirements of the specific objective CM-R-01 pertaining to the site which outlines that: *Medium B density residential development. To include connectivity with adjoining development to the north and west.* I consider that the omission of pedestrian linkages, and securing/fencing of this area of the site would materially contravene the provisions of Specific Objective CM-R-01 of the development plan and Objective ZU 18-2 of the Plan: Development and Land Use Zoning which seeks to “*Ensure that development, during the lifetime of this*

Plan, proceeds in accordance with the general land use objectives and any specific zoning objectives that apply to particular areas as set out in this Plan”.

- 8.4.4. The planner’s report which informs the decision of CCC to grant permission for the development sets out a rationale for the removal of proposed units 73-110 on the basis that these dwellings and associated linkages to neighbouring site form the most contentious parts of the applications in terms of the objections received. As detailed further in this assessment, I consider that the provision of permeability and connectivity between the development is welcomed and in accordance with good urban design principles and the requirements of Specific Objective CM-R-01 pertaining to the site.
- 8.4.5. I furthermore refer to the provisions of Volume 3 of the Cork County Development Plan which outlines that new residential development should be well integrated into the existing village and allow for easy and safe access to the centre and main facilities by foot and by bicycle. Section 3.3.4 of the Compact Settlement Guidelines states that the priorities for compact growth in small and medium sized towns include *d) deliver sequential and sustainable urban extension at locations that are closest to the urban core and are integrated into, or can be integrated into, the existing built-up footprint of the settlement.* On an overall basis I consider that the omission of proposed units and non-delivery of key pedestrian linkages to existing development would result in a piecemeal, unconnected and disjointed residential development. I consider that a reduced scale of development is best addressed via a revised layout, which would be a material change best addressed through a new application.
- 8.4.6. In addition to the above, I have concern in relation to the overall masterplan approach to the development of the site. The application documentation outlines that sequentially the development represents a logical extension to the village core. The main extent of the application site comprises lands zoned for both Existing Residential (ER) and Residential (R) Uses. The application documentation outlines that the site comprises 6.88ha with 4ha being considered developable within the context of prevailing planning policy and flood mapping. In this regard I note that the northern portion of the site is identified within Flood Zone B within the Castlemartyr zoning map. I refer to the Site-Specific Flood Risk Assessment outlines that the full extent of the site is within Flood Zone C. The northern portion of the application site is zoned for ER purposes and accommodates an access road, creche, woodland

area and a large area which is indicated for future development. The southern portion of the site is envisaged to accommodate the proposed residential units. The Design Statement submitted in support of the application outlines that the 'Existing Residential' (ER) zoned lands to the north of the site has been identified as an area for potential future development. No details in relation to the nature or extent of the future development area is set out within the application.

- 8.4.7. I am not satisfied that the layout as proposed aligns with the sequential development of Castlemartyr. The development is set back from the N25 and in my view would constitute leap frogging of development. I consider that the proposed development, because of its location and inadequate frontage, constitutes inappropriate backland development which would constitute an uncoordinated piecemeal development, which would impact on the amenity of future residents and the development and accordingly would be contrary to the proper planning and sustainable development of the area. In my opinion it would be more appropriate that Phase 1 be located close to the main road.

Sustainable and Efficient Movement

- 8.4.8. Key principles for Sustainable and Efficient Movement as identified within the Guidelines include the creation of connections to the wider urban street and transport networks and improved connections between communities. The Design Statement outlines that the proposed development has been designed to include a clear street network in order to create a permeable and legible urban environment based on a primary local street that runs from the entrance at the N25 to the north. The development, as originally proposed incorporates pedestrian connections to adjoining residential areas to the north and west.
- 8.4.9. The proposed development is set back from the N25 and as amended by Conditions 1(b) and 2 would not provide for connections with adjoining residential areas. I have concern in relation to the proposed access arrangements and the permeability with adjoining lands to the north and west as detailed earlier in this assessment.

Mix and Distribution of Uses

- 8.4.10. I am satisfied that the proposed housing mix of 2, 3, and 4-bed houses (townhouses, bungalows, and semi-detached), enable the creation of a sustainable residential

development that provides a greater housing choice and responds to the needs of single people, families, older people and people with disabilities.

- 8.4.11. The proposed development includes a creche located in the northern portion of the site which would cater for 68 no. children. The Childcare Demand Report submitted in support of the application sets out a review of existing childcare facilities within the area and provides a rationale for the scale of the creche proposed.

Green and Blue Infrastructure

- 8.4.12. The proposed layout includes a series of open spaces located throughout the site including Central Open Spaces, Shared Surface/Plazas and Existing Natural Features. The Landscaping Plan submitted in support of the application retains existing ecological connections on site and incorporates these within the development. The open spaces within the development are positioned to provide strong natural linkages to protect the ecological corridors present on site and in the surrounding areas including the Clasharinka Pond proposed Natural Heritage Area (pNHA) to the east.
- 8.4.13. The proposed residential units have been orientated to overlook open spaces ensure passive surveillance and the natural features on the site have been preserved to create a sense of identity within the scheme. The application is accompanied by a detailed landscaping strategy which demonstrates how the site has been developed in such a way to ensure that the majority of the existing trees and hedgerows along its boundaries can be retained. The layout also integrates nature-based Solutions in the form of SuDs wherever possible to manage the surface water

Conclusion

- 8.4.14. In conclusion, I am not satisfied that the development is in accordance with the key design principles as set out within Section 3.3.4 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities which states that the priorities for compact growth in small and medium sized towns include *d) deliver sequential and sustainable urban extension at locations that are closest to the urban core and are integrated into, or can be integrated into, the existing built up footprint of the settlement.*

- 8.4.15. I consider that the proposed development, due to its location and inadequate frontage, constitutes inappropriate backland development which would constitute an uncoordinated piecemeal development, which would be contrary to the proper planning and sustainable development of the area
- 8.4.16. I consider that the omission of units as proposed within Conditions 1 (b) and 2 together with the omission of pedestrian connections to existing residential developments to the north and west of the site would result in an incongruous, piecemeal and unconnected residential development which would not support the sequential development of the village. The proposed development would therefore materially contravene Specific Objective CM-R-01 and Objective ZU 18-2 of the Cork County Development Plan 2022-2028 and be contrary to the provisions of Sections 3.3.4 and 4.4 of the Sustainable Residential Development and Compact Settlements Guidelines.
- 8.4.17. It is my view that a significant redesign of the scheme is required as I do not consider that it would be appropriate to address this via condition given the substantial redesign of the scheme which would be required.

8.5. Impact on Residential Amenity

Impact on Residential Amenity of Existing Units

- 8.5.1. The third-party appeal and observations on the appeal raise concern in relation to the impact of the development on the residential amenity of existing development. The concerns raised relate to boundary treatments and the proposed pedestrian connections to adjoining estates.

Pedestrian Connections

- 8.5.2. One of the main issues raised in the observations on the appeal relate to pedestrian accesses from the proposed development, which seek to link up with existing footpaths in adjoining residential developments to the north and west of the site. The observations refer to the existing cul de sac nature of existing estates and raise concerns relating to safety issues, noise, devaluation of property and anti-social behaviour associated with increasing the pedestrian footfall through the estate. While I consider that the tie of the proposed pedestrian connections with existing residential development requires further detailed consideration as part of any revised

layout, I consider that the principle of such connections is supported to provide a legible and integrated residential development in accordance with the Specific Development Objective CM-R-01 pertaining to the site which outlines that: *Medium B density residential development. To include connectivity with adjoining development to the north and west.*

- 8.5.3. The Cork County Development Plan 2022-2028 supports the provision of such safe, attractive linkages. Section 12.7.10 of the Plan outlines that '*New development should be optimally permeable for walking and cycling and opportunities for retrospective implementation of walking and cycling routes should be taken where practical in existing neighbourhoods*'. I have no evidence before me that would lead me to conclude that the proposed pedestrian linkages would lead to increased anti-social behaviour, or noise pollution or be detrimental to the residential amenities of the area. It would improve connectivity within the wider area and is to be welcomed. I am satisfied that the principle of the proposed pedestrian connections would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

Boundary Treatment

- 8.5.4. The third-party appeal and observations on the appeal raise concern in relation to boundary treatment proposals.
- 8.5.5. The appellant requests the implementation of a 2m high boundary wall between the appeal site and the adjoining property to the east, together with presentation of existing trees and hedgerows to ensure privacy and security. The applicant's response to the grounds of appeal outlines that a weldmesh fence is proposed along the eastern site boundary to ensure the maintenance of the existing hedgerow and it is stated that the provision of a 2m high wall would result in the removal of the existing hedgerow boundary in its entirety. The appeal response furthermore outlines that no development is proposed within the northern area of the site as part of the current application. I am satisfied that the proposed landscaping strategy for the site seeks to retain existing hedgerow where possible and the details of boundary treatment are premature in absence of full development proposals for the northern portion of the site.

- 8.5.6. The observation from Caroline and Gerard Murray requests the maintenance of the existing hedgerow boundary treatment (H2) to the west of the site. I refer to the requirements of Condition no. 33 of CCC's notification of decision to grant permission for the development in this regard which requests the retention of the western boundary treatment. I am satisfied that this could be addressed by means of condition in the instance that the Commission is minded to grant permission for the development.

Other Considerations

- 8.5.7. In considering the interface of the proposed development with existing properties I note that the proposed separation distances are in excess of the standards set out within SPPR 1 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities which outlines that *"When considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained."*
- 8.5.8. Section 4.9.9 of the CCDP relates to Approach to Density within lands zoned Existing Residential/Mixed Residential and Other Uses and outlines that: *In limited situations, a reduction in the 22m separation between units may be considered where high-quality architectural responses can be delivered without undue impacts on the established residential amenities".*
- 8.5.9. On the basis of the proposed separation distance between existing and proposed dwellings and the proposed boundary treatment, I do not consider that the proposal will result in overlooking of existing properties in the vicinity of the site. The inter-relationship between the proposed houses and existing residential developments to the north and east is acceptable in terms of layout and orientation and existing vegetation will be retained and supplemented. As part of a final landscaping plan, it would be appropriate to secure greater clarity regarding the rear boundary treatment of gardens to ensure no conflict between the proposed 2m rear boundary walls and the retention of hedgerows.

Residential Amenity of Proposed Units

- 8.5.10. In terms of the residential amenity of the proposed residential dwellings, I refer to the Housing Quality Assessment prepared by Deady Gahan Architects submitted in support of the application. The Housing Quality Assessment demonstrates compliance of the development with the standards set out in the 'Quality Housing for Sustainable Communities' (2007).
- 8.5.11. The development includes public open space in excess of Development Plan Standards. The proposed dwellings are orientated to overlook the open spaces and provide passive surveillance for these areas. Private open space for each unit is provided in the format of back gardens. The quantum of private open space provided for each unit exceeds the requirements of SPPR 2 of the Compact Settlement Guidelines which relates to Minimum Private Open Space Standards for Houses.
- 8.5.12. Notwithstanding the above considerations I consider that the overall layout of the development, as amended by Conditions 1 (b) and 2, would result in an unconnected and incongruous residential development which would negatively impact on the residential amenity of future residents.

8.6. Traffic and Transportation

- 8.6.1. Access to the site is proposed via the creation of a new entrance from the N25 in the northwest corner of the site. The proposed site access junction will operate as a priority-controlled (STOP) junction, with a 6 metres wide site access arm. A new dedicated right hand turning is proposed off the N25. The N25 runs in a straight alignment in the vicinity of the site and operates within a speed limit ranging from 50 km/ph to 60km/ph along the site boundary. The proposed entrance to the site is located within the 60km/ph speed boundary. Engineering drawings 2411- DOB-XX-SI-DR-C-0500 & C-0550 illustrate that 65m sightlines are achievable at the proposed site entrance in accordance with Table 4.2 of DMURS.
- 8.6.2. Drawing no. 2411- DOB-XX-SI-DR-C-0550 entitled "Works to the N5 and Development Entrance" illustrates works to the N25 in the vicinity of the site to accommodate the proposed entrance to the development. The proposed works include the widening of the N25 to the south into the development lands to create a new right turning lane to serve the development, new footpath to replace existing and public lighting and connection to surface water, water and wastewater

infrastructure along the N25. The planning application red line boundary extends to include a portion of the N25 in the vicinity of the site. Drawing no. 23069/P/002B entitled “Land Ownership” prepared by Deady Gahan Architects illustrates that these lands are in the ownership of Cork County Council. The application is accompanied by a letter of consent from Cork County Council.

- 8.6.3. The third-party appeal raises safety concerns in relation to the proposed access to the development from the N25 and interface of the proposed right turning lane on their adjoining property to the east. I consider that the detail of any revisions to the N25 to accommodate access to the site should be subject to agreement within Cork County Council having regard to relevant safety considerations.
- 8.6.4. I refer to the submission on file from TII which raised concerns in relation to the proposed access arrangements. The submission outlines that the development is at variance with official policy in relation to control of development on/affecting national roads as outlined in DoECLG Spatial Planning and National Roads Guidelines for Planning Authority’s and states that the development, if approved, would create an adverse impact on the national road and would be at variance with national policy in relation to the control of frontage developments on national roads.
- 8.6.5. At the outset, I note that Spatial Planning and National Roads Guidelines for Planning Authority’s set out planning policy considerations relating to development affecting national roads (including motorways, national primary and national secondary roads) outside the 50/60 kmh speed limit zones for cities, towns and villages. The application site in this instance is located within the development boundary for Castlemartyr as defined within the Cork County Development Plan 2022-2028 and at the transition between the 50kmph and 60 kmph speed limit.
- 8.6.6. The submission from TII specifically refers to the provisions of Section 2.5 of the Guidelines which relates to development within transitional speed limit zones. I note that Section 2.5 of the Guidelines relates to the Required Development Plan Policy on Access to National Roads and outlines the following: *With regard to access to national roads, all development plans and any relevant local area plans must implement the policy approaches for the following:*

- *Lands adjoining National Roads to which speed limits greater than 60kmph apply;*

- *Transitional Zones*
- *Lands adjoining National Roads within 50kmh speed limits*

- 8.6.7. The submission on file from TII specifically relates to Section 2.5 of the Guidelines which sets out the following guidance for Transitional Zones: *“Where the plan area incorporates sections of national roads on the approaches to or exit from urban centres that are subject to a speed limit of 60 kmh before a lower 50 kmh limit is encountered – otherwise known as transitional zones - the plan may provide for a limited level of direct access to facilitate orderly urban development. Any such proposal must, however, be subject to a road safety audit carried out in accordance with the NRA’s requirements and a proliferation of such entrances, which would lead to a diminution in the role of such zones, must be avoided”*.
- 8.6.8. The Guidance set out within the DoECLG Spatial Planning and National Roads Guidelines for Planning Authority’s relates to considerations to be taken into consideration by Planning Authority’s in the process of the making of a Development Plan. The operative Development Plan for the area is the Cork County Development Plan 2022-2028 which came into effect on the 6th of June 2022. In this regard I note that the appeal site is located within the development boundary of Castlemartyr and zoned for development within the operative Cork County Development Plan 2022-2028.
- 8.6.9. Appendix A the Cork County Development Plan is entitled “Ministerial Guidelines as Applied to the Cork County Development Plan 2022-2028”. Table 1 of this Appendix provides details of Implementation of Ministerial Guidelines in the Cork County Development Pan 2022-2028 and notes the following in terms of the Spatial Planning and National Roads: Guidelines for Local Authorities DECLG (2012): *The plan makes reference to these Guidelines in Chapter 12, ‘Transport and Mobility’, and in particular Objective TM12.12 ‘National, Regional and Local Road Network’. The Plan also makes reference to these Guidelines in Chapter 9, ‘Town Centres and Retail.’ The Council, in consultation with the National Roads Authority, will protect proposed national road route corridors where the route selection process has been completed / approved and where preferred route corridors have been identified.*
- 8.6.10. Objective TM12.12 of the Cork County Development Plan, as cited within Appendix A, relates to EV Charging, Objective TM.12.13 relates to National, Regional and

Local Road Network. I consider that the reference in Appendix A to TM12.12 to be a typological error. I consider that the correct reference is TM12.13 which states the following:

County Development Plan Objective TM 12-13: National, Regional and Local Road Network

a) Support the sustainable development of infrastructure that strengthens the quality of inter-regional connectivity from Cork to Limerick (proposed N/M20 and Rail), and from Cork to Waterford (N25) as identified in the NDP.

b) Support the maintenance of the efficiency and safety of the existing national primary and secondary roads network by targeted transport demand management and infrastructure improvements.

c) Support the following National, Regional and Local Road investment projects as outlined in Project 2040 and the RSES for the Southern Region: Key Project 2040 projects: • N/M20 Cork to Limerick • M8/N25 Dunkettle Interchange • N28 Cork to Ringaskiddy Road • N22 Baile Bhuirne to Macroom Road • N72/N73 Mallow Relief Road • N25 Carrigtwohill to Midleton

m) Avoid the creation of additional access points from new developments or the generation of increased traffic from existing accesses onto national roads to which speed limits of greater than 50kph apply.

8.6.11. I refer to the contents of the reports on file from Cork County Council's National Road's Office. This outlines that having regard to the wording set out within Section 2.5 of the Guidelines that the appropriateness or otherwise of a new access onto a national road in the 60kmph transitional zone is a matter of professional judgement on a case-by-case basis. I concur with the Planning Authority's interpretation of the Guidelines in this regard. The appeal site is located within the development boundary of Castlemartyr and zoned for residential development within the operative Cork County Development Plan 2022-2028. I consider that the principle of an access to the site from the N25 to be acceptable in this regard.

8.6.12. I refer to the planning history pertaining to the site under ABP Ref: 301316-18 wherein TII raised similar concerns in relation to non-compliance with the requirements of the DoECLG Spatial Planning and National Roads Guidelines for

Planning Authority's (2012). In this instance the Inspector's report outlined that *"These Guidelines would not be relevant in the circumstance of a 50kph speed limit as they specifically refer to areas outside the 50 / 60kph zones in urban areas"*. I concur with the conclusions of the inspector in this regard. I note that while permission was ultimately refused for the development, the reasons for refusal did not relate to the principle of access from the national road network.

8.6.13. The submission on file from TII outlines that the application indicates inappropriate standards which are not in accordance with those set out in TII Publications. Further discussion on this matter is provided within CCC's National Road Office Report. The report outlines that the relevant guidance in this regard is TII Standard DN GEO 03030 entitled *"Design Phase Procedure for Road Safety Improvement Schemes, Urban Renewal and Local Improvement Schemes"*. This Standard *requires the preparation of a Design Report and its acceptance by TII prior to any works changing the layout of the national road take place. The report from the NRO outlines that "issues to be addressed within a Design Report would be the location of the entrance noting the site does have frontage onto the 50kmph section, traffic calming on the national road justification for the provision of a right turning lane. The process of obtaining TII acceptance of the Design Report is a significant one and there is a likelihood that TII acceptance of a Design Report for the proposed junction arrangements as proposed would not be forthcoming"*.

8.6.14. The concerns raised within the submission on file from TII were raised within Cork County Council's request for further information (FI). Item 1 of the FI request outlined the following:

Item 1: New Junction onto N25

Transport infrastructure Ireland (TII) has lodged a submission to state that the proposal would adversely affect the operation and safety of the National Road network – reasons given are the proliferation of entrances in a 60kph zone contrary to Section 2.5 of the DoECLG Spatial Planning and National Road Guidelines for Planning Authorities (January 2012) and also the use of inappropriate design standards not in accordance with those set out in TII Publications. Please note that the main applicable standard in this case is TII Standard DN GEO 03030 (other applicable TII standards are referenced therein) which requires the preparation of a

Design Report and its acceptance by TII prior to any works changing the layout of the national road take place. This applies for all sections of National Road including if located within a 50kph or 60kph zone. Whilst a Stage 1 Road Safety Audit has been submitted it is likely TII will require Stage 2 RSA or at least a combined Stage 1/2 RSA. You are requested to liaise with TII on this matter and submit revised documentation as required in order to allow the traffic implications of this application to be fully determined.

- 8.6.15. The applicant's response to Item 1 of the request for further information refers to consultation with TII and the National Road Office in respect of the proposed access arrangements. The applicant's FI response outlined that *"TII advises liaison directly with the County Council as planning and roads authority for the area concerned"*. The applicant's FI response sets out a justification for the proposed access on the basis of the provision of a single vehicular entrance to the site from the N25 which will replace the existing agricultural access to the site, the planning history pertaining to the site and the lack of alternative access opportunities. The report on file from the NRO's office outlines that the principle of an access is deemed acceptable and restates concerns in relation to the specific design and siting of the entrance and works to the N25 to accommodate the development.
- 8.6.16. I refer to the requirements of Objective TM 12-13 (m) of the CCDP which seeks to: *m) Avoid the creation of additional access points from new developments or the generation of increased traffic from existing accesses onto national roads to which speed limits of greater than 50kph apply.* I note that the Area Engineers Report in CCC outlines that moving the entrance to within the 50kmph zone would conflict with the necessary provision of a right turning lane. Later consideration can be given to extending the 50kph zone.
- 8.6.17. On review of the application, I am satisfied that the principle of access to the site is acceptable and that the detailed design of any revisions to the N25 to accommodate the access should be subject to the requirements and agreement of the planning authority. I recommend a condition to this effect in the instance that the Commission is minded to grant permission for the development.
- 8.6.18. Internally within the site the primary local street connecting to the N25 will have a 6.0 metres wide carriageway with pedestrian footpaths on both sides, whereas the

secondary internal roads will either include a narrower, 5.5 metres wide carriageway with adjacent formal footpaths or a 4.8 metres wide shared surface area. The proposed internal road network provides several potential access points to adjacent lands in the interest of improving permeability, with the accesses to existing adjacent residential areas to the west envisaged as accommodating active travel only to minimise impact and promote sustainable mobility. Pedestrian footpaths with widths ranging from 1.8 metres to 3.0 metres will be provided across the proposed development, linking all access points to the facilities within the site.

- 8.6.19. A swept path analysis has been carried out in order to ensure that both refuse vehicles (large refuse vehicle) and emergency vehicles (large fire tender) will be capable of accessing, circulating within and egressing the site.

Traffic Impact

- 8.6.20. The application is accompanied by a Traffic and Transport Assessment, DMURS Statement of Consistency (Section 2.4 of Statement of Consistency) and a Road Safety Audit.
- 8.6.21. The study area for the Traffic and Transport Assessment includes the section of the N25 (Killeagh Road) extending from the proposed three-arm priority-controlled site access junction and the existing N25/R632/Mogeely Road Junction ca. 500 metres to the west. Traffic surveys were carried out on Tuesday, 28 May 2024 between 00:00hrs and 23:59hrs. Following analysis of the traffic survey results, the AM peak hour was determined to be between 08:00hrs and 09:00hrs, with the PM peak hour determined to be between 17:00hrs and 18:00hrs, based on total traffic flow.
- 8.6.22. Section 5.4 of the TTA outlines that it is estimated that the development proposal would generate 314 no. additional inbound vehicle trips and 313 no. additional outbound vehicle trips i.e. 627 no. total additional trips over the daytime period from 07:00-19:00hrs. Most of the development traffic is forecast to occur in the periods 08:00-09:00hrs (64 no. trips) and 17:00-18:00hrs (62 no. trips). The TTA outlines that the proposed development will have no material impact on the performance of the road network within the site's vicinity. I note that the report on file from Cork County Council's National Road office raises to objection to the proposal on grounds of traffic impact. On the basis of the information submitted in support of the application,

I am satisfied that the proposal would not impact on the operation of the national road network adjoining the site.

Car Parking

- 8.6.23. Car parking standards are set out in Table 12.6 of the Development Plan. This sets out a standard of 2 parking spaces per dwelling unit. The proposed development involves 150 no. residential units and 240 no parking spaces. The proposed creche includes 8 no spaces including 2 no. drop off spaces. I am satisfied that the proposed parking is in accordance with Development Plan standards.

Cycle Parking

- 8.6.24. 56 no. secure bicycle storage receptacles (with a capacity for 2 no. bikes each) will be provided on site in the front gardens of the 2-bedroom mid-terrace townhouse dwellings, which have no direct street access to their private open space (i.e. back garden). As every other unit has direct access to a private area of open space, they are not provided with secure bicycle parking receptacles.
- 8.6.25. In addition, 28 no. visitor cycle parking spaces will be provided across the site, grouped into 2 no. blocks of 7 Sheffield stands each. Furthermore, 12 no. cycle parking spaces will be provided in a store at the on-site crèche, to be used by staff and parents/ visitors.
- 8.6.26. In conclusion, I consider the principle of that the proposed access to the site is acceptable and do not consider that the development would represent a scale or format of development which would result in traffic impact on the N25. Notwithstanding this, I refer to concerns set out within this assessment in relation to the non-provision of pedestrian connections and permeability to the adjoining residential estates.

8.7. Water and Wastewater Infrastructure

Water

- 8.7.1. The proposed development seeks to connect to the existing watermain along the N25 in the vicinity of the site. The applicant has liaised with Uisce Éireann who confirmed that a new water connection is “Feasible without infrastructure upgrade by Uisce Éireann”.

Wastewater

- 8.7.2. The proposed wastewater drainage will collect effluent from the residential units via a main wastewater drainage network located within the development's access roads and discharge by gravity to the existing public wastewater network to the north of the site along the N25 as illustrated on DOBA Engineering drawing C-0300. Foul wastewater will then outfall to Castlemartyr Wastewater Treatment Plant for treatment.
- 8.7.3. The submission from Uisce Éireann outlines that wastewater connection is feasible subject to upgrades. The submission from Uisce Éireann outlines that *"in order to accommodate the proposed connection at the Development, upgrade works are required to increase the capacity of Castlemartyr WWTP. Uisce Éireann currently has a project underway which will provide the necessary upgrade and capacity. This upgrade project is scheduled to be completed in 2026 (may be subject to change) and the proposed connection could be facilitated as soon as possibly practicable after this date"*. The application documentation outlines that the new wastewater sewer network will be designed in accordance with the principles and methods set out in Irish Water's Code of Practice for Wastewater Infrastructure.
- 8.7.4. The Uisce Éireann Wastewater Treatment Capacity Register published in December 2024 (viewed on line at www.water.ie in August 2025) outlines that there is spare capacity available within the Castlemartyr WWTP on the basis of capacity available on completion of a project currently at construction. I note that planning permission was granted for the upgrade of the Castlemartyr Wastewater Treatment Plant in August 2023 under PA Reference: 22/6416 which will increase the plant's capacity from a Population Equivalent (PE) of 2,000 to 3,400. The submission on file from Uisce Éireann raises no concern in relation to the capacity of the WWTP. The proposed connection of the existing foul network is deemed acceptable subject to upgrades.
- 8.7.5. I refer to the planning history pertaining to the site and the previous decision of ABP to refuse permission for a residential development on the site (ABP Ref: 301316-18) for reasons including insufficient infrastructural capacity and wastewater discharges and potential risks to the Ballymacoda Bay European Sites. In the interim period, I note that permission was granted for the upgrade of the Castlemartyr wastewater treatment plant, which is currently at an advance stage of construction (construction works commenced in September 2023).

8.7.6. Having regard to the above reasons and considerations, I am satisfied that that sufficient capacity would be available within the lifetime of the permission to accommodate the proposed residential development. The applicant has liaised with Uisce Eireann (UE) who confirmed that a wastewater connection is “feasible subject to upgrades” and the timeframe for the completion of the upgrade is 2026.

8.8. Flood Risk

8.8.1. The zoning map for Castlemartyr as set out within the Cork County Development Plan illustrates that the northern part of the site is located within Flood Zone B. I refer to the previous reason for refusal pertaining to the site under ABP Ref: 301316-18 which included concerns in relation to flood risk. Objective WM 11-15 of the Cork County Development Plan relates to Flood Risk Assessments and seeks:

“To require flood risk assessments to be undertaken for all new developments within the County in accordance with The Planning System and Flood Risk Management – Guidelines for Planning Authorities (2009) and the requirements of DECLG Circular P12/2014 and the EU Floods Directive.

- *For sites within Flood Zone A or B, a site-specific Flood Risk Assessment will be required.*
- *For sites within Flood Zone C, an examination of all potential sources of flooding, and consideration of climate change (flood risk screening assessment), will be required. In limited circumstances where the ‘Flood Risk Screening assessment’ identifies potential sources of flood risk, a site-specific flood risk assessment may also be required.*
- *All proposed development must consider the impact of surface water flood risks on drainage design through a Drainage Impact Assessment. The drainage design should ensure no increase in flood risk to the site, or the downstream catchment”.*

8.8.2. A Site-Specific Flood Risk Assessment dated November 2024 prepared by JBA Consulting was submitted in support of the application. I consider that the submitted FRA comprises a comprehensive and detailed site-specific assessment of the potential flood risk, which was carried out in accordance with the Flood Risk Management Guidelines. The FRA includes a review of the potential sources of

flooding and a detailed hydrological analysis and followed by a detailed hydraulic analysis of the identified sources of potential flood risk. The identification of flood risk included a review of various sources including the OPW flood mapping, the South Western Catchment Flood Risk Assessment and Management Study (CFRAM), National indicative Flood Mapping Study (NIFM) and the Strategic Flood Risk Assessment (SFRA) for the Cork County Development Plan 2022-2028.

8.8.3. Section 3.3 of the FRA includes a review of potential flood sources as summarised below:

- Fluvial Flooding: on the basis of a review of available information sources the site is at low risk of fluvial flooding from the River Kiltha. The FRA outlines that the NIFM Flood Zone B extent encroaches across the northern part of the site. However, it is stated that the NIFM mapping is an indicative representation of the Dower River which flows into a sink hole northeast of the N25. On review of published information the FRA outlines that the extent of the Flood Zone B in the northern part of the site from the Dower River - but this is related to overland flow in between a karst sink hole and spring. The FRA outlines that the NIFM representation is not detailed enough to fully represent the karst system and would require additional analysis to increase confidence in the extent and level. A hydraulic model has been developed to confirm flood risk presented by the Dower River.
- Tidal flooding is not considered as presenting a flood risk given the distance of the site from tidally influenced areas.
- Pluvial/ Surface Water Pluvial or surface water flooding is the result of rainfall-generated flows that arise before run-off can enter a watercourse or sewer. Due to a slight depression in the northern site, there is potential for ponding however this can be managed through site design and consideration of the treatment of the drainage system and is not an impediment to the development.
- Groundwater Flooding: None mapped on the appeal site.

8.8.4. In order to confirm the flood risk presented by existing watercourses within the vicinity of the site a hydraulic model has been developed as detailed in Section 4 of the FRA. Figure 4.9 of the FRA provides an overview of the site for all modelled

rivers in the vicinity. This illustrates that the site is located within Flood Zone C. Figures 4.12 and 4.13 illustrates the combined fluvial and surface water risk and outlines that this will be managed by the proposed stormwater system which has been designed to appropriate standards. Cork County Council's Area Engineers Report raises no objections to the findings of the Site-Specific Flood Risk Assessment and the proposed surface water management and discharge rates are deemed acceptable.

- 8.8.5. On the basis of the information set out within the Site-Specific Flood Risk Assessment I am satisfied that the site is located within Flood Zone C and the proposed development does not represent a potential flood risk and is not likely to increase the fluvial flood risk elsewhere. The Mitigation Measures set out within the FRA include minimum floor areas of 12.25OD and a detailed surface water drainage scheme has been designed for the site. It is proposed to attenuate to current green-field run-off, and to connect to the existing public storm drainage system. The planning authority reports were satisfied that the site is located outside of any designated flood risk zone and that the flood risk potential associated with the proposed development had been adequately addressed. I agree with this conclusion and am satisfied that sufficient detail has been provided in the application documents to demonstrate that the proposed development would not be at risk or give rise to flooding.

8.9. Ecology & Landscaping

- 8.9.1. An Ecological Impact Assessment was submitted in support of the application. This outlines that the current land cover within the project site is characterised by arable land bounded by hedgerows in the two southern fields. The northern 'field' consists of areas of spoil and bare ground, recolonising bare ground and immature willow scrub. The willow scrub habitat is of local importance (higher value) owing to the habitat it provides for fauna species. The Landscaping Plan illustrates the protection of a large area woodland within the existing footprint of the willow scrub habitat and which would be buffered to the south along the existing hedgerow bounding the south of this area. This buffer is identified as Open Space B within the landscaping plan.

- 8.9.2. The EclA outlines that given the approach to the retention of the willow scrub habitat and the provision of an additional and contiguous ecological corridor buffering this area to the south, the potential impact of the proposed development to this habitat will be negligible.
- 8.9.3. Other habitats occurring within the project site include dense and species-poor bramble and gorse scrub; recolonising bare ground; spoil and bare ground and arable land. These habitats are of Local importance (lower value) (Rating E). Hedgerows are identified of local value from a historical boundary perspective. The bee orchid, which is a rare species in Co. Cork, is also recorded on site, the distribution of which is illustrated on Figure 4.5 of the EclA. The Landscaping Plan submitted in support of the application includes the relocation of existing strands of bee orchid to a designated area of the site. In terms of invasive species, one medium impact species, *Buddleja davidii* has been recorded on site. Measure to negate against the spread of this species are set out within the EclA.
- 8.9.4. No evidence indicating the presence of protected non-volant mammals, such as badgers, has been recorded within the project site during field surveys completed between April and November 2024. Rabbits are present within the site. Other small mammals such as hedgehog and pygmy shrew which have a widespread distribution are likely to occur at the project site in association with hedgerows and willow scrub.
- 8.9.5. There are no structures on site and as such there is no potential for roosting to occur in buildings within the project site. Mature trees occur along the eastern boundary hedgerow and the medium hedgerow within the project site. Bat surveys were completed in May and July 2024 which outlined that bat activity was generally low on site. Passes were recorded were representative of commuting passes rather than foraging. No foraging behaviour by bats within the project site was detected or observed during the transects. Bird surveys were completed between April and July 2024. All of the above species recorded on site during surveys are green listed and of low conservation concern with the exception of yellowhammer which is red listed of high conservation concern. The EclA outlines that the yellowhammer was heard calling on site during field surveys completed in June 2024, however it was not heard calling during other monthly surveys in April, May and July. This result suggests that yellowhammer did not breed in hedgerow/woodland vegetation within or bounding the project site.

- 8.9.6. The EclA outlines that the nearest proposed NHA (pNHA) to the project site is the Clasharinka Pond pNHA, located approximately to the east. This pNHA is buffered from the project site and as such activities associated with the project will not have the potential to result in direct impacts to these designated conservation areas. The site is of interest for its flora and it appears to be a partly groundwater dependent habitat. There is no apparent surface water connection between the site and the pNHA. I am satisfied that there is no likelihood of significant impact on the pNHA as a result of the proposed development
- 8.9.7. In assessing the residual impact of the development, the EclA outlines that the proposed landscape design and the provision of woodland habitats as part of the design will have the potential to result in a minor net increase in the extent of woodland habitat on site and will also have the potential to improve the quality of woodland habitat through an increase in floral diversity and habitat heterogeneity. Measures have been set out for the translocation of bee orchid within the project site and the preservation of suitable conditions for this species within the project site. The application of mitigation and compensation measures will ensure that the construction phase will result in negligible to minor significant residual effects to fauna supported by the project site.
- 8.9.8. In conclusion, I consider that potential for impacts on flora and fauna which are addressed in the report can be addressed by the mitigation measures presented. I note the requirements of Condition no. 35 of CCC's notification of decision to grant permission for the development which relates to submission of a revised landscaping plan which incorporates retention of additional willow scrub. In the instance that the Commission is minded to grant permission for the development I consider that this matter could be addressed by condition. I conclude that the development is acceptable in terms of general ecological impacts.

8.10. **Other**

Archaeology

- 8.10.1. An Archaeological Impact Assessment (AIA) was submitted in support of the application. This outlines that there are no recorded archaeological monuments within the subject site. The closest RMP is located 60m to the north of the site

(CO077-092). The AIA concludes that there is no predicted impact from the development on any recorded archaeological sites.

- 8.10.2. The AIA provides a summary of previous archaeological investigations undertaken on parts of the application site as part of proposals under PA Ref: 17/04624. No archaeological features or material were found on the appeal site. An area of archaeological interest was found on the field to the south which is outside of the current proposed development site. The AIA concludes that potential for archaeological remains on site are low. A programme of archaeological monitoring of the proposed development works is proposed. In the instance that the Commission is minded to grant permission for the development I consider that this matter could be addressed by condition.

Lack of Information in relation to Environmental Controls

- 8.10.3. The 3rd party appeal outlines that insufficient information has been provided within the application in relation to Construction Phase Management and Environmental Controls. In considering the issue raised I note that the application is accompanied by a Construction Management Plan, Natura Impact Statement, Ecological Impact Assessment, Operational Waste Management Plan and Site-Specific Flood Risk Assessment which set out detailed mitigation measures to negate against environmental and construction phase impacts associated with the development. I am satisfied that the application includes sufficient information in relation to environmental controls which will be implemented at both construction and operational phases of the development.

Lack of Community Consultation

- 8.10.4. The third-party appeal raises concern in relation to lack of consultation between the developer and adjoining landowners. I note that there is no statutory requirement to undertake such engagement. The planning application was subject to a statutory public consultation period of 5 weeks, and I am satisfied that all concerned party had the opportunity to make submissions/observations and 3rd party appeals in respect of the application.

9.0 Environmental Impact Assessment Screening

- 9.1. This application was submitted to the Board after the 1st of September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.
- 9.2. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 as amended, and section 172(1)(a) of the Planning and Development Act 2000 as amended provides that an EIA is required for infrastructure developments comprising of urban development which would exceed:
- 500 dwellings
 - 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. A business district is defined as ‘a district within a city or town in which the predominant land use is retail or commercial use’
- 9.3. Item (15)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 as amended provides that an EIA is required for: *“Any project listed in this part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.”*
- 9.4. A detailed summary of the proposed residential development is set out within Section 2 of this report. The development includes 150 no. houses, creche and all associated site development works on a 6.88 ha site (net site area 4ha). It is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001 as amended, in that it is less than 500 units and is below the 10 hectares (that would be the applicable threshold for this site, being outside a business district but within an urban area).
- 9.5. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted EIA Screening Report, dated November 2024, and I have had full regard to same. The screening report considers that the development is below the thresholds for mandatory EIAR having regard to Schedule 5, Part 2 of the

Planning and Development Regulations 2001, due to the size of the net site area and due to the number of residential units at 150, a mandatory EIAR is not required. The Screening Report outlines that the development represents Phase 1 of a potential larger masterplan, and the remainder of the lands will be subject to future planning applications. In addition, detailed and comprehensive assessments have been undertaken to assess/ address all potential planning and environmental issues relating to the development.

- 9.6. The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and I have considered all information which accompanied the application. I am satisfied that all relevant assessments have been identified for the purpose of EIA Screening. I also note SEA has been undertaken as part of the Cork County Development Plan 2022-2028.
- 9.7. I have completed an EIA screening assessment as set out in Appendix 4 of this report. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment, at construction and operational stages of the development, and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

- 9.8. I am satisfied that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

10.0 Water Framework Directive

- 10.1. The impact of the proposed development in terms of the WFD is set out in Appendix 5 to this report. Existing Rivers in the vicinity of the site include the Kiltha River to the east and Dower River to the west which connect to the Womanagh River to the south. The northern portion of the site is identified within Flood Zone B as set out within the Strategic Flood Risk Assessment of the Cork County Development Plan 2022-2028. A Site-Specific Flood Risk Assessment was submitted in support of the application which summarised that the proposed residential development is located in Flood Zone C and is not at risk of flooding. The WFD status of the existing water features in the vicinity of the site (including the Kiltha River, Dower River and Womanagh River) are 'moderate' and they are 'at risk' of not meeting the WFD objective. Identified pressures are agriculture and urban wastewater. The groundwater body underlying the site is the Middleton Groundwater body (IE_SW_G-058). The WFD status of this waterbody is stated as being "good".
- 10.2. Further to the provisions of Appendix 5, I conclude that on the basis of objective information, the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 AA Screening

Appropriate Assessment Screening

- 11.1. I have completed a screening for Appropriate Assessment (Stage 1) and determined that the project may have likely significant effects on the following European sites: Ballymacoda Bay SPA (004023) and Ballymacoda (Clonprlest and Pillmore) SAC (000077). An Appropriate Assessment (Stage 2) is required of the implications of the project on the same. I am satisfied that the possibility of likely significant effects by

the project on other European sites could be excluded in view of the nature and scale of the project and those sites' conservation objectives.

Appropriate Assessment

- 11.2. I have considered the Natura Impact Statement submitted by the applicant and all other relevant documentation accompanying the application and completed an Appropriate Assessment (Stage 2) of the implications of the project on the Ballymacoda Bay SPA (004023) and Ballymacoda (Clonpriest and Pillmore) SAC (000077) in view of the sites' conservation objectives. I consider that the information submitted was adequate to allow the carrying out of an Appropriate Assessment.
- 11.3. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the following European Sites Nos 004023 Ballymacoda Bay SPA and 000077 Ballymacoda (Clonpriest and Pillmore) SAC subject to the implementation in full of appropriate mitigation measures.
- 11.4. This conclusion is based on:
- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives of the Ballymacoda Bay SPA (004023) and Ballymacoda (Clonpriest and Pillmore) SAC (000077).
 - An assessment of in combination effects with other plans and projects including historical projects, plans and current proposals.
 - No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Ballymacoda Bay SPA (004023) and the Ballymacoda (Clonpriest and Pillmore) SAC (000077).

12.0 Conclusion and Recommendation

Having regard to the foregoing assessments, I recommend that permission should be REFUSED for the proposed development for the reasons and considerations set out in the following Draft Order.

13.0 Recommended Board Order

Planning and Development Acts 2000 to 2020 as amended.

Planning Authority: Cork County Council

Planning Register Reference Number: 246216

Appeals by Marshall Yards Development Company Ltd. and Patrick Cunningham, against the decision made on the 24th of April 2025 by Cork County Council to grant permission to Dublin City Council to refuse permission to Marshall Yards Development Company Ltd. for the proposed Large Scale Residential Development application.

Location: Gortnahomna More, Castlemartyr, Co. Cork

Proposed Development: Development of a Large-scale Residential Development (LRD) will consist of:

The construction of 150 no. residential units, 1 no. creche, 2 no. ESB substations and all associated development works including footpaths, cycle paths, car and bicycle parking, drainage, fencing, bicycle and bin stores, lighting and landscaping/amenity areas. Access to the site will be via a new vehicle access point and pedestrian/cycle connection from the existing N25 Killeagh Road. A Natura Impact Statement is submitted to the planning authority with this application.

The application may be inspected online at the following website set up by the applicant: www.gortnahomnamorelrd.ie

Decision: REFUSE permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under.

Reasons and Considerations

1. The proposed development would provide a greater quantum of residential units on one site than the target assigned to Castlemartyr village within the Core Strategy as set out within Table 2.9 of the Cork County Development 2022-2028. The development would therefore materially contravene the provisions of Section 4.9.2 and Objectives CS 2-1 and CM-DB-01 of the Cork County Development Plan 2022-2028. The density of the development, at 37.5 units per ha, would also exceed the maximum net density for Medium Density B zoned lands (35 units per ha) and would therefore materially contravene Specific Objective CM-R-01 and Objective HOU 4-7 of the Cork County Development Plan 2022-2028. The proposed development would therefore materially contravene provisions of the Cork County Development Plan 2022-2028 and be contrary to the proper planning and sustainable development of the area.
2. The Commission had regard to the removal of units from the development as proposed within Conditions 1(b) and 2 of Cork County Council's notification of decision to grant permission for the development. However, the Commission considered that the omission of units as proposed together with the omission of pedestrian connections to existing residential developments to the north and west of the site would result in an incongruous and unconnected backland residential development which would not support the sequential development of the village. The Commission furthermore had concern in relation to the overall proposed phased delivery of the site wherein sequentially preferable lands to the north adjacent to the N25 would be subject to future development proposals. The proposed development would materially contravene the requirements of Specific Objective CM-R-01 and Objective ZU 18-2 of the Cork County Development Plan 2022-2028 and be contrary to the provisions of Sections 3.3.4 and 4.4 of the Sustainable Residential Development and Compact Settlements Guidelines 2024. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

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.

Stephanie Farrington
Senior Planning Inspector

13th of August 2025

APPENDIX 1 – Appropriate Assessment Screening

Screening for Appropriate Assessment	
Screening Determination	
Step 1: Description of the Project	
<p>The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.</p> <p>A screening report for Appropriate Assessment and Natura Impact Assessment dated November 2024 was submitted in support of the application.</p> <p><u>Appeal Site</u></p> <p>The appeal site, which has a stated area of 6.88 ha, is located on the eastern edge of Castlemartyr village along the N25. The site comprises 3 agricultural fields. The northern field comprises largely overgrown lands which includes an extensive area of immature willow woodland. The other fields are in agricultural use at present.</p> <p>The Ecological Impact Assessment outlines that the habitats present on site include arable land bounded by hedgerow in the two southern fields and the northern field comprises of arable land, areas of spoil and bare ground, bramble, gorse scrub and recolonizing bare ground. These habitats are of Local Importance (lower value- Rating E). An Area of species – poor willow has become established on site in recent years. This is designated of local importance (higher value).</p> <p>The SFRA set out within the Cork County Development Plan 2022-2028 identifies Flood zone B within the site. The Site-Specific Flood Risk Assessment submitted in support of the application which was informed by a detailed hydrological and hydraulic modelling study. This outlines that the proposed development is completely within Flood Zone C and is not at risk of fluvial flooding.</p> <p><u>Proposed Development</u></p> <p>The proposed development is described in Section 2 of this report. In brief the development includes a residential scheme of 150 no. houses and a creche. Access is proposed via the creation of a vehicular entrance from the N25, and the development includes connection to existing water, wastewater and storm water network along the N25, landscaping and associated site development works.</p> <p><u>Submission and Observations</u></p> <p>The submission on file from Uisce Éireann confirms that the proposed water connection is deemed feasible without infrastructure upgrades. The Wastewater Connection is deemed feasible subject to upgrades. In order to facilitate the development upgrade works are required to the Castlemartyr Wastewater Treatment Plant. This upgrade project is currently underway and scheduled to be completed in 2026 (may be subject to change). The proposed connection could be facilitated as soon as possibly practicable after this date.</p> <p><u>Planning Authority Screening</u></p> <p>Cork County Council's Ecology Report dated 23/01/25 refers to the AA Screening submitted in support of the application and outlines the following:</p>	

"I consider the primary issue of concern from an ecological perspective to be potential for the project to impact negatively on Ballymacoda (Clonpriest and Pillmore) SAC (Site Code 0077) and Ballymacoda Bay SPA (Site Code 4023). I concur with the AA Screening Report in that indirect impacts could not be ruled out without further assessment.....I consider that the measures outlined in the NIS, especially the storage of chemicals and hydrocarbons, accidental spill measures and installation of site compound over an impermeable compound are sufficient in preventing adverse effects on the integrity of both the Ballymacoda (Clonpriest and Pillmore) SAC and Ballymacoda Bay SPA".

European Sites

The proposed development is not directly connected with or necessary to the management of a European site. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

The development site is not located in or immediately adjacent to a European Site. The closest European Sites are the Ballycotton Bay SPA, Ballymacoda Bay SPA, and the Ballymacoda (Clonpriest and Pillmore) SAC.

Appendix 1, Table A1.1 of the applicant's Screening Report provides a list of 7 no. designated Natura 2000 within a possible zone of influence of the development. These include 3 no. Special Area's of Conservation (SAC's) and 4 no. Special Protection Areas (SPA's) as detailed below:

- Ballymacoda Bay SPA (004023) – 7.8km southeast
- Ballycotton Bay SPA (004022) – 6.9km south
- Blackwater Estuary SPA (004028)- 14km northeast
- Cork Harbour SPA (004030)- 10km southwest
- Ballymacoda (Clonpriest and Pillmore) SAC (000077)- 7km southeast
- Great Island Channel SAC (001058)- 8.3km west
- Blackwater River (Cork/Waterford) SAC (002170) – 14.2km northeast

Section 5 of the applicant's Screening Report provides an overview of the Source Pathway Receptor (SPR) Model and potential pathways to European Sites. The report identifies potential hydrological connections to the Ballymacoda Bay designated sites including the Ballymacoda Bay SPA, and Ballymacoda (Clonpriest and Pillmore) SAC.

The Ballymacoda (Clonpriest and Pillmore) SAC (Site Code 000077) Site stretches from Ballymacoda for about 6km towards Youghal. It has a good diversity of coastal habitats. Ballymacoda Bay SPA (Site code 004023) This site stretches eastwards towards Youghal and is of high ornithological importance for supporting an excellent diversity and large number of wintering waterbirds. Two species which occur, Golden Plover and Bar-tailed Godwit, are listed on Annex I of the E.U. Birds Directive.

All other Natura 2000 sites within the area are discounted from further assessment. Given the separation distance from those sites and the lack of ecological or hydrological connection, I am satisfied with this conclusion. I note that this conclusion is accepted by the Ecology Section in CCC.

Step 2: Potential Impact Mechanisms from the Project

The site is not within/or adjoining any Natura 2000 sites or necessary to the management of any such sites. No direct habitat loss and/or alteration is expected as a result of the proposed development.

Site Surveys

Section 5 of the applicant's Screening Report provides an Overview of Potential Impacts. The potential pathways examined included hydrological; groundwater; noise and vibration; air; light; visual and mobile species; pathways. Of these pathways, a hydrological pathway, surface water during the

operational phase and groundwater pathway during the construction and operation phase were identified as the pathways that could not be ruled out at the screening stage as a potential impact pathway. The European Sites that are connected to the project via the hydrological pathways are Ballymacoda Bay European Sites.

Following consideration of the pathways which could connect the site to European Sites in the wider surrounding area, the applicant's AA Screening report outlines that potential pathways include the following:

- Surface water pathway with potential to connect the project to the Ballymacoda Bay European Sites
- Groundwater pathway with potential to connect the project to Ballymacoda Bay European Sites.

Section 6 identifies that the potential effects generated by the project will be restricted to potential emissions to groundwaters from the project during the construction phase and / or operation phase and surface water discharge from projects during the operation phase. During construction the project will have the potential to result in impacts to water quality of the Ballymacoda Bay European Sites.

Step 3: European Sites at risk

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

Effect mechanism	Impact pathway/Zone of influence	European Site(s)	Qualifying interest features at risk
Surface water pollution at construction/ operational phase	<p>If pollutants generated on site reached the underlying groundwaters associated with the local karst system which discharges via groundwater pathways to intercepting watercourses, namely the Kiltia and Dower Rivers and downstream to the Womanagh River and Ballymacoda Bay.</p> <p>Surface water run off at operation stage drains to the 6000mm sewer along the N25 to the north, from where it will discharge to the Kiltia River.</p>	<p>Ballymacoda Bay SPA (Site Code 004023) – c. 7.8km</p> <p>Ballymacoda (Clonpriest and Pillmore) SAC (Site Code 000077) – c. 7 km</p>	<p><u>Ballymacoda Bay SPA (Site Code 004023)</u></p> <p>Teal (<i>Anas crecca</i>) [A052], Ringed Plover (<i>Charadrius hiaticula</i>) [A137], Golden Plover (<i>Pluvialis apricaria</i>) [A140], Grey Plover (<i>Pluvialis squatarola</i>) [A141], Lapwing (<i>Vanellus vanellus</i>) [A142], Sanderling (<i>Calidris alba</i>) [A144], Dunlin (<i>Calidris alpina</i>) [A149], Black-tailed Godwit (<i>Limosa limosa</i>) [A156], Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157], Curlew (<i>Numenius arquata</i>) [A160], Redshank (<i>Tringa totanus</i>) [A162], Turnstone (<i>Arenaria interpres</i>) [A169], Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179], Common Gull (<i>Larus canus</i>) [A182], Lesser</p>

			<p>Black-backed Gull (<i>Larus fuscus</i>) [A183], Wigeon(<i>Anas penelope</i>) [A050], Wetland and Waterbirds [A999]</p> <p><u>Ballymacoda (Clonpriest and Pillmore) SAC (Site Code 000077)</u></p> <p>Estuaries [1130], Mudflats and sandflats not covered by seawater at low tide [1140], Salicornia and other annuals colonising mud and sand [1310], Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330], Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410].</p>
Groundwater Pollution	If pollutants generated on site during the construction and operation stage of the development reached the underlying groundwaters associated with the local karst system which discharges via groundwater pathways to intercepting watercourses, namely the Kiltha and Dower Rivers and downstream to the Womanagh River and Ballymacoda Bay.	<p>Ballymacoda Bay SPA (Site Code 004023) – 7.8km</p> <p>Ballymacoda (Clonpriest and Pillmore) SAC (Site Code 000077) – 7.km</p>	As above
Wastewater Treatment	Foul water generated on site being discharged from Castlemartyr WWTP into Kiltha River which in turn drains to the Ballymacoda Bay European Sites.	<p>Ballymacoda Bay SPA (Site Code 004023) – 7.8km</p> <p>Ballymacoda (Clonpriest and Pillmore) SAC (Site Code 000077) – 7km</p>	As above.
Step 4: Likely significant effects on the European site(s) 'alone'			
Table 2: Could the project undermine the conservation objectives 'alone'			

European Site and qualifying feature	Conservation objective (summary) ¹	Could the conservation objectives be undermined (Y/N)?		
		Surface water pollution	Groundwater pollution	Indirect pathway via WWTP
Ballymacoda Bay SPA (Site Code 004023) – 7.8km				
Teal (<i>Anas crecca</i>) [A052], Ringed Plover (<i>Charadrius hiaticula</i>) [A137], Golden Plover (<i>Pluvialis apricaria</i>) [A140], Grey Plover (<i>Pluvialis squatarola</i>) [A141], Lapwing (<i>Vanellus vanellus</i>) [A142], Sanderling (<i>Calidris alba</i>) [A144], Dunlin (<i>Calidris alpina</i>) [A149], Black-tailed Godwit (<i>Limosa limosa</i>) [A156], Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157], Curlew (<i>Numenius arquata</i>) [A160], Redshank (<i>Tringa totanus</i>) [A162], Turnstone (<i>Arenaria interpres</i>) [A169], Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179], Common Gull (<i>Larus canus</i>) [A182], Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183], Wigeon(<i>Anas penelope</i>) [A050] Wetland and Waterbirds [A999]	All Qualifying Interests have as their Conservation Objectives to maintain their favourable conservation conditions	Surface water contamination during construction and operational phase. In the absence of appropriate safeguards, the potential will exist for discharge of pollutants that could impact upon water quality.	Emissions to groundwaters from the project during the construction and operational phases could result in groundwater quality impacts.	No. See discussion below
Ballymacoda (Clonpriest and Pillmore) SAC (Site Code 000077) – 7.6km				
Estuaries [1130] Mudflats and sandflats not covered by	Three QIs have, as their conservation objective, to maintain its favourable conservation objective i.e. 1130, 1140, 1330.	Surface water contamination during construction and	Emissions to groundwaters from the project during the	No. Se discussion below.

seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glaucopuccinellietalia maritima) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410]	The Conservation objective for 1310 is to restore the favourable conservation condition of the QI. No CO is cited for 1410.	operational phase. In the absence of appropriate safeguards the potential will exist for discharge of pollutants that could perturb water quality.	construction and operational phases could result in groundwater quality impacts.	
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Surface Water

An existing field boundary drain is apparent along the northwest boundary of the site. Existing rainfall from the site appears to discharge directly to ground at source or discharge overland to the field boundary prior to discharging to the ground. The AA Screening outlines that surface water generated during the construction phase will ultimately be discharged to ground and underlying groundwaters associated with the local karst system.

Surface water generated during the construction phase will ultimately be discharged to ground and underlying groundwaters associated with the local karst systems. Potentially contaminating materials, such as hydrocarbons, cement-base materials, other construction-related solutions the potential for this operation phase surface water pathway to function as an impact pathway requires further examination as part of this screening exercise and silt will occur on site during the construction phase and will have the potential to become entrained in and pollute groundwaters in the event of untreated and unimpeded contact with karst systems. This water will be discharged via groundwater pathways to intercepting watercourses, namely the Kiltha and Dower Rivers. During the operation phase surface water will be generated from areas of hard standing that will accommodate the hardstanding area of the proposed development. In the event of fuel leaks or accidental spill the potential will exist for the generation of contaminated surface waters on site. In the event that untreated and unimpeded pathways connect surface drainage waters to the underlying karst systems, then a pollution pathway between the project site and the Kiltha and Dower Rivers will arise.

For the operation phase it is proposed to discharge surface water generated at the project site to an existing 600mm sewer pipe along the N25 road to the north of the project site. This existing sewer pipe drains surface water to the west and discharges to the Kiltha River.

In the event that contaminated surface water is generated during the operation phase, in the absence of adequate treatment, the water will drain to the surface water infrastructure and the 600mm sewer along the N25 to north, from where it will discharge to the Kiltha River. The Kiltha River in turn drains to the Ballymacoda Bay European Sites (at a downstream distance of c13km). As such there is a hydrological pathway connecting the project site to the Ballymacoda Bay European Sites.

The AA Screening report outlines that in the absence of appropriate safeguards the potential will exist for the discharge of pollutants that could impact upon water quality. It is stated that a NIS is required for the development on this basis. Therefore, the potential for likely significant impacts on water quality which could have an indirect impact on this European sites **cannot be ruled out**.

Emissions to Groundwater

The project site is underlain by limestone bedrock with karst geology occurring under and surrounding the project site. Section 3.2 out the AA Screening Report outlines that given the nature of the karstic system occurring at and surrounding the project site leads to rapid interchanges of water

between surface and underground. Surface waters draining to ground at the project site are likely to discharge to the Kiltha River to the west or the Dower River, which is located at a greater distance (c. 800m) to the east. Both watercourses drain to the Womanagh River, which in turn drains to the sea at Ballymacoda Bay. Both the Ballymacoda Bay SAC and the Ballymacoda Bay SPA are located at Ballymacoda Bay. The downstream distance from the Kiltha River to the designated sites is c.13km. The downstream distance from the Dower River to the Ballymacoda Bay designated sites is c. 10km.

The AA Screening outlines that following a precautionary approach, a groundwater pathway is identified as connecting the project site to the Ballymacoda Bay SAC and the Ballymacoda Bay SPA. Emissions to groundwaters from the project during the construction and operational phases. It is stated that a NIS is required for the development on this basis. Therefore, the potential for likely significant impacts on water quality which could have an indirect impact on these European sites **cannot be ruled out.**

Foul Water Network

At operational stage, wastewater generated within the development will be directed to the existing foul water network in the vicinity of the site which outfalls to the Castlemartyr WasteWater Treatment Plant (WWTP). Treated effluent from the Plant is discharged to the Kiltha River which in turn drains to the Ballymacoda Bay European Sites. The submission on file from Uisce Éireann confirms that there is sufficient capacity will be available for the development. The Connection & Developer Services (CDS) Response states that a wastewater connection is “feasible subject to upgrades” and *“in order to accommodate the proposed connection at the Development, upgrade works are required to increase the capacity of Castlemartyr WWTP. Uisce Éireann currently has a project underway which will provide the necessary upgrade and capacity. This upgrade project is scheduled to be completed in 2026 (may be subject to change) and the proposed connection could be facilitated as soon as possibly practicable after this date”*. I refer to the planning history pertaining to the site and the previous decision of ABP to refuse permission for a residential development on the site (ABP Ref: 301316-18) for reasons including insufficient infrastructural capacity and wastewater discharges and potential risks to the Ballymacoda Bay European Sites. It is noted that the previous planning application was completed prior to the receipt of planning approval for the upgrade of the Castlemartyr wastewater treatment plant, which is currently at an advance stage of construction (PA Ref: 22/6416 construction works commenced in September 2023). A Natura Impact Statement accompanied this application.

The applicant’s Screening Report outlines that the generation of wastewater by the project and its discharge to the wastewater treatment plant will not pose a risk to the water quality of the receiving Kiltha River and will in turn no pose a risk of likely significant effects to the Ballymacoda Bay European Sites downstream. As such a wastewater impact pathway between the project site and the Ballymacoda Bay European Sites is ruled out.

Overall Conclusion- Screening Determination

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that it is not possible to exclude the possibility that proposed development alone would result significant effects on European Sites Nos. 004023 and 000077 Ballymacoda Bay SPA and Ballymacoda (Clonpriest and Pillmore) SAC in view of the sites’ Conservation Objectives from effects associated with deterioration on water quality as a result of surface water run-off and ground water contamination in the absence of mitigation measures.

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

APPENDIX 2 – Appropriate Assessment

Overview

The applicant has provided a Natura Impact Statement (NIS) dated November 2024 in accordance with the requirements of the Stage 2 Appropriate Assessment process. Supporting documentation is referenced in the NIS.

I am satisfied that the submitted NIS is in accordance with current guidance/legislation/best practice and the information included within the report, in relation to baseline conditions and potential impacts, is clearly set out and supported with sound scientific information and knowledge. The NIS examines and assesses the potential adverse effects of the proposed development on the following European Sites: Ballymacoda Bay SPA (Site Code 004023), Ballymacoda (Clonpriest and Pillmore) SAC (Site Code 000077) in view of the sites' Conservation Objectives on the basis of the direct surface water and groundwater hydrological connection. As reported in the AA Screening, all other European designated sites can be excluded from the need for further assessment.

The potential pathways examined included hydrological, groundwater, noise and vibration, air, light, visual and mobile species pathways. Of these pathways, a hydrological pathway, surface water during the operation phase and groundwater pathway during the construction and operation phase were identified as the pathways that could not be ruled out at the screening stage as a potential impact pathway. The European Sites that are connected to the project via the hydrological pathways are River Ballymacoda Bay European Sites. Figure 1.3 of the NIS illustrates the hydrological pathway between the appeal site and Ballymacoda European Sites.

The Natura Impact Statement

The applicant's NIS concluded that: *“Based upon the information provided in this NIS, it is the considered view of the authors of this NIS that it can be concluded by the Planning Authority that the project will not, alone or in combination with other plans or projects, result in significant adverse effects to the integrity and conservation status of European Sites in view of their Conservation Objectives and*

on the basis of best scientific evidence and there is no reasonable scientific doubt as to that conclusion”.

Having reviewed the documents, submissions and planning authority reports, I am satisfied that the information allows for a complete assessment of any adverse effects of the development, on the conservation objectives of the following European sites alone, or in combination with other plans and projects:

- Ballymacoda Bay SPA (Site Code 004023)
- Ballymacoda (Clonpriest and Pillmore) SAC (Site Code 000077)

Impact Prediction

Table 5.1 of the NIS is entitled “Consideration of Potential Impact to the Site Specific Conservation Objectives for Features of Interest occurring within the Zone of Influence of the Project”. The table provides an overview of potential impacts and details the SCI’s and QIs for each identified site that may be affected as summarised in the Table below. I note that Table 5.1 of the applicant’s NIS refers to the Cork Harbour SPA (Site Code 004030) instead of the Ballymacoda Bay SPA (Site Code 004023) and the reference in Attribute 2 of the SPA relates to SCI’s of the Cork Harbour SPA. Notwithstanding this, I am satisfied that the text in Table 5.1 in relation to the consideration of likely significant effects relates to the Ballymacoda Bay SPA. I have considered Ballymacoda Bay SPA within my assessment.

Ballymacoda Bay SPA (Site Code 004023)		
Qualifying Features	Pathway	Effect
Teal (<i>Anas crecca</i>) [A052], Ringed Plover (<i>Charadrius hiaticula</i>) [A137], Golden Plover (<i>Pluvialis apricaria</i>) [A140], Grey Plover (<i>Pluvialis squatarola</i>) [A141], Lapwing (<i>Vanellus vanellus</i>) [A142], Sanderling (<i>Calidris alba</i>) [A144], Dunlin (<i>Calidris alpina</i>) [A149], Black-tailed Godwit (<i>Limosa limosa</i>) [A156], Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157], Curlew (<i>Numenius arquata</i>) [A160], Redshank (<i>Tringa totanus</i>) [A162], Turnstone (<i>Arenaria interpres</i>) [A169], Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179], Common Gull (<i>Larus canus</i>) [A182],	Groundwater and surface water connection. Polluted groundwater and/or surface water will drain from the project site to the Kiltha River via natural flow pathways for groundwater or for surface water via the proposed surface water drainage infrastructure to be installed for the development. The discharge of any contaminated waters from the project site to the Kiltha River will in turn be conveyed downstream to the Womanagh River and the Womanagh River Estuary with potential to contribute to existing pressures to the water quality at the	The discharge of inadequately treated storm water to the Kiltha River, Womanagh River and the Womanagh River Estuary downstream will have the potential to contribute to existing pressures to water quality at the estuary and within the SAC. Any contribution to perturbed water quality at the estuary will in turn have the potential to undermine the habitats and the associated prey resource upon which the wetland bird species of the SPA rely. Such adverse effects could, over time, result in a decline in the long-term population trend supported by the sections of the SPA

Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183], Wigeon (<i>Anas penelope</i>) [A050] (Wetland and Waterbirds [A999])	Ballymacoda Bay European Sites	surrounding the project site and discharge locations. The discharge of inadequately treated and contaminated storm water will have the potential to undermine the distribution of SCI's (range, timing and intensity of use).
Ballymacoda (Clonpriest and Pillmore) SAC		
Qualifying Features	Pathway	Effect
Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]	Groundwater and surface water connection as above.	Unmitigated works have the potential for downstream impacts on habitats of conservation importance through the introduction of silt and pollution during construction and operation. Silt and pollution could potentially lead to effects resulting in reduction in diversity and abundance of sensitive communities and habitats within the SAC.

Section 3.4.1.1. of the applicant's NIS relates to the Ballymacoda (Clonpriest and Pillmore) SAC (Site Code 000077). The distribution of the qualifying habitats of this SAC at the Womanagh River estuary, downstream of the project site are shown on Figure 3.3 of the applicant's Natura Impact Statement. Aside from Mediterranean salt meadows and Salicornia Mud, the remaining three qualifying habitats of the SAC are located downstream of the project site at the Womanagh River estuary. As such the qualifying habitats of the SAC that are considered to occur within the zone of influence of the project are estuaries, tidal mudflats and sandflats and Atlantic salt meadows.

Section 3.4.1.2 of the NIS relates to the Ballymacoda Bay SPA. This coastal site stretches north-east from Ballymacoda to within several kilometres of Youghal, Co. Cork. There is a hydrological pathway between the project site and the wetland habitats of Ballymacoda Bay SPA that support the wetland bird species listed above. As such these wetland bird species and their associated wetland habitats, as well as other waterbirds are considered to lie within the zone of influence of the project.

Examination of Impacts

Section of the applicant's NIS provides an overview of Examination of Impacts. This outlines that the potential impacts that may arise as a result of the project relate to the discharge of contaminated surface water from the project site during the construction phase (in the event of contamination of groundwaters) and the operation phase (in the event that polluted surface water runoff is generated). Under such scenarios polluted groundwater and/or surface water will drain from the project site to the Kiltha River via natural flow pathways for groundwater or for surface water via the proposed surface water drainage infrastructure to be installed for the development. The discharge of any contaminated waters from the project site to the Kiltha River will in turn be conveyed downstream to the Womanagh River and the Womanagh River Estuary with potential to contribute to existing pressures to the water quality at the Ballymacoda Bay European Sites.

While it is noted that the uncontrolled release of contaminated surface drainage waters to the Kiltha River and downstream to the Ballymacoda Bay European Sites is likely to be rapidly diluted and distributed within this mature and depositing watercourse and by tidal transitional waters, the contribution of contaminants such as hydrocarbons to transitional habitats downstream at the estuary could in turn contribute to the contamination of benthic fauna and epifauna of the Ballymacoda Bay European Sites. The toxic effect of such contaminants, particularly hydrocarbons, on feeding, growth, development and reproduction are known to cascade and bioaccumulate throughout the food chain affecting benthic fauna, fish, birds (such as the special conservation interest bird species of the SPA) and mammals (Ferrando, 2015). In the absence of appropriate design safeguards (such as the inclusion of hydrocarbon interceptors) the discharge of such contaminated surface water from car parking area during the operation phase could represent a source of ongoing contamination to surface drainage waters being discharged to the Kiltha River and on downstream to the Womanagh River Estuary. Accidental spillages of contaminating materials during the construction phase and/or operation phase could also represent sources of acute pollution to the Kiltha River and its conveyance downstream to the estuary.

The exposure of fauna, including birds, to such contaminants can result in disturbance and stress effects. Upon detection of such contaminants mobile species such as birds and mammals may simply move away from the affected area, with the potential to result in a decline in the distribution of these species within the European Site. For sessile benthic fauna, upon which special conservation interest bird species of the SPA rely, there will be limited potential for escape and their exposure to contaminants may result in biological changes designed to aid survival. In some cases these benthic species may acclimatise to contaminated conditions, while in others the contaminants may lead to mortality and changes in the population and community structure of the rivers invertebrate population. Such an effect would have the potential to undermine the conservation status of the sections of the Ballymacoda Bay European Sites downstream of the project site.

In – Combination Effects

Section 4.2 of the NIS relates to in-combination effects. In terms of Plans, the NIS outlines that The Cork County Development Plan 2022 to 2028 represents the key plan for the management and development of lands within County Cork. As part of the County Development Plan the project site forms part of the lands included within the land use zonings “Existing Residential/Mixed Residential and Other Uses” and “Residential”. The County Development Plan and associated zoning were subject to Appropriate Assessment and it was determined that the implementation of the Plan, alone or in-combination with other plans or projects, will not have the potential to result in adverse effects to European Sites.

The NIS provides a summary of recent permissions in the area. The majority of the cited permissions are small scale and would not give rise to significant effects. The upgrade of the Castlemartyr WWTP is also considered in the context of potential in-combination effects (PA Ref: 22/6416). The upgrade was subject to Natura Impact Statement which concluded that, provided all mitigation measures are implemented the upgrade will not result in adverse effects to European Sites downstream, namely the Ballymacoda Bay European Sites. The Planning Authority completed an Appropriate Assessment for this project and determined that this project will not have the potential, alone or in-combination with other plans or projects, to result in adverse effects to European Sites. On the basis of this determination, it can be

concluded that the current project will not have the potential to combine with this other project to result in cumulative adverse effects to the Ballymacoda Bay European Sites.

Table 5.1 lists the Conservation Objectives attributes and targets for each of special conservation interests of the Ballymacoda Bay SPA and the qualifying features of interest of the Ballymacoda Bay SAC and assesses the potential for the project to result in adverse effects to these attributes and targets.

Mitigation Measures

Section 6 of the applicant's NIS sets out a description and evaluation of Mitigation Measures. Targeted mitigation measures are provided to safeguard against the potential effects of the project to the water quality of the Kiltha River, Dower River, the Womanagh River to which the two former rivers drain and the Womanagh River Estuary downstream during the construction phase and operation phase of the project.

The construction phase of the project will adhere to best practice guidance, particularly the CIRIA guidance document C532 Control of water pollution from construction sites. The NIS sets out measures for storage of materials on site, construction on temporary compound over an impermeable barrier, establishment of refuelling areas in designated areas, storage of cement and concrete in a bunded area and measures to avoid accidental spillages. The NIS outlines that the implementation of the surface water management system will ensure that all surface water generated at the site throughout the operation phase will be adequately managed and treated and will ensure no pollution threat to the Kiltha or Dower River, the Womanagh River downstream and the Ballymacoda Bay European Sites at the Womanagh River outfall.

The NIS outlines that the mitigation measures and environmental safeguards to control pollution and safeguard water quality outlined for the project are taken from established best practice guidelines that have been successfully implemented for a wide range of sites that have operated as permitted waste facilities.

The NIS concludes that: *"Based upon the information provided in this NIS, it is the considered view of the authors of this NIS that it can be concluded by the Planning*

Authority that the project will not, alone or in combination with other plans or projects, result in significant adverse effects to the integrity and conservation status of European Sites in view of their Conservation Objectives and on the basis of best scientific evidence and there is no reasonable scientific doubt as to that conclusion”.

NIS Assessment

I have relied on the following guidance: - Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, DoEHLG (2009); Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC, EC (2002); Managing Natura 2000 sites, The provisions of Article 6 of the Habitats Directive 92/43/EEC, EC (2018).

The main aspects of the development that could impact the conservation objectives of the European sites are through deterioration of surface and ground water quality which outfall to the Ballymacoda Bay European Sites.

A range of mitigation measures are provided in the NIS, for the construction and operational phases of the development. These include mitigation measures to protect the water quality. Overall, I consider that the proposed mitigation measures are clearly described, and precise, and definitive conclusions can be reached in terms of avoidance of adverse effects on downstream Natura 2000 sites. Overall, the measures proposed are effective, reflecting current best practice, and can be secured over the short and medium term and the method of implementation will be through a detailed management plan and appropriate monitoring through the construction phase of the development.

Appropriate Assessment Conclusion

The proposed residential development at Gortnahomna More, Castlemartyr, Co. Cork has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

Having carried out screening for Appropriate Assessment of the project, it was concluded that the proposed development may have a significant effect on the following European Sites Nos. 004023 Ballymacoda Bay SPA and 000077 Ballymacoda (Clonpriest and Pillmore) SAC. Consequently, an Appropriate

Assessment was required of the implications of the project on the qualifying features of the site in light of their conservation objectives.

Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the following European Sites Nos 004023 Ballymacoda Bay SPA and 000077 Ballymacoda (Clonpriest and Pillmore) SAC subject to the implementation of appropriate mitigation measures.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives of the Ballymacoda Bay SPA (004023) and Ballymacoda (Clonpriest and Pillmore) SAC (000077).
- An assessment of in combination effects with other plans and projects including historical projects, plans and current proposals.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Ballymacoda Bay SPA (004023) and the Ballymacoda (Clonpriest and Pillmore) SAC (000077).

I consider it reasonable to conclude that on the basis of the information submitted in the NIS report, including the recommended mitigation measures, and submitted in support of this application, that the proposed development, individually or in combination with other plans or projects would not be likely to adversely affect the integrity of the Ballymacoda Bay SPA (004023) and Ballymacoda (Clonpriest and Pillmore) SAC (000077).

APPENDIX 3 - Form 1 - EIA Pre-Screening

Case Reference	322566-25
Proposed Development Summary	150 houses, creche and associated site development works.
Development Address	Gortnahomna More, Castlemartyr, Co. Cork
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	<p>Part 2, Schedule 5, Class 10 Infrastructure Projects – (b)</p> <p>(i) Construction of more than 500 dwelling units. (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p> <p>The number of housing units proposed in this instance is 150 which is well below the 500-unit threshold, while the site area at c. 6.88 ha gross (net site area 4ha) is also below the 10ha threshold for urban development in other parts of a built-up area that's not a business district.</p> <p>Class 15 relates to any project listed in Part 2 of Schedule 5 which does not exceed a quantity, area or other limit specified in Part 2 in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.</p>

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input checked="" type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Appendix 4: Form 3 - EIA Screening Determination Form

A. CASE DETAILS

An Bord Pleanála Case Reference	322566-25	
Development Summary	Residential Development comprising 150 houses, creche and associated site development works. Access to the development is proposed via the N25.	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	<p>The Planning Authority's assessment concurs with the conclusions of the applicant's Screening Report. The planner's report dated 23/01/2025 outlines the following in respect of EIA Screening:</p> <p><i>"The proposed number of units and site area are well below the mandatory thresholds for EIA. Having regard to the screening detail submitted as per schedule 7A, the characteristics of the receiving site, the standalone nature of the proposal relative to neighbouring developments, the proposal does not trigger the requirements for sub threshold EIA".</i></p>
2. Has Schedule 7A information been submitted?	Yes	
3. Has an AA screening report or NIS been submitted?	Yes	An AA Screening Report and Natura Impact Statement have been submitted in conjunction with the application.

4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No		
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	The Cork County Development Plan 2022-2028 has been subject to SEA The proposed development has been subject to Screening for Appropriate Assessment.	
B. EXAMINATION	Yes/ No/ Uncertain	<p>Briefly describe the nature and extent and Mitigation Measures (where relevant)</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	<p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p>
This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith			
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The existing character of development in the vicinity of the site comprises a mix of residential and agricultural use. Lands to the north, west and southwest of the site comprise residential development. The proposed development comprises two-three storey buildings which are consistent with the existing character of development within the vicinity of the site. The	No

		character and scale of the development reflects that within the vicinity of the site.	
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	No	<p>The site is currently greenfield and in agricultural use. The proposed development will result in the development of the site for residential purposes. No demolition works are proposed as part of the development. Having regard to the nature of the development, namely a permanent residential development, decommissioning works are not relevant.</p> <p>No waterbodies traverse the site. Detailed mitigation measures are set out within the Construction Management Plan and NIS to negate against groundwater and surface water pollution in the area. Subject to the implementation of these mitigation measures I am satisfied that the development will not result water quality impacts.</p>	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	No	<p>Construction materials will be typical for a residential development of this nature and scale. The submission on file from Uisce Éireann confirms that there is capacity to cater for the operational phase water supply to the development.</p>	No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	No	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation of the standard construction practice measures outlined in the CEMP would satisfactorily mitigate potential impacts.</p> <p>Operational waste generated will generally be domestic waste from residential units and will be disposed of by a licensed contractor. No</p>	No

		significant negative impacts are anticipated due to production of wastes during the construction or operational phases of the development.	
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	No	Construction activities will require the use of potentially harmful materials, such as fuels and other similar substances and give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature, and with the implementation of the standard measures outlined in the Construction Management Plan, the project would satisfactorily mitigate the potential impacts. Operational waste would be managed through a waste management plan to negate against potential environmental impacts. Other operational impacts in this regard are not anticipated to be significant.	No
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	No	Operation of the standard measures listed in the Construction Management Plan, will satisfactorily mitigate emissions from spillages during construction and operation. The operational development will connect to mains services and discharge surface waters only after passing through fuel interceptors and SUDS. Surface water drainage will be separate to foul services within the site.	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	No	There is potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised and short term in nature, and their impacts would be suitably mitigated by the operation of standard measures listed in the Construction Management Plan and Lighting proposals.	No

1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	No	Construction activity is likely to give rise to noise, dust emissions and contaminated run off. Such construction impacts would be temporary and localised in nature and the application of standard measures within the Construction Management Plan and Operational Waste Management Plan would satisfactorily address potential risks on human health. No significant operational impacts are anticipated for the piped water supplies in the area.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not located in proximity to any Seveso/COMAH designated sites. Parts of the site are located within Flood Zone B within the Cork County Development Plan. A Site-Specific Flood Risk Assessment was submitted in support of the application. This outlines that the proposed residential development is located on lands which are identified within Flood Zone C.	No
1.10 Will the project affect the social environment (population, employment)	No	Development of this site would result in an increase in population in this area. The development would provide housing that would serve towards meeting an anticipated demand in the area.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	A Masterplan has been submitted in support of the application. This illustrates indicative future residential development on the overall land holding. Any future proposal will be subject to separate planning applications.	No

2. Location of proposed development			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> - European site (SAC/ SPA/ pSAC/ pSPA) - NHA/ pNHA - Designated Nature Reserve - Designated refuge for flora or fauna - Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 	No	<p>The appeal site is not located within or adjacent to any designated European site. The nearest proposed Natural Heritage Area is the Clasharinka Pond pNHA which is located c.170m to the east of the site. (Site Code 001183). The appeal site is separated from the pNHA by existing residential development fronting the N25 and no linkages are identified between the appeal site and the pNHA. This pNHA is buffered from the project site and as such activities associated with the project will not have the potential to result in direct impacts.</p> <p>An AA Screening Report and NIS was submitted in support of the application. The nearest European sites are listed in Appendix 1 of this report. Protected habitats or habitats suitable for substantive habituating of the site by protected species were not found on site during ecological surveys. On the basis of the implementation of mitigation measures, the proposed development would not result in significant impacts to any protected sites, including those downstream.</p>	
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	No	<p>The proposed development would not result in significant impacts to protected, important or sensitive species. An Ecological Impact Assessment is submitted in support of the application. This outlines that existing habitat on site includes willow scrub, hedgerows and bee orchard. The proposed landscaping plan provides for the retention and enhancement of the existing hedgerow along the western and eastern boundary of the project site. Native species, comprising oak, alder birch, hawthorn, Scot's</p>	No

		<p>Pine and cherry will be used as part of the tree planting mix to enhance these boundaries. As noted in Section 5.1.2 above the project will result in a c. 51% loss of the existing willow scrub habitat at the north of the site. This willow scrub habitat is of recent origin and species poor. Notwithstanding this it has been identified as a KER for the project. In order to offset the loss of this willow scrub woodland habitat will be provided throughout the project site. All stands of bee orchid will be translocated within the application site.</p> <p>The EcIA outlines that no breeding sites or resting places of protected terrestrial non-volant mammals such as badgers or otters were noted within or immediately adjacent to the project site and the construction phase of the project will not have the potential to result in significant disturbance to non-volant terrestrial mammals. Given that the hedgerows and drainage ditch on site are to be retained there will be no loss of linear habitat that has potential to function as foraging habitat for bats.</p> <p>The EcIA outlines that given the disturbed nature of the site, the local bird population supported by the project site is likely to be well habituated to human activity and the construction works associated with the project are not predicted to have the potential to result in significant disturbance to birds. Given that yellowhammer was not confirmed as breeding at the project site during the 2024 breeding season as well as the small area of arable land to be lost to the proposed development, in the context of the extensive and widespread availability of this habitat in the surrounding area, the impact of this loss for the local yellowhammer population will not be significant and will not undermine the</p>	
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		conservation status of this species at the local scale.	
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?		There are no protected structures on site. The site is not located within a Conservation area or Architectural Conservation Area. An Archaeological Impact Assessment was submitted in support of the application. This outlines that there are no recorded archaeological monuments within the subject site. The closest RMP is located 60m to the north of the site (CO077-092). The AIA concludes that there is no predicted impact from the development on any recorded archaeological sites. The AIA provides a summary of previous archaeological investigations undertaken on parts of the application site as part of proposals under PA Ref: 17/04624. No archaeological features or material were found on the appeal site. An area of archaeological interest was found on the field to the south which is outside of the current proposed development site. The AIA concludes that potential for archaeological remains on site are low.	No
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No	Detailed measures are set out within the EcIA to protect existing hedgerows and the development includes relocation of bee orchid species on site and retention of areas of willow. No residential development is proposed within this area of the site.	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	No	The proposed development is not likely to have significant effects on the lake on site which is not subject to works. Surface water from the development will discharge to the storm water sewer network on the N25. The site is identified in Flood Zone B as set out within the Cork County Development Plan SFRA. A Site-Specific Flood	No

		Risk Assessment was submitted in support of the application which summarised that the proposed residential development is located in Flood Zone C and is not at risk of flooding.	
2.6 Is the location susceptible to subsidence, landslides or erosion?	No		No
2.7 Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?		Access to the development is proposed via the N25. A Traffic and Transport Assessment was submitted in support of the application. No significant contribution to traffic congestion is anticipated to arise from the proposed development.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?		No. The proposed residential development reflects the nature of development within the vicinity of the site.	No
3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?		Section 3.3 of the applicant's EIA Screening report addresses cumulative effects associated with existing and or approved plans and projects. No significant planning applications within Castlemartyr are identified. The Screening Report provides a summary of small - scale applications within the village relating to single dwellings, extensions and telecommunications infrastructure. Permission for the upgrade of the Castlemartyr Wastewater Treatment Plant was permitted in August 2023 (PA Ref: 22/6416). These works are currently underway. The EIA Screening Report outlines that permitted & approved developments have been subject to environment assessments.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?		No.	No

3.3 Are there any other relevant considerations?			No
C. CONCLUSION			
No real likelihood of significant effects on the environment.	<input checked="checked" type="checkbox"/>	EIAR Not Required	
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Required	
D. MAIN REASONS AND CONSIDERATIONS			
<p>EG - EIAR <u>not</u> Required</p> <p>Having regard to: -</p> <ol style="list-style-type: none"> the criteria set out in Schedule 7, in particular <ol style="list-style-type: none"> the nature and scale of the proposed housing development, in an established residential area served by public infrastructure the absence of any significant environmental sensitivity in the vicinity, and the location of the proposed development outside of the designated archaeological protection zone the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended) the results of other relevant assessments of the effects on the environment submitted by the applicant the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, <p>The Commission concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.</p>			

Inspector: _____

Date: _____

Assistant Director of Planning: _____

Date: _____

APPENDIX 5 - WFD IMPACT ASSESMENT**STAGE 1: SCREENING****Step 1: Nature of the Project, the Site, and Locality**

An Bord Pleanála Ref. No.	ABP-322566-25	Townland/Address	Gortnahomna More, Castlemartyr, Co. Cork
Description of project	The proposed development is for a residential development of 150 houses, a creche and associated site development works. The development includes the creation of a new access to the site from the N25, car parking and all associated development.		
Brief site description, relevant to WFD screening	<p>The appeal site, which has a stated area of 6.88 ha, is located west of Catlemartyr along the N25. The site comprises 3 separate undeveloped field. The northern field is overgrown, and the southern fields are in agricultural use.</p> <p>The Site-Specific Flood Risk Assessment submitted in support of the application outlines that the topography of the site varies from approximately 12mOD adjacent to the N25, falling to approximately 10-11m OD to the south of the road and then up to 22-24mOD on the southern boundary.</p> <p>The Castlemartyr Zoning Map as set out within the Cork County Development Plan identifies that part of the northern portion of the application site is within Flood Zone B. The Site-Specific Flood Risk Assessment submitted in support of the application outlines that this is associated with the Dower River and an overland flow in between a karst sink hole and spring. A Hydraulic model of existing watercourses within the vicinity of the site was undertaken to SFRA. This identifies that the entirety of the application site is within Flood Zone C and is not at risk of fluvial flooding from any modelled watercourses.</p>		

	<p>The application documentation outlines that the subsoil of the site is Till derived from Devonian sandstones. The GSI Bedrock Aquifer is identified as a Regionally Important Aquifer.</p> <p>The groundwater vulnerability for the subject site is described as both "moderate" (to the north) and "high" (to the south) according to GSI. The agricultural lands to the south of the site are located within an area of "Extreme Vulnerability".</p> <p>Existing watercourses within the vicinity of the site are identified in the Flood Risk Assessment and from review of EPA mapping. The nearest watercourse to the site is the Kiltha River which flows from north to south c.350m west of the subject site. It flows through Castlemartyr town and converges with the Womanagh River c.1 km south of the subject site near Ladysbridge.</p> <p>The Womanagh River is located c. 1.15km to the south of the site. The river flows in an eastern direction in the vicinity of the appeal site.</p> <p>The Dower River is located c.700m east of the site and is also a tributary of the Womanagh River. The Dower River is classified as a subterranean river to the east of Castlemartyr. The Site-Specific Flood Risk Assessment outlines that the River enters a Swallow Hole approx. 1.4km northeast of the site and resurfaces approx. 800m to the east via spring system.</p>
Proposed surface water details	<p>Surface water from the proposed residential development will be managed via a surface water network that includes Sustainable Drainage Systems (SuDS). The surface water will be attenuated and controlled on-site before being discharged at a rate lower than the existing runoff rate. This will be achieved as part of the proposed surface water infrastructure design through the interception and attenuation of existing runoff from the N25. The 300mm diameter public stormwater system along the N25 will serve as the</p>

	<p>discharge point. Water will be conveyed along the existing 300mm stormwater system and will discharge to the Kiltha River to the west of the application site. The development incorporates several SuDS features, including permeable paving, swales, rainwater harvesting, filter drains, tree pits, raingardens, petrol interceptors, and an attenuation area.</p>
Proposed water supply course and available capacity	<p>Water supply is from the public main and there is available capacity according to the Uisce Éireann submission on this file.</p>
Proposed wastewater treatment system and available capacity and any other issues	<p>The proposed wastewater drainage will collect effluent from the residential units via a main wastewater drainage network located within the development's access roads and discharge by gravity to the existing public wastewater network to the north of the site along the N25. Foul wastewater will then outfall to Castlemartyr WWTP for treatment. The submission from Uisce Éireann outlines that wastewater connection is feasible subject to upgrades. The submission from Uisce Éireann outlines that "in order to accommodate the proposed connection at the Development, upgrade works are required to increase the capacity of Castlemartyr WWTP. Uisce Éireann currently has a project underway which will provide the necessary upgrade and capacity. This upgrade project is scheduled to be completed in 2026 (may be subject to change) and the proposed connection could be facilitated as soon as possibly practicable after this date".</p> <p>The Uisce Éireann Wastewater Treatment Capacity Register published in December 2024 outlines that there is spare capacity available within the Castlemartyr WWTP on the basis of capacity available on completion of a project currently at construction. As detailed within the submission on file from Uisce Éireann the upgrade to the Castlemartyr WWTP is currently underway with an envisaged completion date of 2026. The Uisce Éireann website outlines that the upgrade will increase the plant's capacity from</p>

			a Population Equivalent (PE) of 2,000 to 3,400. The submission on file from Uisce Éireann raises no concern in relation to the capacity of the WWTP. The proposed connection of the existing foul network is deemed acceptable subject to upgrades. The Uisce Éireann Annual Environmental Report for 2023 for Castlemartyr states the wastewater treatment plant (WWTP) which discharges to the Kiltha/Womanagh River was not compliant with the ELV's set in the wastewater discharge licence for the following: ortho-Phosphate (as P) - unspecified mg/l, Ammonia-Total (as N) mg/. The report outlines that “the discharge from the wastewater treatment plant does not have an observable negative impact on the Water Framework Directive status”.				
Others?			No.				
Step 2: Identification of Relevant Water Bodies and Step 3: Source-Pathway-Receptor (S-P-R) Connection							
Identified water body	Distance (metres)	Water body name (code)	WFD status (2016-2021)	Risk of not achieving WFD status i.e. at risk, review, not at risk	Identified pressure on that water body	Pathway linkage to water feature e.g. surface water run-off, drainage, groundwater	
River Waterbody – Kiltha River – Womanagh River	c. 350 west of the appeal site	EPA Name: Womanagh EPA Code 19W01 Womanagh _020	Moderate	At risk	Agriculture, Urban wastewater	Surface water run-off	

		IE_SW_19W011300 Segment Code 19_1909				
River Waterbody – Dower River – Womanagh River	Approx 700m east from appeal site.	EPA Name: Annistown EPA Code 19A24 Womanagh _020 IE_SW_19W011300 Segment Code 19_1824	Moderate	At Risk	Agriculture, wastewater Urban	Surface Water Run – off Hydrological link
River Waterbody – Womanagh River	Approx 1.15km south of appeal site	EPA Name: Womanagh EPA Code: 19W01 IE_SW_19W011300 Segment Code: 19_1823	Moderate	At Risk	Agriculture, Wastewater Urban	
Groundwater waterbody – Midleton	Underlying site Poorly productive bedrock	Midleton Groundwater body (IE_SW_G-058)	Good	Review	N/A	Drainage to groundwater
Step 4: Detailed Description of any Component of the Development or Activity that may Cause a Risk of Not Achieving the WFD Objectives Having Regard to the S-P-R Linkage						
Construction Phase						

No.	Component	Water body receptor (EPA code)	Pathway (existing and new)	Potential for impact / what is the possible impact	Screening stage mitigation measure(s)	Residual risk? Y/N Detail	Determination to proceed to Stage 2. Is there a risk to the water environment? If 'screened in' or 'uncertain' proceed to Stage 2
1.	Site clearance & construction	<p>Midleton Groundwater body (IE_SW_G-058)</p> <p>River Waterbody – Kiltha River – Womanagh River</p> <p>EPA Name: Womanagh</p> <p>EPA Code 19W01</p> <p>River Waterbody – Dower River – Womanagh River</p>	Groundwater infiltration	Water Pollution - Deterioration of surface water & groundwater water quality from pollution via infiltration of run off to groundwater during site preparation and construction	Mitigation measures set out within the NIS, EcIA and Construction Management Plan. The detailed measures include appropriate storage and bunding of potentially hazardous materials set out include groundwater monitoring.	No. I am satisfied that the preventative measures which are aimed at interrupting the S-P-R will reduce possible effects to a non-significant level.	Screened out

		EPA Name: Annistown EPA Code 19A24 River Waterbody – Womanagh River EPA Name: Womanagh EPA Code: 19W01					
2.	Flood risk	River Waterbody – Kiltha River – Womanagh River EPA Code 19W01 Womanagh _020 IE_SW_19W011300 Segment Code 19_1909		Flood risk to development site.	The SFRA of the Cork County Development Plan identifies Flood Zone B on the appeal site. The Site-Specific Flood Risk Assessment identifies the site is located within Flood Zone C. I am satisfied that proposed development would not be affected by flooding	No. I am satisfied within the conclusions of the Site-Specific Flood Risk Assessment that the site is within flood zone C. I am satisfied that the surface water strategy for the site will negate against surface water run-off from the site.	Screened out.
Operational Phase							

1.	Surface water run-off	<p>River Waterbody – Kiltha River – Womanagh River EPA Name: Womanagh EPA Code 19W01</p> <p>River Waterbody – Womanagh River EPA Name: Womanagh EPA Code: 19W01</p>	<p>Surface water from the development will discharge to the existing sewer pipe along the N25 which outfalls to the Kiltha River to the west of the site.</p> <p>The Kiltha River then outfall to the Womanagh River.</p>	Deterioration of surface water quality	<p>Surface water from the development will be managed via a surface water network that includes Sustainable Drainage Systems (SuDS). SuDS measures include Incorporation of grit and petrol/oil interceptors.</p>	<p>No. I am satisfied that the surface water strategy for the site will negate against contaminated surface water run-off from the site.</p>	Screened out
2.	Discharges to ground	<p>Dublin Groundwater body (IE_EA_G_008)</p> <p>Underlying site</p>	Drainage	Reduction in groundwater quality	<p>Surface water from the development will be managed via a surface water network that includes Sustainable Drainage Systems (SuDS)</p>	<p>No residual risk. This is a standard residential development with negligible volumes of hydrocarbon leakage etc.</p>	Screened out.

Decommissioning Phase

Decommissioning is not anticipated as this is a permanent residential development
