



An
Coimisiún
Pleanála

Inspector's Report ABP-322693-25

Development

Construction of 57 residential units, ESB substation and all associated site works. A Natura Impact Statement (NIS) was submitted with the application.

Location

Colla Road, Skull (Townland), Skull, Co. Cork

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

24225

Applicant(s)

Carmina Properties Limited

Type of Application

Permission

Planning Authority Decision

Grant with Conditions

Type of Appeal

Third Party x 3

Appellant(s)

Dan and Kate McCarthy
Andrew & Eugenie Mackey
Emma & Sean Murphy

Observer(s)

Nicholas Mulcahy

Date of Site Inspection

4th August 2025

Inspector

Mary Crowley

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1.0 Site Location and Description

- 1.1. The appeal site, which extends to a 2.25 ha, is a greenfield site located off Colla Road via Chestnut Grove and is approximately 400m south of Schull town centre. The site is surrounded by existing residential development to the north, east and south with lands to the west used for agricultural purposes. Copper Point, a residential estate, is located immediately to the north of the site but there is no direct access between the appeal site and this estate. The site adjoins Grove House to the east with Holy Trinity Church c26m further east. The site is marginally overgrown with an unsurfaced vehicular track running through the site. There is a number of large spoil mounds on the site. The site has its highest point to the east of the site approximately 40m above sea level and the lowest point to the west at 28m above sea level. The main part of the site is at the higher elevation, but there is a significant drop in elevation to the road level.
- 1.2. I refer to the photos and photomontages available to view throughout the file. Together with a set of photographs of the site and its environs taken during the course of my site inspection serve to describe the site and location in further detail.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of 57 no. residential units (comprising a mix of 3, 4 and 5 bed dwelling houses and 1 and 2 bed duplex/apartment units) and all associated ancillary development works including, vehicular and pedestrian access on to Colla Road, via Chestnut Grove, a pedestrian connection to Copper Point residential estate, footpaths, lighting, parking (vehicular and bicycle), drainage, landscaping, amenity areas, bin and bike storage, ESB Substation and undergrounding of overhead electricity power lines.
- 2.2. The application was accompanied by the following:
- Cover Letter
 - Planning & Design Statement
 - Part V Costs & Methodology
 - Design Statement & Schedule of Accommodation
 - Housing Quality Assessment

- Landscape & Green Infrastructure Report
- Engineering Services Report
- Drainage Impact Assessment
- CCTV Inspection Report (Dyno Rod)
- Mobility Management Plan
- Preliminary Construction & Environmental Management Plan
- Transport Assessment & Parking Strategy
- Stage 1 & 2 Road Safety Audit
- DMURS Compliance Statement
- Public Lighting Design Report
- Ecological Impact Assessment
- Stage 1 Appropriate Assessment
- Natural Impact Statement
- Archaeological Impact Assessment
- Verified Photomontage Pack
- Letter of Consent
- Deed of Transfer

2.3. The principal development statistics are as shown below:

Site Area	2.25 ha (gross)
Net Development Area	2.13 ha (net)
Total GFA	6995.7 sq.m
No of Units	57
Density	26.8 units per hectare (uph)
Building Height	1 - 2 storeys
Car Parking	113 spaces
Bicycle Parking	26 spaces
Motorcycle Parking	3 spaces

Public Open Space	2680.5 sqm (12.6% of the net site)
Part V	6 units
Houses	
<i>Unit Type</i>	<i>No of Units</i>
3 Bed	35
4 Bed	8
4+ Bed	4
Total	47
Apartments	
<i>Unit Type</i>	<i>No of Units</i>
1 Bed	2
2 Bed	8
Total	10

2.3.1. **Further Information** (FI) was submitted on 11th September 2024 and may be summarised as follows:

- Portacabin and two mature trees are shown on the submitted plans. Portacabin to be removed. Both trees have extensive deadwood and are required to be removed. Noted that Tree Survey Report was not submitted with response.
- The red line boundary aligns with the applicant's ownership and folio boundaries
- Swept Path Analysis submitted demonstrates that a large car, fire engine and a refuse lorry can enter and exit the site via Chestnut Grove.
- A 1 m wide pedestrian gate proposed to be installed to No 1 Chestnut Grove. Applicant happy to agree details with owner.
- Amended and updated CEMP that includes hours of construction, mitigation measures to reduce impacts on existing residents and locations for any stockpiling of building materials and earth.

- Attenuation measures to include a storm water tank to deal with water from Copper Point housing estate before entering the storm water system on the appeal site.
- Survey of the 50m downstream storm water network confirmed that this section of culvert is not accessible. The existing storm water route discharging to the foreshore is the preferable option as it is a shorter than the alternative route heading north to the village centre.
- Phasing plan submitted. Two phasing options proposed and depend on market interest in specific dwelling types at the time of construction. Central open space to be provide in Phase 1 of both options. The pedestrian linkage to Copper Point to be provided as part of Phase 2 in both options.
- Car Parking allocation drawing submitted which demonstrates that all houses will be provide with 2 no car parking spaces. On curtilage car parking spaces will be provided with ducting and isolator switches to enable EV charging.
- All attenuation tanks have been revised to reinforced concrete attention tanks from modular “stormcell types”.
- Site specific boundary treatments between the front gardens and the adjoining estate footpath, between the rear gardens and the adjoining estate footpath and / or amenity, between the adjoining private gardens, between development and Copper Point to the north and play area.
- Details for engineered fill solutions to the retaining structure to be used in the terraced landscaped area opposite the ESB substation.
- Waste enclosure proposals submitted.
- Surface treatment details submitted for estate road, cul de sacs, footpaths, car parking, raised tables and play area.
- Proposed estate name and numbering scheme submitted.
- Reference is made to an email from Inland Fisheries Ireland (IFI) that stated that the onsite drain (a man-made feature to drain agricultural land) was dry and highly unlikely to be fish bearing at any time of the year. This email has not been made available with appeal file. Stated that the drain is not a natural feature and is not considered to be a watercourse and thus a 10m buffer zone is not applicable.
- Invasive Species Survey and Management Plan submitted. Japanese Knotwood is located in a number of areas but mostly occurs where fill from another site has

been deposited. Management Plan outlines appropriate techniques for removal and application of herbicides for invasive species.

- Revised Ecological Impact Assessment submitted that includes mitigation and compensatory measures. Stated that should bat roosts be present or are potentially facilitated on site an application will be made to the NPWS for a derogation license.
- Amphibian survey submitted. There was no evidence of amphibians on any of the site at the time of surveying. There are no potential impacts anticipated. No mitigation measures are necessary. There are no residual impacts.
- Details of planting mix proposed is outlined in the Planting Schedule.

2.4. The FI was accompanied by the following:

- Architects Further Information Report
- Engineers Report
- Housing Quality Assessment
- Gabion Analysis
- Public Lighting Design Report
- Amphibian Survey
- HAPAS Certificate
- Landscape & Green Infrastructure Report
- Preliminary CEMP
- Boundary Treatment
- Swept Path Analysis
- Attenuation Tank Details & Sections
- Invasive Species Survey & Management Plan
- Ecological Impact Assessment Revised.

2.4.1. **Revised public notices** were submitted on 17th September 2024. As part of this submission the applicant submitted the following for clarity:

- The SUDs methodology to be used on site is outlined in the Drainage Impact Assessment (DIA) which was submitted with the application. Details are also highlighted on Drawing No DR-CE-03800 and DR-CE-03801.

- The proposed SUDs features include permeable paving, tree pits, filter strips and water butts.

2.4.2. The Planning Authority granted the applicant an **extension of time** to 24th March 2025.

2.4.3. **Clarification of Further Information** was submitted on the 19th March 2025 and may be summarised as follows:

- Documentation submitted provides ownership details highlighting the extent of ownership under the control of the applicant and the resident of No 1 Chestnut Grove together with a topographical survey.
- A Swept Path Analysis has been undertaken. Given the details of the traffic count / assessment, it is considered that the provision of signalisation at the junction is excessive and should not be imposed on the applicant to deliver.
- Detailed cross sections have been prepared for the proposed junctions at Chestnut Grove / Colla Road.
- A storm water tank to deal with water from Copper Point housing estate before entering the storm water system of the proposed site is proposed.
- Revised details for the 3 no reinforced concrete tanks have been provided.
- Topographical survey drawings detailing the existing information for Chestnut Grove Estate entrance and Copper Point which includes the existing sewer connection points on the public road has been provided.
- Amended car parking allocation drawing.
- Revised boundary plan incorporating a 2m high rendered concrete block wall with precast capping to all boundaries where private gardens adjoin the public realm.
- A licensed invasive species treatment specialist has outlined treatment methods to be used for the total eradication of the Japanese Knotwood on site. The Invasive Species Management Plans has been revised in response to these treatments.
- Tree Survey submitted.

2.4.4. The clarification was accompanied by the following:

- Architects Further Information Report

- Solicitors letter confirming the applicant is the registered owner of the lands identified in red in the planning application and that they have sufficient legal interest to carry out the development as proposed.
- Amended car parking drawing
- Surface water drainage report
- Natura Impact Statement Updated
- Invasive Species Survey & Management Plan
- Construction & Environmental Management Plan
- Ground Penetrating Radar & Utility Detection Survey
- Tree Survey
- Traffic Survey

2.4.5. **Further unsolicited information** was submitted on 2nd May 2025 in relation to stormwater drainage calculations prepared using Causeway Flow modelling software to assess performance of the proposed drainage system and attenuation measures. No adverse impacts to the existing Copper Point Estate will arise and the proposed system will prevent detrimental effects to residential properties, roads or public areas.

2.4.6. The submission was accompanied by the following:

- Surface Water Layout

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Cork County Council issued notification of decision to grant permission on 13th May 2025 subject to 52 no conditions summarised as follows:

1.	The proposed development shall be carried out in accordance with the plans and particulars lodged with the Planning Authority on 03/05/2024 and as amended on 16/07/2024*, 11/09/2025, 17/09/2025, 19/03/2025 and 02/05/2025, save where amended by the terms and conditions herein. <i>*there is no evidence of any submissions on the planning file on this date i.e. 16/07/2024</i>
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2.	Details of a looped traffic light signalisation system to be installed at the Chestnut Grove access entrance junction with the Colla Road / L-4407-54
3.	Detailed design for the resurfacing of Colla Road / the L-4407-54
4.	Revised swept path analysis drawings with details of the access road STOP line moved back clear of the swept area
5.	Details of an agreement of the location of the pedestrian access gate(s) to serve Chestnut Grove No.1 with the landowner
6.	Details of the storm water 'safety margin' to account for variations in permeability, future land use changes and climate-related rainfall increases
7.	Revised final detailed drawing of the Chestnut Grove access entrance and Colla Road / L-4407-54 junction for written agreement
8.	Road Safety Audit Stages 1 and 2 for the revised completed design of the Chestnut Grove access road and its junction with the Colla Road / L-4407-54
9.	The Chestnut Grove access entrance and Colla Road / L-4407-54 resurfacing works shall be completed and operational three months prior to commencement of any construction works
10.	Roof covering shall be slate coloured dark grey or blue / black
11.	External walls shall be uniformly finished in a neutral shade of painted plaster.
12.	Part V
13.	Section 47 agreement that restricts all residential units permitted to first occupation by individual purchasers
14.	Phasing to be agreed
15.	Compliance with Recommendations for Site Development Works for Housing Areas' (Dept. of the Environment and Local Government, 1998)
16.	Archaeological Heritage monitoring
17.	Sight distances of 50 metres, in both directions, at a point 2.4 metres back from the edge of the public road shall be provided
18.	Vegetation or any structure shall not exceed 1m in height within the sight distance triangle.
19.	Existing roadside drainage arrangements shall be preserved
20.	Survey of existing foul sewer and storm sewer in the public road to be submitted
21.	Surface water shall not be permitted to flow onto the public road from the site.

22.	Surface water shall not be permitted to enter the foul sewer.
23.	No dust, mud or debris shall be carried onto or deposited on the public road/footpath.
24.	All solid waste shall be recycled as far as possible.
25.	Construction and Demolition Resources Waste Management Plan
26.	Developer shall clean any spillages on the public roads
27.	Wheel washes to be installed at the site entrance(s)
28.	No occupation until the water and sewage services are installed and functioning in accordance with UE connection agreement
29.	Accurate record drawings of roads and services to facilitate future maintenance.
30.	Developer shall be responsible for maintenance of roads and services until taken in charge by the Council
31.	Traffic calming measures in accordance with Section 4 of the Council's 'Making Places: A design guide for residential estate development' s
32.	All roads shall be finished with bituminous macadam surfacing.
33.	Compliance with Cork County Council's Public Lighting Manual and Product Specification 2023.
34.	Compliance with Appendix H, Figure 4, of the Cork County Council Public Lighting Manual and Product Specification 2023
35.	Prior to the occupation of any units, the public lights shall be switched on
36.	Public Lighting design
37.	Public lighting columns shall not interfere with traffic
38.	No trees shall be planted within 10m of a public light.
39.	Tree cutting to be undertaken outside of the bird breeding season
40.	Natura Impact Statement measures
41.	Construction Environmental Management Plan
42.	Compliance with Ecological Impact Assessment Report mitigation measures
43.	Landscaping
44.	Ecological Clerk of Works
45.	A pre-construction survey for amphibians

46.	Invasive species shall be treated and removed from the site by an IASP specialist, in accordance with the Invasive Alien Species Management Plan.
47.	Bilingual naming and numbering scheme
48.	Noise and dust control during construction
49.	Boundary treatments
50.	Uisce Eireann connection agreement
51.	Bond.
52.	Section 48 Development Contribution

3.2. Planning Authority Reports

3.2.1. Case Planner Reports

Planning Application

3.2.2. The **Case Planner** in their first report recommended that the further information be sought in relation to the following concerns as summarised.

- Uncertainties with regard to two mature trees within the heart of the site and an existing delapidated portacabin towards the eastern part of the site that are not indicated on the submitted Drawing Numbers 00001 and 00002.
- Serious concerns in relation to the width of the existing junction of the private road at „Chestnut Grove” onto the L-4407-54 (Colla Road) and to the control of lands and uncertainty with regard to the impact on third party boundaries which adjoining the road junction.
- Concerns in relation to the width of the existing junction of the private road at Chestnut Grove onto the L-4407-54 (Colla Road) and “Swept Path” analysis for a fire engine and refuse vehicle.
- Uncertainty and concerns whether existing and future residents of 1 Chestnut Grove on the northside of the access road can safely exit their property on foot.
- Uncertainty with regard to the mitigation measures that would be used to minimise the impact of construction traffic utilising Chestnut Grove.

- Uncertainty regarding the storm water attenuation measures for the lower catchment area.
- Uncertainty regarding the condition of the stone culvert which discharges to the foreshore.
- Uncertainty with the phasing of the dwelling units and the provision of the pedestrian linkage with the Copper Point housing estate adjacent to the development to the north, the phasing of the proposed estate and the provision of open space and landscaping and the provision of the neighbourhood play area.
- Concerns with regard to the extent of parking and the remoteness of spaces and with regard to the provision of EV charging points within the development site.
- Concerns with the use of modular storm cell surface water units.
- Uncertainty with regard to boundary treatment.
- Uncertainty with regard to the extent of retaining walls.
- Concerns with regard to the area for dedicated public waste, turning area and uncertainty with regard to the type of structures to be provided and maintained.
- Uncertainty with regard to the surface treatment type and colour of the estate road, pathways, steps, car parking areas, race tables and neighbourhood play area.
- Insufficient information on signage and house numbering within the estate.
- Insufficient detail and uncertainty in relation to surface water management measures to protect the existing drainage ditch which is hydrologically connected to the Roaringwater Bay and Islands Special Area of Conservation.
- Insufficient surveying of known invasive species.
- The site is directly hydrologically connected to the Roaringwater Bay and Islands Special Area of Conservation and insufficient surveying of known invasive species and there are insufficient management measures.
- Concerns regarding the removal of extensive treelines, drains and wetland/pond on site which may have biodiversity value.
- Uncertainty with regard to the landscaping scheme and planting of wildflower seed mix.

- 3.2.3. The **Senior Executive Planner** having considered the report of the Case Planner provided an additional assessment of the scheme. They endorsed the recommendation of the Case Planner and recommended that FI be sought.
- 3.2.4. Further information was requested on the 25th June 2024.

Further Information

- 3.2.5. Further information was submitted on 11th September 2024. The **Case Planner** considered the response to be significant and requested the submission of revised public notices. Revised public notices were submitted on 17th September 2024
- 3.2.6. The **Case Planner** having considered the FI recommended that the following Clarification of FI be sought:
- Serious concerns in relation to the width of the existing junction of the private road at Chestnut Grove onto the L-4407-54 (Colla Road) and to the control of lands and uncertainty with regard to the impact on third party boundaries which adjoin the road junction.
 - Concerns in relation to the width of the existing junction of the private road at Chestnut Grove" onto the L-4407-54 (Colla Road) and Swept Path analysis for a fire engine and refuse vehicle.
 - Uncertainty with regard to the mitigation measures that would be used to minimise the impact of construction traffic utilising Chestnut Grove.
 - Uncertainty regarding the storm water attenuation measures for the lower catchment area.
 - Concerns with regard to the extent of parking and the remoteness of spaces and with regard to the provision of EV charging points within the development site. Concerns with the use of modular storm cell surface water units.
 - Uncertainty with regard to some aspects of the boundary treatment.
 - The site is directly hydrologically connected to the Roaringwater Bay and Islands Special Area of Conservation and there is insufficient surveying of known invasive species and there are insufficient management measures.

- The absence of the Arboriculture Assessment / Tree Survey Report prepared by Total Tree Services.

3.2.7. The **Senior Executive Planner** having considered the report of the Case Planner provided an additional assessment of the scheme. They endorsed the recommendation of the Case Planner and recommended that Clarification of FI be sought.

3.2.8. Clarification of Further Information was requested on the 8th November 2024.

3.2.9. The Planning Authority granted the applicant an extension of time to 24th March 2025.

Clarification of Further Information

3.2.10. Clarification of Further Information was submitted on 19th March 2025. The Senior Executive Planner in their final report and having considered the clarification of further information recommended that permission be granted subject to 52 no conditions. The notification of decision to grant permission issued by Cork County Council reflects this recommendation.

3.2.11. **Other Technical Reports**

Planning Application

3.2.12. **Public Lighting Report** - No objection subject to conditions. Conditions No 33 – 38 of the notification of decision to grant permission reiterates these conditions:

3.2.13. **Estates** - Requested further information in relation to phasing, an amended and updated CEMP to include hours of construction and mitigation measures to minimise the impact to the residents of Chestnut Grove, car parking and EV charging points, surface water attenuation proposals to include reinforced concrete attenuation tanks, boundary treatments, details of the retaining walls to be utilised throughout the development, proposals for the waste enclosures to be provided at the head of the 4 cul de-sac roads, surface treatment, including type and colour identified parts of the scheme and bi-lingual name and numbering scheme for the proposed estate.

- 3.2.14. **Archaeology** – No objection subject to a condition requiring archaeological monitoring. Condition No 16 of the notification of decision to grant permission refers.
- 3.2.15. **Conservation** – Proximity to Grove House which is an NIAH Site 20840036 and Holy Trinity Church which is listed in the Record of Protected Structures RPS ID969 “Holy Trinity Church & Wall and is also an NIAH Site 20840037. The application is supported by photomontages and visual impact assessment (within design statement) as recommended at preplanning. The development will not unduly impact on the visual amenity of the NIAH and RPS sites. No objection to planning being granted.
- 3.2.16. **Environment** - No objection subject to conditions. Conditions No 24-25 of the notification of decision to grant permission reiterates these conditions.
- 3.2.17. **Housing Officer** – No objection.
- 3.2.18. **Engineering** – Requested further information in relation to Chestnut Grove access road compliance with DMURS, pedestrian exit from No1 Chestnut Grove and the condition of the last 50 m of the culvert.
- 3.2.19. **Ecology** - Requested further information in relation to the ecological details of the drainage ditch, details of protection measures to safeguard the drain during construction and operation, the culverting of onsite drains is not supported, submission of an Invasive Species Survey, the results of which shall inform the assessment of such impacts on the Roaringwater Bay and Islands SAC as an addendum to the Natura Impact Statement, wholesale site clearance as proposed is not supported, Amphibian Survey and existing treelines, hedgerow and individual mature trees should be retained.
- 3.2.20. **Area Engineer** - Requested further information (as summarised):
- Revised road layout to split vehicular access between Copper Point Estate and Chestnut Grove Estate
 - Chestnut Grove access to be designed in accordance with DMURs with third party boundary agreements as required
 - Swept path assessment
 - Provision of pedestrian exit to No 1 Chestnut Grove
 - Provision of EV charging points
 - Stormwater attenuation

- Condition of the 50m of 600mm x 600mm storm sewer in Colla Road

Further Information

3.2.21. **Area Engineer** – Recommended refusal for the following reason:

It is considered that the proposed development is premature pending the preparation and adoption of a Local Area Plan for the area in accordance with the Guidelines issued by the Department of Environment, Heritage and Local Government, "Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) issued in May 2009 which seek to ensure a more plan-led approach to development. Furthermore, the proposed development would be premature pending the determination by the Planning Authority of a road layout for the area in conjunction with the Local Area Plan which would offer an alternative access to the site. Therefore, the proposed development would be contrary to the proper planning and sustainable development of the area.

3.2.22. **Director of Services Planning & Development** – Stated that the issue of roads was discussed at length with the Senior Engineer Roads, and that the following clarification should be sought:

- The applicant should be asked to clarify the swept path analysis and provide clarity with regard to all vehicular movements on all 3 approaches to and from the junction.
- This analysis should include more detailed analysis of traffic movements coinciding with traffic at morning peak
- Provide a detailed cross section of the proposed junction at Chestnut Grove.

3.2.23. **Senior Executive Engineer** – Notes the potential of splitting the traffic with the Copper Point estate and stated that this should be investigated.

3.2.24. **Estates Engineer** – Notes that the fundamental concern is the limited entrance road width available at the Colla Road junction and its suitability to cater for the traffic generated by an additional 57 dwelling units. The road widths achievable are not sufficient but defers to the Councils Area Roads Office to determine this issue. Additional information is sought as summarised:

- 1) Mitigation measures to minimise construction vehicular movement impact on the residents of the Chestnut Grove estate.
- 2) Revised layout showing 2 car parking spaces to each dwelling including details of EV charging points for each dwelling
- 3) Revised size of proposed reinforced concrete attenuation tanks
- 4) Boundary treatments between rear gardens and public footpath / open space

3.2.25. **Ecology** – Invasive Species Specialist is required together with revised Invasive Plant Species Management Plan (IASMP) prepared by an Invasive Alien Species specialist to ensure that all potential for significant effects on the Roaringwater Bay and Islands SAC is assessed in full and adequately mitigated at the planning stage. These measures shall also be included in the CEMP. Applicant to submit an Arboricultural Assessment / Tree Survey Report.

3.2.26. **Environment Unit** – No objection subject to conditions. No conditions are provided.

3.2.27. **Archaeologist** – As per primary report.

3.2.28. **Conservation Officer** – Satisfied that the development will not unduly impact on the visual amenity of the NIAH at Grove House and / or Holy Trinity Church.

3.2.29. **Senior Engineer Housing** – No objection.

Clarification of Further Information

3.2.30. **Environment** – No objection.

3.2.31. **Area Engineer** - No objection subject to stated conditions. Conditions No 2, 3, 4, 16, 5, 51, 7, 9, 17, 18, 19, 21 and 23 refer.

3.2.32. **Estates Engineering** – No objection subject to stated conditions. Condition No 51, 2, 22, 48, 23, 26, 15, 47, 14, 27, 28, 50, 29, 30, 31 and 32 reflect these conditions in the notification of decision to grant permission.

3.2.33. **Ecology** - No objection subject to stated conditions. Condition No 39, 40, 41, 42, 43, 44, 45 and 46 reflect these conditions in the notification of decision to grant permission.

3.2.34. Prescribed Bodies

Planning Application

3.2.35. Uisce Éireann (18/06/24) - No objection subject to the following conditions:

- Connection agreement to be signed prior to commencement of the development. The cost of approx. 250m of water network upgrades, required to provide additional capacity for the development will be included in the connection fee.
- Capacity requirements and proposed connections will be subject to the constraints of the Uisce Eireann Capital Investment Programme.
- All development to be carried out in compliance with Uisce Eireann Standard codes and practises

3.2.36. Uisce Éireann (26/06/24) - No objection in principle. A Pre Connection Enquiry was submitted, and a Confirmation of Feasibility has been issued advising the water / wastewater connections are feasible subject to upgrades (water). Approximately 250m of water network upgrades will be required to provide additional network capacity. The applicant will be required to fund these local network upgrades. Requested that any grant of permission be conditioned as follows:

The applicant shall enter into a Connections Agreement(s) with Uisce Eireann to provide for a service connection(s) to the public water supply and / or wastewater collection network an adhere to the standards and conditions set out in the agreement

All development shall be carried out in compliance with Uisce Eireann's Standard Details and Codes of Practise.

Uisce Eiran does not permit Build Over of its assets. Where the applicant proposes to build over or divert existing water or wastewater services the appclaint shall have received written Confirmation of Feasibility (COF) of Diversion(s) from Uisce Eireann prior to any works commencing.

Reason: *To provide adequate water and wastewater facilities.*

3.2.37. Inland Fisheries Ireland

- Irish Water / CCC to indicate that there is sufficient capacity in existence so that it does not (a) overload either hydraulically or organically existing treatment facilities,

(b) result in pollution matter entering waters of (c) cause or contrite to non-compliance with existing legislative requirements.

3.3. Third Party Observations

3.3.1. Planning Application

3.3.2. There are 8 no observations recorded on the planning file from (1) Dan & Kate McCarthy, (2) Andrew & Eugenie Mackay, (3) Lia Choice & Aisling Dineen (Power of Attorney for Donald Choice), (4) Olivia & Micheal Meagher, (5) Emma & Sean Murphy, (6) Valerie & Gerard Owens, (7) Anne Marie Rogan and (8) John Nyhan.

3.3.3. The issues raised relate to impact to residential amenities, traffic, cyclist and pedestrian safety, non-compliance with design standards, delay in documents being available online, road infrastructure requires improvement, inadequate road access and entrance at junction with Colla Road, legal interest, inadequate Road Safety Audit, inadequate cycling laneway and pedestrian footpath provision, construction traffic impact, premature given the restrictions in water supply and wastewater and electricity capacity in the area, overlooking, loss of amenity and privacy, inadequate provision private opens pace, boundary treatment, surface water drainage, future maintenance, invasive species on site, phasing and construction hours.

3.3.4. Further Information

3.3.5. There are 7 no observations recorded on the planning file in response to the FI submission from (1) Andrew & Eugenie Mackay, (2) Dan & Kate McCarthy, (3) Vary Finlay & Others, (4) Olivia & Micheal Meagher, (5) Emma & Sean Murphy, (6) Valerie & Gerard Owens and (7) Lia Choice & Aisling Dineen (Power of Attorney for Donald Choice).

3.3.6. The issues raised relate to the junction of Chestnut Grove onto Colla Road will constitute a traffic hazard and is not capable of managing up to 120 cars delivery, emergency vehicles, vehicular waste collection trucks and bicycles, legal interest, appclaint claiming title to property not in their ownership, scheme is unsafe to pedestrians and young children, proposed pedestrian gates onto Colla Road is not feasible, a footpath that runs on the northern side of Chestnut Grove access is required, adverse impact on residential amenities, construction impact to properties on Chestnut Grove, design and density is unsuitable for Schull, a comprehensive

drainage assessment mitigated plan is required, boundary treatment, invasive species, phasing and completion date and no consultation with residents of Chestnut Grove.

4.0 Planning History

4.1. There are two previous appeals on the site that may be summarised as follows:

4.2. **ABP 220563 (Reg Ref 06/494)** – Cork County Council granted permission subject to 24 no conditions for a residential development with access from Colla Road on lands at Skull Townland, Schull, Co. Cork, comprising i) 56 no. residential units to include a mix of terraced, detached and duplex units, ii) 82 no. car parking spaces and iii) all associated landscaping and site development works at Location: Skull Townland, Schull, Co. Cork. Following two third party appeals the Board refused permission for two reasons as follows:

- 1) *The proposed development would be premature by reference to an existing deficiency in the provision of water supplies and sewerage facilities and the period within which the constraints involved may reasonably be expected to cease.*
- 2) *It is an objective of the current Local Area Plan to ensure that land zoned for new residential development is not used for the provision of tourist accommodation such as holiday homes except on a small scale. This objective is consistent with objective ECO 4-4 of the Cork County Development Plan 2003 as varied and is considered reasonable. The proposed development, where the majority of the proposed dwellings would be used for second homes or holiday homes, would materially contravene the said objective in the local plan for the area. In addition, it is considered that the public notices do not adequately describe the nature of the uses in the proposed development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

4.3. **ABP 237445 (Reg Ref 08/2115)** – Cork County Council refused permission for a residential development with vehicular access from the Colla Road, comprising (i) 45 number residential dwellings, (ii) 100 number car park spaces and (iii) five number bin stores, bike stands, and all associated landscaping and site development works at

Skull Townland, Schull, County Cork. The single reason for refusal related to the development being premature by reference to an existing deficiency in relation to the provision of water supplies and sewerage facilities and the period in which the constraints involved may reasonably be expected to cease. Following a first party appeal the Board refused permission for a single reason as follows:

- 1) *The proposed development would be premature by reference to an existing deficiency in the provision of water supplies and sewerage facilities and the period within which the constraints involved may reasonably be expected to cease. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

5.0 Policy Context

5.1. National Planning Policy

5.1.1. Project Ireland 2040 - National Planning Framework

5.1.2. The NPF comprises the Government's proposed long-term strategic planning framework to guide national, regional and local planning and investment decisions over the next 25 years. Part of the vision of the NPF is managing growth and targeting at least 40% of all new housing in existing built-up areas of cities, towns and villages through infill and brownfield sites while the rest of new homes will be targeted on greenfield edge of settlement areas and within rural areas. The NPF also sets out a number of National Strategic Outcomes which include Compact Growth and Strengthened Rural Economies and Communities. These include:

- NSO 1 - Compact Growth
- NSO 7 - Enhanced Amenity and Heritage
- NPO 3a - Securing Compact & Sustainable Growth
- NPO 3c - Securing Compact & Sustainable Growth
- NPO 4 - Why Urban Places Matter (Community)
- NPO 5 - Why Urban Places Matter (Economy/Prosperity)
- NPO 6 - Why Urban Places Matter (The Environment)

- NPO 9 - Planning for Ireland's Urban Growth (Ireland's Towns)
- NPO 11 - Achieving Urban Infill/Brownfield Development
- NPO 13 - Performance-Based Design Standards
- NPO 32 - Housing
- NPO 33 - Housing (Location of Homes)
- NPO 34 - Housing (Building Resilience in Housing - Lifetime Needs)
- NPO 35 - Housing (Building Resilience in Housing - Density)

5.1.3. **Climate Action Plan 2024**

5.1.4. The Climate Action Plan 2024 sets out the measures and actions that will support the delivery of Ireland's climate action ambition. Climate Action Plan 2024 sets out the roadmap to deliver on Ireland's climate ambition. It aligns with the legally binding economy-wide carbon budgets and sectoral ceilings that were agreed by Government in July 2022. Ireland is committed to achieving climate neutrality no later than 2050, with a 51% reduction in GHG emissions by 2030. These legally binding objectives are set out in the Climate Action and Low Carbon Development (Amendment) Act 2021.

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

5.1.6. **National Biodiversity Action Plan (NBPA) 2023-2030**

5.1.7. The 4th NBAP strives for a "whole of government, whole of society" approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to "act for nature". This National Biodiversity Action Plan 2023-2030 builds upon the achievements of the previous Plan. It will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues:

- Objective 1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity

- Objective 2 - Meet Urgent Conservation and Restoration Needs
- Objective 3 - Secure Nature's Contribution to People
- Objective 4 - Enhance the Evidence Base for Action on Biodiversity
- Objective 5 - Strengthen Ireland's Contribution to International Biodiversity Initiatives

5.2. **National Guidance**

- Design Manual for Urban Roads and Streets (2013)

5.3. **Section 28 Ministerial Guidelines**

5.3.1. The following national policy, statutory guidelines, guidance and circulars are also relevant:

- Housing for All: A New Housing Plan for Ireland (2021)
- Rebuilding Ireland: Action Plan for Housing & Homelessness (2016)
- Appropriate Assessment Guidelines (2009)
- Architectural Heritage Protection Guidelines (2011)
- Childcare Facilities Guidelines (2020)
- Environmental Impact Assessment Guidelines (2018)
- Flood Risk Management Guidelines (2009)
- Regulation of Commercial Institutional Investment in Housing Guidelines (2021)
- Urban Development and Building Heights Guidelines (2018)
- Best Practice Urban Design Manual (2009)
- Quality Housing for Sustainable Communities (2007)
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023)
- Design Standards for Apartments, Guidelines for Planning Authorities (2025)

- Childcare Facilities Guidelines for Planning Authorities (2020)
- Part V of the Planning and Development Act 2000 Guidelines (2017)
- Local Area Plans Guidelines for Planning Authorities (2013)
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2018)

5.4. Regional Guidelines

5.4.1. Southern Regional Assembly - Regional Spatial and Economic Strategy (SRA-RSES)

5.4.2. The Strategy supports the implementation of Project Ireland 2040 and the National Planning Framework (NPF). The RSES provides a development framework for the region through the provision of a Spatial Strategy, Economic Strategy, Metropolitan Area Strategic Plan (MASP), Investment Framework and Climate Action Strategy. The Metropolitan Strategic Area Plans (MASPs) is an integrated land use and transportation strategy for the Cork, Limerick-Shannon and Waterford Metropolitan Areas, which seeks to manage the sustainable and compact growth of the Metropolitan Area.

5.4.3. Across the Region, there are examples of smaller-scale settlements that have a significant role in employment provision to their surrounding communities, often in highly skilled, world-leading innovative sectors. These well-established networks of settlements are strategically driving sub-regional growth and opportunities for further potential networks. Examples include:

West Cork Marine Network: a network based on the N71 West Cork to South Kerry Corridor across settlements of Clonakilty as the Key Town with Skibbereen, Bantry, Schull and Castletownbere, leveraging significant marine economy, tourism, food and beverage, digital and other assets with strategic transport connections to the Cork Metropolitan Area. (emphasis added)

5.4.4. The RSES acknowledges the special role of coastal settlements including Schull by recognising that the tourism and leisure sectors can help support and promote traditional and new marine-based industries and activities.

5.5. Development Plan

5.5.1. The operative plan for the area is the **Cork County Development Plan 2022-2028**.

The site is zoned *SC-R-02 Medium B Density Residential Development (2.1ha)*. a small portion of the site which consists of an existing access road onto Colla Road via Chestnut Grove and a connection link with Copper Point housing estate to the north, is zoned *Existing Residential (ER)*. The objective for this zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities.

5.5.2. The following objectives are relevant to the proposal:

5.5.3. Volume One – Main Policy Material

- Chapter 2 Core Strategy

CS 2-7: Network of Settlements – County Towns (Schull) - *To provide a better balance of development between each town and its rural hinterland and fulfil their role as economic and employment centres providing for the needs of their extensive rural hinterlands, so that they can become the location of choice for most people especially those with an urban employment focus.*

- Chapter 4 Housing

HOU 4-2: Reserved Land for Social and Affordable Housing - *Lands zoned for residential / housing or lands zoned for a mixture of residential / housing and other uses, including all lands identified in this Plan will require a mandatory 20% of which at least half must be for social housing purposes and the balance can be applied to affordable and/or cost rental housing purposes in accordance with the principles, policies and programmes for action set out in the Joint Housing Needs Demand Assessment and Joint Housing Strategy.*

Notwithstanding the above, the Part V contribution applicable to a grant of planning permission remains at 10% (to be applied to social housing only) until 31st July 2026 for all land purchased in the period between 1st September 2015 and 31st July 2021. Where the planning permission is granted after 1st August 2026, the applicable percentage will be 20% in all cases. Please refer to Housing Circular 28/2021 issued by the Department of Housing Local Government and Heritage.

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.*

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 <5,000 population and key villages as part of sequential development.

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.

▪ Chapter 14 Green Infrastructure and Recreation

GI 14-6: Public/Private Open Space Provision

- a) Public Open Space within Residential Development shall be provided in accordance with the standards contained in Cork County Council's Interim Recreation & Amenity Policy (2019) and any successor policy, the "Guidelines on Sustainable Residential Development in Urban Areas" and "Making Places : a design guide for residential estate development. Cork County Council Planning Guidance and Standards Series Number 2".*
- b) Promote the provision of high quality, accessible and suitably proportioned areas of public open space and promote linking of new open spaces with existing spaces to form a green infrastructure network.*

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

▪ Chapter 15 Biodiversity and Environment

BE 15-2: Protect sites, habitats and species

- a) *Protect all natural heritage sites which are designated or proposed for designation under European legislation, National legislation and International Agreements. Maintain and where possible enhance appropriate ecological linkages between these. This includes Special Areas of Conservation, Special Protection Areas, Marine Protected Areas, Natural Heritage Areas, proposed Natural Heritage Areas, Statutory Nature Reserves, Refuges for Fauna and Ramsar Sites. These sites are listed in Volume 2 of the Plan.*
- b) *Provide protection to species listed in the Flora Protection Order 2015, to Annexes of the Habitats and Birds Directives, and to animal species protected under the Wildlife Acts in accordance with relevant legal requirements. These species are listed in Volume 2 of the Plan.*
- c) *Protect and where possible enhance areas of local biodiversity value, ecological corridors and habitats that are features of the County's ecological network. This includes rivers, lakes, streams and ponds, peatland and other wetland habitats, woodlands, hedgerows, tree lines, veteran trees, natural and semi-natural grasslands as well as coastal and marine habitats. It particularly includes habitats of special conservation significance in Cork as listed in Volume 2 of the Plan.*
- d) *Recognise the value of protecting geological heritage sites of local and national interest, as they become notified to the local authority, and protect them from inappropriate development*
- e) *Encourage, pursuant to Article 10 of the Habitats Directive, the protection and enhancement of features of the landscape, such as traditional field boundaries,*

important for the ecological coherence of the Natura 2000 network and essential for the migration, dispersal and genetic exchange of wild species

BE 15-7: Control of Invasive Alien Species - *Implement best practice to minimise the risk of spread of invasive alien species, on Council owned or managed land, and require the development and implementation of Invasive Alien Species Management Plans for new developments where required.*

- Chapter 18 Zoning and Land Use

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*

ZU 18-9: Existing Residential/Mixed Residential and Other Uses – *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.*

5.5.4. Volume Five - West Cork

- Schull is identified as a Main Town in the settlement hierarchy for West Cork and is an important employment, service, social and cultural centre in this area.
- The 2016 Census of population showed that the population of Schull has increased by 42 persons (6%) since 2011. This plan sets an overall population target of 909 for the year 2028 which represents a projected population increase of 209 persons. Therefore, in order to meet this population target there is a need to make provision for approximately 80 additional dwelling units over the plan period to 2028.
- Of the 80 new housing units to be provided over the plan period, 60 housing units can be delivered on residentially zoned land and the balance of 20 units can be

delivered within the built footprint of the town. This Plan has made provision for a residential net land supply of approximately 3.1 ha.

- SC-R-02 is located close to the town centre and can contribute to the delivery of compact growth and consolidation of the built envelope of the town. Residential zoned lands can avail of connections to roads and other water services infrastructure.
- A recurring issue for Schull has been the need to ensure that the demands for housing from permanent residents are not overwhelmed by that for tourist accommodation or second homes.
- The principal concern regarding residential development in Schull is to ensure a balance between permanent residents and holiday visitors avoiding an excess of often vacant holiday homes
- The Council recognises the importance of protecting the biodiversity value of these unique sites. Schull is located in an area of the county which is designated as a High Value Landscape (HVL). Within these High Value Landscapes considerable care will be needed to successfully locate large scale developments without them becoming unduly obtrusive.
- General Objectives for Schull include:

SC-GO-01 - *Plan for development to enable Schull to achieve its target population of 909 persons.*

SC-GO-02 - *In order to secure the sustainable population growth and supporting development proposed in SC-GO-01, appropriate and sustainable water and wastewater infrastructure that will secure the objectives of the relevant River Basin Management Plan and the protection of Roaring Water Bay and Islands Special Area of Conservation, must be provided and be operational in advance of the commencement of any discharges from the development. Wastewater infrastructure must be capable of treating discharges to ensure that water quality in the receiving harbour does not fall below legally required levels.*

SC-GO-04 - *The green infrastructure, biodiversity and landscape assets of Schull includes the marine and intertidal coastal habitats of Roaringwater Bay, the stream corridors, mature trees, woodland, and other open spaces. 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.

5.6. Natural Heritage Designations

- 5.6.1. The appeal site is not located in or immediately adjacent to a European Site. Schull is located directly adjoining the Roaringwater and Islands Special Area of Conservation (cSAC-0101) and proposed Natural Heritage Area of Roaringwater Bay and Islands (pNHA-0101).

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. There are three third party appeal on file from (1) Emma & Sean Murphy, (2) Andrew & Eugenie Mackey and (3) Dan and Kate McCarthy that may be summarised as follows:

6.1.2. Emma & Sean Murphy

1) Road safety

- Permission has been granted for one 2m footpath and a 5m carriageway, these fall below the minimum thresholds set out by the Senior Executive Planners standards and is inadequate for such a large number of cars and associated vehicles such as bin trucks, delivery vans, emergency vehicles etc. No dedicated cycle lane or shared pedestrian / cycle paths are proposed. The 'Chestnut Grove access entrance is inappropriate for construction traffic given its size, layout and junction with a main public road.
- Based on independent site surveys, advice from appellants solicitor and approaches from the Applicant to procure the required land, the minimum road & footpath width cannot legally be met by using land within the Applicant's ownership.

- Appellant will not have safe access to / from their house under the proposed plans. The installation of a raised table hinders the safe access by negatively impacting the appellants ability to reverse vehicles from their driveway.
- Colla Road, towards the main town Schull is not currently designed to accommodate safe pedestrian or cyclist traffic coming from the Chestnut Grove access entrance into the town.

2) Negative impact on the amenity of appellants residential property

- To facilitate access to this development the Applicant is proposing to remove a hedgerow and place it with a concrete and post fence and have the access road for the proposed development run on the immediate other side of this fence. No permission or approval has been given to a fixed structure being erected along the boundary property with No. 1 Chestnut Grove.
- The current amenity and recreational enjoyment of the appellants home will be negatively impacted by removal of this hedgerow and replacement with concrete fence, the other side of which will be an access road for 57 residential units with no allowance for separation of this roadway/traffic volume from our boundary.

3) Conditions of Grant:

Condition	Appellant Comment
2	Traffic lights positioned immediately outside No 1 Chestnut Grove will result in a negative impact on the amenity this property including: ▪ signal lights will be visible through windows especially at night-time where 2 of our bedrooms overlook this junction ▪ cars waiting for lights to change will create noise and pollution ▪ traffic waiting at lights will interfere/block the access to the property ▪ noise from pedestrian signal will be audible in the outdoor garden Appellants has not had an opportunity to review this proposed new road design or provide any commentary in relation to it
5	The proposed details in the planning Applicants most recent submission to create a pedestrian gate at the west of No 1 Chestnut Grove is not feasible for the owners of this land. There is a shed located in this area which prevents access to this corner of the

	property and the land is at a steep incline which would require steps to access. A second proposed pedestrian gate located on the Colla Road would be through an existing lawn area and would create a security concern along a busy main public road. In addition both of the proposed pedestrian access locations would be a significant distance from the front door of the house.
7	The current design encroaches on the appellants property ownership and as such the final drawing of the entrance will have a direct impact on their property. To be excluded from being able to provide submissions on the final design of this access entrance is unacceptable.
8	There is a clear road safety issue in the access to the appellants property in the current proposed access road layout. No review has been performed of how vehicles are to enter / exit the appellants property safely to date and this condition does not allow for any further consideration of this road safety issue.
17	This condition cannot be met by the Applicant. Moving the sightline point to 2.4m back from the edge of the road would mean third party property boundaries would obstruct sightlines of 50m. Consequently, cars would have to go out into the public road to achieve proposed sightlines.

4) Ownership

The dimensions provided on the applicants Site Plan are not in line with those per the appellants own site survey. Every submission by the Applicant has shown a different point of boundary ownership. This inconsistency and changing of measurements raises concerns over the accuracy of the drawings prepared by the Applicant.

6.1.3. The appeal was accompanied by the following:

- Acknowledgement of Receipt of submission of Observation to CCC
- Letter from Foley Turnbull Solicitors LLP regarding incorrect claim by the applicant to legal interest / claim to appellants property dated 26th May 2025
- Drawing and images relating to the impact on amenity

- Drawings and images relating to Condition No 17 (50m sightlines at entrance to Chestnut Grove)
- Drawings and images relating to ownership

6.1.4. **Andrew & Eugene Mackey**

- We are of the view that the proposed development, including during construction, which is intended to be phased over many years, would endanger public safety by reason of the traffic hazard on both Colla Road and Chestnut Grove as evidenced by Conditions 2 - 5 and 7-9 attached to the permission.
- The applicant has not produced a swept path analysis for three types of vehicles at the junction of Colla Road and the access road to this development (Chestnut Grove) which satisfies the Council. Submitted that the current Chestnut Grove carriageway could never safely serve a development of this magnitude.
- The proposed development is premature having regard to the restricted water, sewage and electricity capacity.
- The proposed development would seriously injure the amenities of all property in the vicinity as it fails to address the drainage and structural difficulties associated with the nature and the change contours across the site and adjoining lands. Cork County Council has grave reservations in this regard as evidenced by conditions 6,9,20,21, and 22 attached to the permission.
- The residents of Chestnut Grove are extremely concerned at the scale and number of invasive species currently growing on the development site, and independent guarantees that the site is free of such invasive species must be provided before any construction work commences.

6.1.5. The appeal was accompanied by the following:

- Acknowledgement of Receipt of submission of Observation to CCC
- Observation submitted to CCC dated 25th September 2024 (includes photos)
- Observation submitted to CCC dated 4th June 2024

6.1.6. **Dan & Kate McCarthy**

Condition	Appellant Comment
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3	This condition does not specify that Chestnut Grove, i.e. the access road between the Colla Road and the proposed development site and which is owned by the developer, should also be upgraded/resurfaced.
4	Safe and unimpeded passage for Chestnut Grove residents needs to be assured during a construction process. Concerned that the width of the Chestnut Grove access road is insufficient to allow unimpeded entrance/egress of emergency vehicles, such as fire tenders and ambulances.
5	Based on the detailed submissions already provided by the owners of No 1 Chestnut Grove, this agreement does not exist.
8	It's difficult to see how any revised design of this narrow road could overcome the clear dangers to pedestrian, vehicular traffic and emergency access as well as allowing for appropriate width footpaths.
9	It should be clarified that resurfacing work should also be fully completed to the Chestnut Grove access road (owned by the developer) three months prior to commencement of any construction works within the proposed development site.
14	There is a real concern that there is limited demand in Schull for this scale/type of development and like Copper Point (by the same developer) it could remain a partially developed building site for years with unfinished roads and services.
30	The planning conditions should specify a minimum timeframe by which road surfaces, street lighting and surface water drainage are made good to an acceptable level to ensure public health and safety.

- Chestnut Grove access road has insufficient width for the proposed size/scale of the development, and associated increased levels of vehicular traffic, additional pedestrian and bicycle access (from both the proposed development and the existing Copper Point development).

- The planning conditions do not clearly specify an actual timeline as to when the Chestnut Grove access road will be brought to an acceptable health and safety standard. The timeline should no longer be at the sole discretion of the developer.
- The presence of invasive species on the site, in particular Japanese Knotweed, is of serious concern as it has the potential to cause structural damage to property if not carefully and professionally managed.
- Any conditions regarding the operation of a future development involving this developer, should be carefully monitored and enforced.

6.1.7. The appeal was accompanied by the following:

- Acknowledgement of Receipt of submission of Observation to CCC
- Observation submitted to CCC dated 30th September 2024 (includes photos)
- Observation submitted to CCC dated 3rd June 2024 (includes photos)

6.2. Applicant Response

6.2.1. The first party response to the third-party appeal x 3 was prepared and submitted by McCutcheon Halley Chartered Planning Consultants on behalf of the applicant and may be summarised as follows:

- 1) While the right to appeal the Council's decision is fully respected, it has to be pointed out that the issues raised in the third party appeals were comprehensively addressed at application stage and it is disappointing that the development has been appealed on grounds that are essentially the same issues raised at application stage and do not acknowledge the significant efforts that were made to address the issues raised during the planning application process.
- 2) The applicant has demonstrated with considerable detail that the required 2m wide footpath and 5m wide carriageway at Chestnut Grove can be provided as part of the proposed development. In addition, swept path analysis has been submitted to demonstrate that large vehicles and fire trucks can safely manoeuvre at the junction. This demonstrates that pedestrians and vehicular movements at the junction will be managed in a manner which complies with road safety. Condition No. 2 of the decision to grant will require the applicant to install a signalised junction at the junction to improve safety. The applicant will agree the design of this

signalisation with the Area Engineer as part of compliance in the event that the Board requires a signalised junction.

- 3) The proposed development including the improvements to Chestnut Grove in their entirety, can and will be carried out on lands within the applicant's ownership. The applicant has demonstrated this with specific, detailed information on the plans and particulars submitted during the application process.
- 4) The proposed development will have access to all necessary infrastructural requirements including surface water, water supply and foul drainage. Uisce Eireann have provided confirmation of same through a Confirmation of Feasibility.
- 5) The scale of development proposed aligns with planning objectives contained within the Cork County Development Plan 2022-2028. The proposed development is of an appropriate scale and density, which respects the existing receiving environment and integrates with the topography of the site.
- 6) All efforts have been made to ensure that the proposed development is designed to ensure that its layout blends in with the topography and existing receiving environment.
- 7) Site-specific mitigation measures have been detailed in the submitted Construction and Environmental management Plan (CEMP) to minimise the impact of the construction vehicular movements on the existing residents of Chestnut Grove estate.
- 8) A detailed Invasive Species Management Plan was submitted with the application material. The Plan was produced by both a licenced ecologist and a licenced invasive species treatment specialist. It is contended that the presence of invasive species on site can be appropriately dealt with on site and that suitable mitigation measures are in place to prevent the spread or introduction of invasive species on site.

- 6.2.2. The appeal response was accompanied by a letter from Padraig J Sheehan Solicitors setting out the following:

We hereby confirm that our client Carmina Properties Limited is the registered owner of the lands identified in red planning application boundary and has sufficient legal interest to carry out the development as proposed on the

attached drawing (Ref. 23021-OMP-ZA-SP-DR-A-4003) which is all located within Folio

6.3. Planning Authority Response

6.3.1. None

6.4. Observations

6.4.1. There is one observation recorded on the appeal file in support of a grant of planning permission from Nicholas Mulcahy, Strategic Planning Advisor to the Walsh Group Developments. The main points may be summarised as follows:

- The historic impediment to development at this location namely deficiency in sanitary services has been resolved.
- The principle and location of the site entrance / egress has been comprehensively addressed and decided in four previous planning applications and appeal decisions on these lands.
- The site is one of two parcels of land zoned for housing in Schull in the County Development Plan 2022 – 2028.
- The subject lands have been zoned in successive County Development Plan and Local Area Plans since 1996.
- The question of road access to the appeal lands, via what is now 1 – 4 Chestnut Grove was decided upon in the initial brace of applications lodged in 1997. The Development Plan 1996 included an access point arrow showing the entrance / egress being expressly from the Colla Road.
- The Board had no significant issue under PL.88.220563 and PL.08.237445 with the access to serve the application being solely from Colla Road.
- Carmina Properties Ltd are aware of the provision of Section 34(13) of the Planning and Development Act and are fully satisfied that they have sufficient legal interest to carry out the development as proposed.
- The proposed development fully accords with the proper planning and sustainable development of the area.

6.5. Further Responses

6.5.1. None

7.0 Environmental Impact Assessment Screening

7.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

8.0 Appropriate Assessment

8.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Roaringwater Bay and Islands SAC (Site Code – 000101) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U/ 177AE was required.

8.2. Following an examination, analysis and evaluation of the NIS and all associated material submitted, I consider that adverse effects on site integrity of the Roaringwater Bay and Islands SAC (Site Code – 000101) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

8.3. My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed including supervision and monitoring and integration into CEMP ensuring smooth transition of obligations to eventual contractor.
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the attainment of conservation objectives for the Roaringwater Bay and Islands SAC (Site Code – 000101)

9.0 Water Framework Directive Screening

- 9.1. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. Refer to Appendix 4: Water Status Impact Assessment – Screening Form of this report.
- 9.2. I conclude that on the basis of objective information, that 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
- 9.3. This conclusion is based on:
- Nature of the project, site and receiving environment.
 - Objective information presented in the appeal case documentation
 - Hydrological and hydrogeological characteristics of proximate waterbodies.
 - Absence of any meaningful pathways to any waterbody.
 - Standard pollution controls and project design features.

10.0 Assessment

- 10.1.1. Planning permission was sought on the 3rd May 2024 for the construction of 57 no. residential units (comprising a mix of 3, 4 and 5 bed dwelling houses and 1 and 2 bed duplex/apartment units) and all associated ancillary development works including, vehicular and pedestrian access on to Colla Road, via Chestnut Grove, a pedestrian connection to Copper Point residential estate to the north, footpaths, lighting, parking (vehicular and bicycle), drainage, landscaping, amenity areas, bin and bike storage, ESB Substation and undergrounding of overhead electricity power lines.

10.1.2. The scheme was amended by way of further information submitted on the 11th September 2024, revised public notices submitted on the 17th September 2024, clarification of further information submitted on the 19th March 2025 and unsolicited information submitted on 2nd May 2025. There were no changes to the number of units proposed or the general layout of the scheme during the consideration of the planning application by Cork County Council. A number of reports accompanying the application were revised in response to the requests from the planning authority and further additional reports were also submitted.

10.1.3. This assessment is based on the plans and particulars submitted on the 3rd May 2024, as amended on the 11th September 2024, 17th September 2024, 19th March 2025 and 2nd May 2025.

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

- Principle
- Access & Traffic Safety
- Residential Amenity
- Scale of Development
- Infrastructure Capacity
- Invasive Species
- Legal Interest
- Conditions
- Other Issues

11.0 Principle

11.1. **Zoning** - The site is located within the development boundary of Schull. There are two zonings assigned to the site as follows:

- The majority of the site and where it is proposed to locate housing and ancillary development works, is zoned *Residential*.

- A small portion of the site which consists of the existing access road onto Colla Road via Chestnut Grove, that is proposed to access the new housing development and a connection link with Copper Point housing estate to the north, is zoned *Existing Residential*.

- 11.2. As set out in the Development Plan, the 2016 Census of population showed that the population of Schull has increased by 42 persons (6%) since 2011. The plan sets an overall population target of 909 for the year 2028 which represents a projected population increase of 209 persons. Therefore, in order to meet this population target there is a need to make provision for approximately 80 additional dwelling units over the plan period to 2028. Of the 80 new housing units to be provided over the plan period, 60 housing units can be delivered on residentially zoned land and the balance of 20 units can be delivered within the built footprint of the town.
- 11.3. The Development Plan has made provision for a residential net land supply of approximately 3.1 ha in two separate parcels of zoned land in Schull namely SC-R-01 located to the north of the town and SC-R-02, the appeal site. I note from the Case Planners report that the other zoned lands to the north of the town are undeveloped. As set out in the Development Plan lands zoned SC-R-02 (appeal site) is located close to the town centre and can contribute to the delivery of compact growth and consolidation of the built envelope of the town.
- 11.4. Having regard to the foregoing I am satisfied that the residential development in terms of use and quantity accords with the land use zoning for the site.
- 11.5. **Visual Impact** – There are no Protected Structures on the site, but the site is in close proximity to Grove House which is an NIAH Site 20840036 and Holy Trinity Church which is listed in the Record of Protected Structures RPS ID969 “Holy Trinity Church & Wall” and is also an NIAH Site 20840037. The site is not located within an Architectural Conservation Area. The site is located in an Area of High Value Landscape and is located along a Scenic Route as per the County Development Plan.
- 11.6. I refer to the Landscape Visual Impact Assessment (LVIA) and the Visual Impact Assessment (within Design Statement) submitted with the application. In total 7 no views form which to assess the impact of the development were identified. Two views from within the development site itself, an additional 4 no views from a short distance away surrounding various parts of the site and 1 no view taken from a long distance,

to illustrate what impact, if any, the development would have on the visual unit or envelop of the landscape, and whether the landscape has capacity to absorb the development.

11.7. The zone of influence is the extent of potential visibility of the site from the surrounding area and is contained by topography and built structures. Most of the views to / from the site are short distance views, with some medium long-distance views towards Schull Harbour and Coosheen. Of the seven selected viewpoints the significance of the predicted visual impact on the existing landscape ranges from imperceptible to moderate. In relation to Holy Trinity Church, Grove House and the Area of High Value Landscape and designated Scenic Route the following is noted:

- **Viewpoint 1 Holy Trinity Church / Colla Road** is taken to the east of the site, along Colla Road, **facing Holy Trinity Church**. The vast majority of the proposed development will not be visible from this location given the careful design, orientation and positioning of dwellings and the existing screen provided. I agree with the conclusion of the LVIA that as a result, the magnitude of the proposed change / visual impact will be *Imperceptible*.
- **Viewpoint 2 Colla Road** is taken to the site, along Colla Road, **facing Grove Mews**. The vast majority of the proposed development will not be visible from this location given the careful design, the existing residential development and natural boundaries which will screen out the vast majority of development year-round. I agree with the conclusion of the LVIA that as a result, the magnitude of the proposed change / visual impact will be *Not Significant*.
- **Viewpoint 7 Coosheen** is taken from Coosheen, looking west towards Schull and the appeal site. The proposed dwellings blend in with the existing envelop of the town and have an imperceptible visual impact on the existing viewpoint. I agree with the conclusion of the LVIA that as a result, the magnitude of the proposed change / visual impact will be *Imperceptible*.

11.8. The proposed development will provide a high-quality residential scheme for this area on residential zoned lands with contemporary materials contributing positively to this suburban residential location. Given the merits of the proposed development, including high quality architectural finishes to the buildings, the development of a site zoned for residential development and with proposals that will see dwellings nestle

and blend in with the existing townscape, utilising the sites topography, it is a conclusion of the LVIA, that the proposed development will not result in a significant or adverse visual impact. Having regard to the LVIA I agree with comments of CCC Conservation that the development will not unduly impact on the visual amenity of Holy Trinity Church, Grove House and the Area of High Value Landscape and designated Scenic Route.

11.9. Further requirements set out for the site in the current Development Plan, National Guidance and the relevant Section 28 Guidelines are addressed as follows.

- The design of the scheme has been developed in accordance with national guidelines, in particular the Compact Settlement Guidelines 2024 and Design Standards for New Apartments. The scheme has been designed with regard to neighbouring developments and so as to ensure compatibility with the character of the area without negatively impacting on residential amenity. Particular impact to No 1 Chestnut Grove is considered under a separate section below.
- The proposal puts forward dwellings which will achieve a high building energy rating through passive solar gain and use of renewable energy sources.
- The internal roads and home zone areas have been designed to have regard to DMURS and Residential Development Guidelines (Section 28 Ministerial Guidelines) and Development Plan standards.
- The access road through Chestnut Grove is considered under a separate heading below.
- In terms of housing mix the scheme comprises 11 different house types with the provision of 1 and 2 bed apartments as well as a mix of 3, 4 and 5 bed dwellings. This is an acceptable mix and range of housing at this location.
- The proposed development provides separation distances that are in excess of the required 16m in all instances in line with SPPR1 Separation Distances of the Sustainable Residential Development and Compact Settlements –Guidelines for Planning Authorities 2024
- All of the proposed houses and apartments include private open space in accordance with the requirements of the Apartment Guidelines 2023 and Compact Settlement Guidelines 2024.

- The site layout includes one central open space and a smaller open space areas located along the northern boundary linking the proposed scheme with Copper Point to the north. Both spaces are high quality, usable and accessible with a kick about area and inclusive play areas. Both spaces combine provide 12.6% of the net site area as public open space which complies with the requirements of the Development Plan and the Compact Settlement Guidelines.
- The proposed layout responds to the orientation and topography of the site, and the open space has been centrally located to maximise passive surveillance from adjacent dwellings and encourage residents to move safely and freely. In addition, there is a proposed pedestrian and cycle connection to the neighbouring Copper Point residential estate to the north ensuring proper linkages and suitable permeability.
- Having regard to the unit mix, apartment floor area, dual aspect ratios, floor to ceiling heights and refuse storage I am satisfied that the scheme complies with the requirements of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines.
- In terms of materials and finishes it is proposed to use slate roofs and white render finish throughout. In some areas, zinc and cedar panelling is used to provide texture, contrast and variety. The scheme is in keeping with the vernacular architecture of West Cork and the requirements of the Development Plan.
- The matter of the “scale of the development” is raised in the appeal and therefore density is discussed separately below.

11.10. Overall, I am satisfied that the proposal has been designed in accordance with the provisions of the Cork County Development Plan, National Guidance and the relevant Section 28 Guidelines. It represents a positive and sustainable use of zoned, serviced and accessible lands. Accordingly, the principle of the scheme is acceptable at this location.

12.0 Access & Traffic Safety

12.1.1. Much of the appeal centres on concerns in relation to road safety and access on to Colla Road via Chestnut Grove at the construction and operational phase. It is submitted that vehicular access should be from the adjoining Copper Point estate to

the north rather than through Chestnut Grove. Specific concern is also raised in relation to pedestrian access to No 1 Chestnut Grove.

12.1.2. Vehicular access to the site is proposed via the existing estate roadway serving Chestnut Grove which accesses directly onto Colla road to the east. This existing entrance is within the 50kph speed limits for Schull. Chestnut Grove has not been taken in charge, and the access road is in very poor condition as observed on day of site inspection. The width of the access road averages 5.5m and there is an island type structure with planted trees located in the middle of the estate road.

12.1.3. In accordance with DMURS, the applicant has provided a 2m footpath and (minimum) 5m carriageway via Chestnut Grove. The applicant also proposes to construct a raised table at the entrance to the junction and 2 no. pedestrian crossings, with tactile paving, to ensure that both pedestrians and motorists will be able to access and exit Chestnut Grove in a safe manner. During the planning application process, the applicant was requested to carry out a series of swept path analyses where it was demonstrated that large vehicles, refuse lorries and fire trucks can all manoeuvre safely when accessing exiting the site. In addition, and following further feedback from Cork County Council, the applicant further proposed that a 10m stretch of double yellow lines be implemented on either side of the junction entrance, on Colla Road together with proposals for the signalisation of the junction between Chestnut Grove and Colla Road.

12.1.4. I refer to the Area engineers final report that set out the following:

"Given the proposed access road's carriageway and footpath are at the absolute minimum width due to boundary restrictions, it is preferable to include traffic calming measures at this junction to increase vehicular and pedestrian safety. The proposed traffic light signal arrangement will increase the safety for all road users at this access junction and prevent parking at the junction."

12.2. The Area Engineer added that *"a final detail design of the Chestnut Grove access road and Colla road junction will be required to include the above traffic calming measures and along with a stage 1&2 Road Safety Audit of final design proposal"*.

12.2.1. Having regard to the information on the appeal file together with my site visit I agree with the applicant and the Planning Authority that the most appropriate vehicular / pedestrian access serving this development is through Chestnut Grove connecting on

to Colla Road with a pedestrian and cycle link to Copper Point to the north. In line with the recommendation of the Area Engineer there is no objection to the scheme subject to conditions. Conditions No 2, 3, 4, 5, 7, 9, 16, 17, 18, 19, 21, 23 and 51 of the notification of the decision to grant permission reflects the recommendation of the Area Engineer. Conditions relevant to access to the site are summarised as follows:

Details of a looped traffic light signalisation system to be installed at the Chestnut Grove access entrance junction with the Colla Road / L-4407-54
Detailed design for the resurfacing of Colla Road / the L-4407-54
Revised swept path analysis drawings with details of the access road STOP line moved back clear of the swept area
Details of an agreement of the location of the pedestrian access gate(s) to serve Chestnut Grove No.1 with the landowner
Revised final detailed drawing of the Chestnut Grove access entrance and Colla Road / L-4407-54 junction for written agreement
Road Safety Audit Stages 1 and 2 for the revised completed design of the Chestnut Grove access road and its junction with the Colla Road / L-4407-54
The Chestnut Grove access entrance and Colla Road / L-4407-54 resurfacing works shall be completed and operational three months prior to commencement of any construction works
Sight distances of 50 metres, in both directions, at a point 2.4 metres back from the edge of the public road shall be provided

12.2.2. These conditions are considered reasonable and necessary, and it is recommended that should the Commission be minded to grant permission that similar conditions be attached. Condition No 15 as set out in the recommendation below refers.

12.2.3. With regard to the appellants concerns that that the resurfacing work to Chestnut Grove should be completed prior to the commencement of works within the proposed development I agree that this should be clearly set out in the conditions. Condition 15(j) as set out in the recommendation below refers

12.2.4. In relation to the concerns raised regarding the provision of improved pedestrian access for the residents of No. 1 Chestnut Grove the applicant has provided a footpath extension and two options for pedestrian access gates to improve pedestrian safety

to their property. It is stated that the location and detail of these access points will be finalised at compliance stage and is subject to agreement with the landowner, however should the landowner not want these pedestrian entrance(s), the access permitted by the Council still includes a raised table, tactile paving and signalised junction which will reduce traffic speeds and improve pedestrian safety for the adjoining residents. The provision of the pedestrian gate(s) is stipulated in Condition No 5 of the notification of decision to grant permission and the applicant states that they are happy to comply with this condition. It is recommended that should the Commission be minded to grant permission that a similar condition be attached. Condition No 15(f) as set out in the recommendation below refers.

13.0 Residential Amenity

- 13.1.1. Concern is raised throughout the appeal in relation to the impact of the construction phase of the development and in particular the traffic associated with same on residential amenities along Chestnut Grove. Further concerns are raised in relation to scale of traffic at the operational phase, proximity of traffic to No 1 Chestnut Grove and the positioning of traffic lights immediately outside No 1 Chestnut Grove.
- 13.1.2. The applicant submits that they presented site specific mitigation measures as part of the Construction and Environmental Management Plan to minimise the impact of the construction traffic on the existing residents of Chestnut Grove. Based on the CEMP, this includes the installation of a designated wheel wash facility at the main development site exit to clean construction vehicles before they leave the main construction site and exit on to Chestnut Grove. The CEMP also outlines that a maintenance plan will be put in place for the upkeep of the existing estate road. This will include, frequent inspections, daily road sweeping and immediate actions for repairs. The mitigation measures contained within the CEMP are reinforced by the Planning Authority as part of Condition No. 48, where all measures will be incorporated during the construction phase of the project to ensure that the residential amenity of existing residents is protected. It is further noted that the Council Estates Engineer Report in their final report and having reviewed the CEMP had no objection to the proposals to limit the impact of the construction traffic on the existing Chestnut Grove housing estate.

13.1.3. It is acknowledged that there are significant preconstruction works (invasive species removal), excavation and construction work required to facilitate the proposed development. It is considered that there may be general disruption to adjoining residential properties and uses over an 18 – 24 month period (approx) in terms of construction related disturbance. In the normal course of development this impact on adjoining properties and uses is often considered an inconvenience but short term in nature and therefore acceptable. However, I consider that particular care must be paid to the established residential uses proximate to the site along Chestnut Grove regarding a development of this nature where any significant and sustained disruption has the potential to impact on the residential amenities of adjoining properties.

13.1.4. Therefore, given the extent of significant preconstruction works (invasive species removal), excavation and construction work necessary to facilitate the development it is recommended that should the commission be minded to grant planning permission that the following conditions be attached:

- Submission of a Construction and Environmental Management Plan for agreement
- Construction hours are restricted to between the hours of 08.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays
- Detailed construction traffic management plan to be agreed
- Appointment of a Public Liaison Plan for the duration of the works

13.1.5. Condition No 9, 16, 17 and 18 as set out in the recommendation below refers. The attachment of these conditions notwithstanding it falls to the Planning Authority to ensure the developer complies with these conditions and that there is no unreasonable disturbance or loss of amenity associated with construction activities.

13.1.6. With regard to concerns raised in relation to the scale of traffic at the operational phase, proximity of traffic to No 1 Chestnut Grove and the positioning of traffic lights immediately outside No 1 Chestnut Grove it is evident that the development of these lands will result in changes to the quiet cul de sac nature of Chestnut Grove. However having regard to the location of the site within the development boundary of Schull, the zoning of these lands over several development plans, the planning history associated with the site, the site specific policies for the site in the current development

plan, the availability of public infrastructure to serve the site and the suitability of the proposed access at Chestnut Grove that any increase in traffic movement and associated infrastructure at this location is not only part of urban development it is expected. Having regard to the detail of the proposed scheme together with the conditions as set out in the recommendation below I do not consider the changes to be so unreasonable or significant as to merit a refusal on these grounds.

14.0 Scale of Development

- 14.1.1. Concerns raised in relation to the scale and density of the development proposed are noted.
- 14.1.2. In determining the appropriate density, I refer in the first instance to the 'Sustainable Residential Development & Compact Settlements Guidelines (2024)'. The subject site is categorised as being a Rural Towns and Villages (<1,500 population). It is a policy and objective of these Guidelines that development in rural towns and villages is tailored to the scale, form and character of the settlement and the capacity of services and that the density of development at such locations should respond in a positive way to the established context. No prescriptive density is set out in the Guidelines for Rural Towns and Villages (<1,500 population).
- 14.1.3. The Cork County Development Plan 2022-2028 on the other hand provides a density guidance in relation to Residentially Zoned Land – Medium B. Objective HOU 4-7: Housing Density on Residentially Zoned Land – Medium B states that the minimum net density on these lands is 20 uph with the maximum net density being 35 uph.
- 14.1.4. The net density of the scheme equates to 26.8 units / ha. This aligns with the Compact Settlements Guidelines in providing a scheme that responds in quantitative terms to the scale, form and character of the area and the requirements of Objective HOU 4-7: Housing Density of the Development Plan.
- 14.1.5. I am satisfied that the nature, scale and density of the proposed development is entirely appropriate and complies with the national, regional and local policy requirements in this regard.

15.0 Infrastructure Capacity

- 15.1.1. Concerns raised in the appeal with regard to deficiencies in public infrastructure capacity are noted. As outlined in the Planning History Section of this report (Section 4.0 above) deficiencies in the provision of water supplies and sewerage facilities has been a well-documented historical impediment to the development of this site.
- 15.1.2. Uisce Éireann in their report of 18th June 2024 and 26th June 2024 state that a Pre Connection Enquiry was submitted, and a Confirmation of Feasibility has been issued advising the water / wastewater connections are feasible subject to upgrades (water). It is stated that 250m of water network upgrades will be required to provide additional network capacity and that the applicant will be required to fund these local network upgrades.
- 15.1.3. Details in relation to the condition of the storm sewer network and stormwater drainage calculations were provided and considered by the Council's Estates Engineer. In their final report they had no stated objection to the details provided and had no objection to the granting of permission. The Council's Area Engineer in their final report also had no objection to a grant of permission, subject to points of detail which have been conditioned under Condition No. 6 and Condition No. 20 of the notification of decision to grant permission. Condition No 6 requires the applicant to provide a 'safety margin' to account for variations in permeability, future land use changes and climate-related rainfall increases as submitted in storm water design calculations for both the proposed development and the Copper Point Estate. Condition No 20 requires a detailed survey of existing foul sewer and storm sewer in the public road.
- 15.1.4. I am satisfied that the necessary connections to the foul, storm and water supply networks are all achievable and that there is sufficient infrastructure capacity to cater for the provision of 57 no. units on the site subject to the Commission's standard conditions in this regard and in combination with Condition No. 6 and Condition No. 20 of the notification of decision to grant permission. I further note that Condition No 19, 21, 22, 28 and 50 of the notification of decision to grant permission also relate to surface water drainage and a specific requirement that no dwelling shall be occupied until the water and sewage services serving such dwellings are installed and functioning in accordance with the connection agreement made with Uisce Eireann. Again I am satisfied that these matter can be covered by the Commissions standard

conditions together with the specific stipulation in relation to no occupancy until water and sewerage services are installed and functioning. Condition No 12 as set out in the recommendation below refers.

16.0 Invasive Species

16.1.1. Concern is raised throughout the appeal submissions in relation to the presence of invasive species on site and the necessity that it is professionally managed and removed prior to commencement of work on site. These concerns have also been raised by the Planning Authority as evidenced by the detailed consideration of same and the conditions attached to the notification of decision to grant permission. Conditions No 41, 43 and 46 refers.

16.1.2. The Invasive Species Survey and Management Plan submitted reported that Japanese Knotwood, Giant Rhubarb and other invasive species are located in a number of areas of the appeal site but mostly occurs where fill from another site has been deposited. A licensed invasive species treatment specialist outlined treatment methods to be used for the total eradication of these invasive species and is set out in the Invasive Species Management Plan (ISMP). However, it is stated that until further investigation of the contaminated material is undertaken, the exact treatment methods proposed have not yet been finalised. Once calculated a decision can then be made as to whether on site bund is feasible or whether material will need to be exported off site following receipt of an NPWS licence. Stated that this methodology whereby a final determination on the destination of recovered material is not made until all volumes are calculated, has been used in practise before. Mitigation measures outlined to prevent further spread of invasive species on site are included in the updated CEMP.

16.1.3. I refer to the final report of the Council Ecologist's where they set out the following:

"Overall, I am generally satisfied with the proposals submitted in respect of managing Japanese Knotweed and Giant Rhubarb on site in line with the recommendations of the O'Donovan Agri Report and I am satisfied that mitigation measures have been included within the updated NIS and CEMP to deal with this matter".

- 16.1.4. The Ecologist noted that the potential burial site location identified would need to be reconsidered and that prior to the commencement of development, the Planning Authority should be notified that the site is free from contamination prior to the commencement of works on site. These requirements are outlined in Condition No. 46 of the decision to grant. The applicant states that they are happy to comply with this condition and will liaise with the Planning Authority on the matter as part of compliance.
- 16.1.5. It is noted that Condition No 41 of the notification of decision to grant permission requires that all works on site shall be implemented in accordance with a Construction Environmental Management Plan, which shall be based on the Outline CEMP and shall include all measures proposed within the Ecological Impact Assessment, Natura Impact Statement submitted to the Planning Authority and the final agreed Invasive Alien Species Management Plan and conditions of planning attached herein. Further, Condition No 43, while being general landscaping condition requires that the *plan shall remove 'crocosmia sp.' which are listed on the amber list of invasive species.*
- 16.1.6. I agree with the applicant that the information and material submitted as part of the application process demonstrates that the applicant has provided significant detail in relation to the management and treatment of invasive species on the site together with detailed proposals to continue with further investigation work of invasive species on site, as part of compliance. Having regard to the information submitted together with the report of the Council ecologist and conditions attached by Cork County Council I am satisfied that no issues arise in this regard subject to similar conditions being attached including the specific requirement that prior to the commencement of development, invasive species shall be treated and removed from the site by an IASP specialist, in accordance with the Invasive Alien Species Management Plan submitted on 19th March 2025.
- 16.1.7. It is recommended that should the Commission be minded to grant permission that a similar condition be attached. Condition No 3 as set out in the recommendation below refers.

17.0 Legal Interest

- 17.1.1. Significant concern is raised in the appeal submission with regard to the applicant's ownership and ability to carry out the proposed development and in particular the improved access on to Colla Road via Chestnut Grove. The appellants at No 1 Chestnut Grove have included a letter from their solicitor with their appeal regarding their legal interest at this location.
- 17.1.2. It is the applicants position that the entirety of the proposed development, including the improved access via Chestnut Grove will take place on lands within the ownership of the applicant. It is evident that the applicant has gone to extensive lengths and level of detail to demonstrate that all works proposed on Chestnut Grove are within the ownership of the landowner. This is particularly important in relation to the proposed 2m footpath and 5m carriageway. During the application stage, the applicant also provided a Solicitor's letter confirming that the works proposed as part of the development are entirely within the landowner's legal ownership/control.
- 17.1.3. The signalisation of the junction and extended yellow lines on Colla Road within the control of Cork County Council and with same to be agreed with the Planning Authority by way of compliance with Condition No. 2 of the notification of decision to grant permission. Condition No 2 requires the installation of a looped traffic light signalisation system at the Chestnut Grove access entrance junction with the Colla Road.
- 17.1.4. Notwithstanding the lengths the applicant has gone to demonstrate that the works are within the applicant's control, I agree with the Case Planner that essentially any further legal dispute is considered a civil matter and is outside the scope of the planning appeal. Likewise, I refer to Section 5.13 of the Development Management Guidelines for Planning Authorities June 2007) which states the following in relation to ownership/title disputes:
- "In any event, the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land, these are ultimately matters for resolution in the Courts."*
- 17.1.5. In terms of the legal interest, this is a matter to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act.

18.0 Conditions

18.1.1. I refer to Section 3.0 Planning Authority Decision of this report above where the decision of the local authority to grant permission subject to 52 no conditions are summarised together with the FI requested, Clarification of FI and internal reports and those of prescribed bodies. Many of the conditions attached reflect the particular requirements of these reports and those of the Case Planner. While some of the conditions as recommended can be dealt with by way of standard Commission condition (compliance with plans and particulars submitted, surface water, taking in charge, CEMP, phasing, lighting, Section 47 first occupation, external materials, bond, Part V, development contributions etc) other conditions of specific note have been discussed in the foregoing assessment above.

19.0 Other Issues

19.1. **Flooding** – I refer to the Zoning Map / Flood Risks Map in the current County Development ~Plan for Schull Town that indicates that the appeal site is not located within wither Flood Zones A or B. Accordingly, no flood risk arises in this case.

19.2. **Archaeology** – I refer to the Archaeological Assessment submitted with the application together with the report of CCC Archaeologist. Condition No 16 of the notification of decision to grant permission required the applicant to engage the services of a suitably qualified archaeologist to monitor ground works, construction works, topsoil removal. I recommend that should the Commission be minded to grant planning permission that the standard Archaeological Monitoring condition be attached.

20.0 Recommendation

20.1.1. Having considered the contents of the application the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **GRANTED** for the following reason and considerations and subject ot the conditions outlined below.

20.1.2. Having regard to the following:

- 1) The location of the site in the established Main Town of Schull on lands zoned SC-R-02 Medium B Density Residential Development (2.1ha) with the access road zoned Existing Residential (ER) and where residential development is a permitted use
- 2) The policies and objectives of the Cork County Development Plan 2022-2028
- 3) Housing for All – A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage (2021)
- 4) Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in January, 2024,
- 5) Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of Housing, Planning and Local Government in March, 2018,
- 6) Urban Development and Building Heights, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December, 2018
- 7) Design Manual for Urban Roads and Streets (DMURS) (2013)
- 8) Architectural Heritage Protection- Guidelines for Planning Authorities 2011
- 9) The Planning System and Flood Risk Management Guidelines for Planning Authorities issued in November, 2009 (including the associated Technical Appendices),
- 10)the targets and objectives of the National Biodiversity Action Plan (NBPA) 2023-2030,
- 11)the Climate Action Plan 2024
- 12)the nature, scale and design of the proposed development
- 13)the availability in the area of a wide range of social, community, transport and water services infrastructure,
- 14)the pattern of existing and permitted development in the area,
- 15)the submissions and observations received in connection with the planning application and the appeal, and

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

21.0 Conditions

1.	The development shall be carried out in accordance with the plans and particulars lodged with the application on the 3rd May 2024 as amended by the documents/drawings received by the Planning Authority on the 11th September 2024, 17th September 2024, 19th March 2025 and 2nd May 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. Reason: In the interest of clarity
2.	Mitigation and monitoring measures outlined in the plans and particulars, including the Natura Impact Statement, Ecological Impact Assessment, Construction Environmental Management Plan and Alien Species Management Plan submitted with the application shall be carried out in full, except where otherwise required by conditions attached to this permission. Reason: In the interest of protecting the environment, public health, and clarity.
3.	Prior to the commencement of development, Japanese Knotweed (<i>Fallopia japonica</i>), Giant Rhubarb (<i>Gunnera tinctoria</i>), Montbretia (<i>Crocasmia x crocosmiiflora</i>) and Winter heliotrope (<i>Petasites pyrenaicus</i>) shall be treated and removed from the site by an IASP specialist, in accordance with the

	Invasive Alien Species Management Plan submitted on 19th March 2025 and subject to the agreement of the following details with the Planning Authority: a) Should invasive species burial take place on site, the burial site shall be re-positioned to ensure that existing mature trees proposed within the northern part of the which are proposed to be retained are not impacted. b) A root barrier membrane shall be put in place within parts of the site where Japanese Knotweed is required to be removed to prevent any future spread of knotweed infestations into the works area. This shall be designed and specified by a licenced invasive species contractor and shall form part of the IASMP. c) The IASP specialist shall certify to the Planning Authority that the site is free from contamination, prior to the commencement of construction works on the site. d) Removal or disposal of Japanese Knotweed (<i>Fallopia japonica</i>) and Giant Rhubarb (<i>Gunnera tinctoria</i>) or soils potentially contaminated with these species from this site may only be carried out under license from the National Parks and Wildlife Service. Reason: To prevent the spread of invasive species.
4.	The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development. Prior to commencement of any development on the overall site, details of the first phase shall be submitted to, and agreed in writing with, the planning authority and shall ensure that the appropriate section of access road, footpath, lighting, open space, landscaping and infrastructural services benefitting the particular dwellings are fully completed prior to those dwellings being occupied Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.
5.	All of the permitted house and duplex units in the development, when completed, shall be first occupied as a place of residence by individual

	purchasers who are not a corporate entity and/ or by persons who are eligible for the occupation of social or affordable housing, including cost rental housing. Prior to commencement of development, the applicant, or any person with an interest in the land shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect. Such an agreement must specify the number and location of each house or duplex unit. Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.
6.	Prior to commencement of development, proposals for a development name and numbering scheme, and associated signage shall be submitted to and agreed in writing with the planning authority. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme. No advertisements/ marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s). Reason: In the interest of urban legibility and to ensure the use for new residential areas.
7.	Details of the materials, colours, and textures of all the external finishes to the proposed buildings and boundary treatments shall be as submitted with the application, unless otherwise agreed in writing with the planning authority. Reason: In the interest of visual amenity.
8.	Landscaping of the site shall be in accordance with the Landscape Plan submitted to the Planning Authority at Further Information stage on 11th September 2024. The Plan shall remove 'crocosmia sp.' which are listed on the amber list of invasive species. This plan shall be implemented in full within the first year following completion of the development. Any trees that die or are removed within three years of planting shall be replaced in the first planting season thereafter. Reason: To ensure the protection of biodiversity generally.

9.	Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, 0800 to 1400 hours on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority. Reason: In order to safeguard the residential amenities of property in the vicinity.
10.	Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of the agreed landscaping plan. Such lighting shall be provided prior to the making available for occupation of any residential unit. Reason: In the interest of amenity and public safety.
11.	Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network. Reason: In the interest of public health and to ensure adequate water/wastewater facilities.
12.	a) The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority. b) A detailed survey of existing foul sewer and storm sewer in the public road shall be submitted for the written agreement of the Planning Authority, prior to the commencement of any development onsite. c) Details of the 'safety margin' to account for variations in permeability, future land use changes and climate-related rainfall increases as submitted in storm water design calculations for both the proposed

	development and the Copper Point Estate shall be submitted for the written agreement of the Planning Authority, prior to the commencement of any development onsite. d) The stormwater system, road gulleys, pipe network and Bio-retention areas shall be maintained over time to ensure they work at full capacity. Details shall be agreed with the Planning Authority in writing prior to commencement of work on site. e) No dwelling shall be occupied until the water and sewage services serving such dwellings are installed and functioning in accordance with the connection agreement made with Uisce Eireann. Reason: In the interest of public health and to ensure the appropriate disposal of foul and surface water.
13.	All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. Reason: In the interests of visual and residential amenity
14.	Prior to commencement of development and/ or occupation of the residential units, as applicable, final Road Safety Audit(s) and/ or Quality Audit(s) of the development, including the main entrance, internal road, pedestrian/ cycle path layouts, shall be submitted to and agreed in writing with the planning authority. Reason: In the interests of traffic, pedestrian and cyclist safety, and sustainable transport.
15.	a) The internal road network serving the proposed development, including carriageway widths, corner radii, turning bays, junctions, set down/ drop off area(s), parking areas, footpaths, kerbs, pedestrian crossings, raised tables, and cycle lanes shall be in accordance with the detailed construction standards of the planning authority for such works, and design standards outlined in the Design Manual for Urban Roads and Streets and the National Cycle Manual issued by the National Transport

	Authority. In default of agreement the matter(s) in dispute shall be referred to An Coimisiun Pleanála for determination. b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of all locations and materials to be used shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. c) Any works carried out on the public footpath, or the public road shall require a Road Opening Licence & Hoarding Licence. These licences are available from the District Engineer. All works carried out on the public footpath, or the public road shall be agreed with the District Engineer prior to works being carried out. d) Any interference with or damage to the road or footpath in the area caused during the construction of the development shall be made good at the expense of the developer to the confirmed written satisfaction of the Cork County Council. Evidence of all agreements shall be submitted to the Planning Authority within 1 month of said agreement(s). e) The applicant shall submit design details of a looped traffic light signalisation system to be installed at the Chestnut Grove access entrance junction with the Colla Road / L-4407-54 for the written agreement of the Planning Authority, prior to the commencement of any development onsite f) The applicant shall submit details of an agreement of the location of the pedestrian access gate(s) to serve Chestnut Grove No.1 with the landowner of Chestnut Grove No.1 for the written agreement of the Planning Authority, prior to the commencement of any development onsite g) The applicant shall submit a detailed design for the resurfacing of Colla Road / the L-4407-54, including road markings, for a distance of 50 metres in both directions from the centre of the Chestnut Grove access entrance junction with the Colla Road / L-4407-54 for the written agreement of the Planning Authority, prior to the commencement of any development onsite h) The applicant shall submit a revised swept path analysis drawings for the three types of vehicles large car, fire truck and refuse truck with details of
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	the access road STOP line moved back clear of the swept area for the written agreement of the Planning Authority, prior to the commencement of any development onsite. i) The applicant shall provide a revised final detailed drawing of the Chestnut Grove access entrance and Colla Road / L-4407-54 junction for the written agreement of the Planning Authority, prior to the commencement of any development onsite. j) The existing Chestnut Grove access road and entrance and Colla Road / L-4407-54 resurfacing works shall be fully completed and fully operational to the satisfaction of the Planning Authority prior to commencement of any construction works within the proposed development site k) Sight distances of 50 metres, in both directions, at a point 2.4 metres back from the edge of the public road shall be provided in the centre of the vehicular entrance to the satisfaction of the Planning Authority Reason: In the interest of traffic and pedestrian safety.
16.	A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities. Reason: In the interest of environmental protection residential amenities, public health and safety and environmental protection.
17.	A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site. Reason: In the interest of sustainable transport and safety.

18.	The Applicant and the developments Contractor shall develop and implement a Public Liaison Plan for the duration of the works, covering the following. a) Appointment of a Liaison Officer as a single point of contact to engage with the local community and respond to concerns. b) Keeping local residents informed of progress and timing of particular construction activities that may impact on them. c) Provision of a notice at the site entrance identifying the proposed means for making a complaint. d) Maintenance of a complaints log recording all complaints received and follow up actions. Reason: In the interest of the proper planning and sustainable development of the area.
19.	An Operational Waste Management Plan (OWMP) containing details for the management of waste within the development, the provision of facilities for the storage, separation, and collection of the waste and for the ongoing operation of these facilities, shall be submitted to and agreed in writing with the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed OWMP. Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage for the proposed development.
20.	Prior to the commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's 'Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects' (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times. Reason: In the interest of proper planning and sustainable development.

21.	a) The management and maintenance of the development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being so taken in charge. b) The communal open spaces, hard and soft landscaping, car and cycle parking areas, access ways, refuse/ bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by the legally constituted management company. c) Details of the management company contract, and drawings/ particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation. Reason: In the interests of orderly development and to provide for the satisfactory future maintenance of this development.
22.	The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development following consultation with the Local Authority Archaeologist. Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority Archaeologist or the National Monument Service as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation. The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be

	complied with by the developer. Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer. Reason: To ensure the continued preservation either in situ or by record of places, caves, sites, features or other objects of archaeological interest
23.	Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and sections 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Coimisiun Pleanála for determination. Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.
24.	Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority and/ or management company of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed

	between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiun Pleanála for determination. Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.
25.	The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiun Pleanála to determine the proper application of the terms of the Scheme. Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Mary Crowley

Senior Planning Inspector

16th September 2025

22.0 Appendix 1 - Form 1 - EIA Pre-Screening

Case Reference	ABP-322693-25
Proposed Development Summary	Construction of 57 residential units, ESB substation and all associated site works
Development Address	Colla Road, Skull (Townland), Skull, 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)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ 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)?	
☒ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	

☐ 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?	
☐ 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.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted	Class 10(b)(i) 'Construction of more than 500 dwellings units Class 10(b)(iv) 'urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere

proceed to Q4. (Form 3 Required)	
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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 ☒	Screening Determination required (Complete Form 3)
No ☐	

Inspector _____

Date _____

23.0 Appendix 2 - Form 2 - EIA Screening Determination

An Bord Pleanála Case Reference	ABP-322693-25
Proposed Development Summary	Construction of 57 residential units, ESB substation and all associated site works
Development Address	Colla Road, Skull (Townland), Skull, Co. Cork
The Commission carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations. This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Foul sewer will discharge to the Uisce Eireann network. Controlled stormwater sewer will discharge (greenfield rates) to the Uisce Eireann network via attenuation tanks. SUDS measures will be employed. The development will not likely result in any significant waste emission or pollutants. The nature and scale of the proposed development will have a visual impact at a local level and is discussed in the assessment of this scheme above. However, the scheme would not give rise to significant visual environmental effects in terms of scale and design at a wider spatial level. Construction materials will be typical of an urban environment and any construction impacts would be local and temporary in nature and the implementation of a

	Construction Environmental Management Plan by way of a suitably worded condition will satisfactorily mitigate potential impacts. Operational waste will be managed via a Waste Management Plan. There are no SEVESO / COMAH sites in the vicinity of this site. The development has a modest footprint within the urban fabric of Schull and does not require the use of substantial natural resources or give rise to significant risk of pollution or nuisance. The development, by virtue of its type and scale, does not pose a risk of major accident and / or disaster and therefore presents no risks to human health. There is no real likelihood of significant cumulative effects with other permitted or related developments.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	This is residential development on zoned serviced land where foul sewer will discharge to the Uisce Eireann network. The development will implement measures to control surface water run-off. The site is not located within or adjoining any of the following designated / sensitive sites: ▪ European site (SAC/ SPA/ pSAC/ pSPA) ▪ NHA/ pNHA ▪ Designated Nature Reserve ▪ Designated refuge for flora or fauna

	There are no known monuments or other archaeological features on the subject site. The site is not located within or proximate to any designated ACA. The site is not at risk of flooding. The site is served by a local urban road network. No significant contribution to traffic congestion is anticipated. The site is in close proximity to Grove House (NIAH Site 20840036) and Holy Trinity Church (Record of Protected Structures RPS ID969 and NIAH Site 20840037). The site is located in an Area of High Value Landscape and is located along a Scenic Route as per the County Development Plan. Having regard to the LVIA submitted with the planning application and the report of the CCC Conservation Officer that the development will not unduly impact the visual amenity of Holy Trinity Church, Grove House or the Area of High Value Landscape and designated Scenic Route. The development is situated on zoned serviced lands within the development envelop of Schull at a remove from sensitive natural habitats, designated sites and landscapes of significance identified in the Cork County Development Plan 2022-2028.
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Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation)	Having regard to the nature of the proposed development, its location relative to sensitive habitats/ features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act		
Conclusion			
Likelihood of Significant Effects	Conclusion in respect of EIA		Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.		No
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.		No
There is a real likelihood of significant effects on the environment.	EIAR required.		No

Inspector _____ Date _____

DP/ADP _____ Date _____

(only where Schedule 7A information or EIAR required)

24.0 Appendix 3 – Appropriate Assessment Screening Determination

Screening for Appropriate Assessment	
Test for likely significant effects	
Step 1: Description of the project and local site characteristics Case file: ABP 322693-25	
Brief description of project	Construction of 57 residential units and all associated site works with connections to Uisce Eireann Wastewater and Drinking Water infrastructure at Colla Road, Skull (Townland), Skull, Co. Cork Third party appeal
Brief description of development site characteristics and potential impact mechanisms	A detailed description of the proposed development is provided in Section 2.0 of the Inspectors report and detailed specifications of the proposal are provided in the AA Screening Report / NIS and other planning documents provided by the applicant throughout the application process. The site appears to have been previously cleared, and vegetation has recolonised, although sparsely in places. Some of the cleared land appears to have been filled with soil, from off site. There is also a mound of earth that has been left, and vegetation has colonised this also. In addition, there is a temporary portacabin that has been burnt out and is to be removed. The site has bedrock geology which is Devoian old red sandstone comprised of sandstone, conglomerate and mudstone. The soil type overlaying the bedrock is basic deep, poorly

	drained, mineral soil derived mainly from noncalcareous parent mineral forming surface water gleys and ground water gleys Within the site there were nine vegetation habits identified; ED3 Recolonising Bare Ground, ED2 Spoil and Bare Ground, GS1 Neutral Grassland, FP2 / FW4 Spring / Drainage ditch, FL5 / GS4 Pond / Wet Grassland Mosaic, WL1 / WL2 / BL1 Hedgerows / Treelines / Stone walls Mosaic, BL1 Stone Wall, WL2 Treeline, WD5 Scattered Trees, BL3 Buildings and Artificial Surfaces and BC4 Flower Bed. There are number of non-native invasive species identified on the site. The site is outside of both the river and coastal flood plains. There is evidence of a spring to the west of the site that connects with a drainage ditch that runs down the eastern and southern boundary of the site and has the potential to flow into Schull Harbour and thus into Roaring Bay and Islands SAC. Accordingly, there is a potential hydrological connection with this SAC. There were no Qualifying Habitats or Annex I habitats identified on the site. No rare or protected species were recorded on the site at the time of surveying. There was no evidence of Otters or Badgers on the site at the time of surveying. There was no evidence of QI overwintering birds occupying the site.
Screening report	Yes
Natura Impact Statement	Yes

Relevant submissions	CCC Ecology noted inter alia: ▪ There is an area of standing water within the wetland area / pond on site. ▪ Invasive Species Specialist is required together with revised Invasive Plant Species Management Plan (IASMP) prepared by an Invasive Alien Species specialist to ensure that all potential for significant effects on the Roaringwater Bay and Islands SAC is assessed in full and adequately mitigated at the planning stage. These measures shall also be included in the CEMP. In their final report and having considered the application, further information, clarification of further information and unsolicited information had no stated objection to the development subject to conditions relating to implementation of the amended Natura Impact Statement, Ecological Impact Assessment Report and CEMP, supervision of works phase by Ecological Clerk of Works, a pre-construction survey for amphibians and the treatment and removal of invasive species from the site by an IASP specialist prior to the commencement of development.
Step 2. Identification of relevant European sites using the Source-pathway-receptor model	

One European sites was identified as being located within a potential zone of influence of the proposed development as detailed in the table below. I note that the applicant included a greater number of European sites in their initial screening consideration with sites within 15km of the development site considered. There is no ecological justification for such a wide consideration of sites, as there are no hydrological connections and therefore no pathway for impacts. Therefore, I have only included the single site with any possible ecological connection or pathway in this screening determination.

European Site (code)	Qualifying interests (summary) Link to conservation objectives (NPWS, date)	Distance from proposed development	Ecological connections	Consider further in screening Y/N
Roaringwater Bay and Islands SAC Site Code - 000101	<u>Species</u> ▪ Harbour Porpoise ▪ Otter ▪ Grey Seal <u>Habitat</u> ▪ Large shallow inlets and bays ▪ Reefs ▪ Vegetated sea cliffs of the Atlantic and Baltic coasts ▪ European dry heaths ▪ Submerged or partially submerged sea caves (NPWS 19 th July 2011) https://www.npws.ie/protected-sites/sac/000101	c358m - east	There is a potential for surface water runoff during periods of high rainfall into the drainage ditch during the construction phase and run off from the roads and man made surfaces on completion of the development that have the potential to connect with the SAC..	Y – potential hydrological connectivity and therefore potential pathway for indirect impacts.

The conservation objectives for Roaringwater Bay and Islands SAC is to maintain the favourable conservation condition of the individual qualifying interests in Roaringwater Bay and Islands SAC, which are defined by the relevant list of attributes and targets as set out by the NPWS.

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

There will be no direct impacts as the site of the proposed development is located approximately 358 from the SAC.

However, there may be indirect impacts during periods of high rainfall from pollution and particulate matter during the construction and operation phase by way of surface water runoff into the drainage ditches identified and which are hydrologically linked to the Roaringwater Bay and Islands SAC. Other sources of impact and likely significant effects include

- Risk of spread of invasive species along the drainage corridor causing siltation and / or risk of invasive species entering the drainage network which would result in infestation of invasive species within coastal areas impacting qualifying interest habitats and species.

Step 4 Conclude if the proposed development could result in likely significant effects on a European site

Based on the information provided in the screening report, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result significant effects on the Roaringwater Bay and Islands SAC.

I concur with the applicants' findings that such impacts could be significant in terms of the stated conservation objectives of the SAC when considered on their own and in combination with other projects and plans in relation to pollution related pressures and disturbance on qualifying interest habitats and species.

Screening Determination

Finding of likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the Roaringwater Bay and Islands SAC in view of the conservation objectives and qualifying interest features of this site.

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

25.0 Appendix 4 – Appropriate Assessment

Appropriate Assessment
The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V [or S 177AE] of the Planning and Development Act 2000 (as amended) are considered fully in this section.
Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development of 57 residential units and all associated site in view of the relevant conservation objectives of Roaringwater Bay and Islands SAC based on scientific information provided by the applicant. The information relied upon includes the following: ▪ Stage 1 Screening for Appropriate Assessment ▪ Natura Impact Statement in support of Stage 2 Appropriate Assessment ▪ Ecological Impact Assessment ▪ Invasive Species Survey and Management Plan ▪ Amphibian Survey ▪ Engineering Services Report ▪ Construction Environmental Management Plan I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.
Roaringwater Bay and Islands SAC Summary of Key issues that could give rise to adverse effects: ▪ Water quality degradation (construction and operation) - Potential pathways for indirect impact on the Annex Species of the SAC have been identified in the form of emissions to surface water which have the potential to affect the

supporting habitats and species of the SAC. Having regard to the qualifying interests associated with this SAC no potential pathway for impacts is likely for two habitats namely (1) Vegetated Sea cliffs of the Atlantic and Baltic coasts and (2) European dry heaths. Although close to the site, there are no potential pathways for impact.

- Risk of spread of invasive species along the drainage corridor causing siltation and / or risk of invasive species entering the drainage network which would result in infestation of invasive species within coastal areas impacting qualifying interest habitats and species

In relation to the area of standing water within the wetland area / pond on site and the drainage ditch that runs down the eastern and southern boundary of the site I note from the Amphibian Survey that these have dried up apart from a small section along the eastern drainage ditch. This is further supported in the FI response from the applicant where it is stated that an email from Inland Fisheries Ireland (IFI) found that the onsite drain (a man-made feature to drain agricultural land) was dry and not considered to be a watercourse. Please note that this email has not been made available with appeal file.

Mitigation Measures

The focus of mitigation measures proposed at the **construction phase** are at preventing ingress of pollutants and silt into surface water and receiving watercourses. This is to be achieved via design (avoidance), supervision by an Ecologist, application of specific mitigation measures and monitoring effectiveness of measures. Measures include:

- A silt trap around the site for the duration of the construction phase will be erected with the use of wooden stakes, woven geotextile fabric and sandbags before the development works take place.
- Removal of any construction material call take place each day with no accumulation of material to take place on the site.
- During the construction phase good construction practises such as dust suppression of on-site access roads and regular plant maintenance are required.

- All plant and machinery will be serviced before being mobilised to site. No plant maintenance will be completed on site, any broken down plant will be removed from the site to be fixed where applicable. If this isn't possible then a bund / container shall be used as part of the development works.
- The proposed development incorporates SuDS features, including detention basin with sloping sides, complete with a hydro-brake flow control and bypass separator for metals and hydrocarbons, which will discharge into the public foul sewer on Colla Road to the east and permeable paving. The surface water run-off will be discharged to the public network at greenfield rates.
- Clearing of trees and shrub should take place outside of the bird breeding season (1st March – 31st August) as per the Wildlife Act.. Should any nests be encountered during the development work, then work will be ceased immediately, and the site inspected by the Ecologist
- All works to be carried out during daylight hours
- There will be no fuel stored on site. All refuelling will take place off-site. Procedures and contingency plans will be set up to deal with emergency accidents or spills. An emergency spill kit with oil boom, absorbers etc. will be kept on-site for use in the event of an accidental spill.
- If there is heavy rainfall, then no works shall take place.
- Overnight parking of machinery is prohibited on the construction site, an area away from the site will be allocated for the storage of vehicles overnight.
- No soil shall be imported from outside of the site.
- A site ecologist will be appointed for the duration of the proposed works to ensure that the mitigation measures are implemented, and best practice site management is adhered to.
- All waste generated on site must be removed on a daily basis and recycled where appropriate.
- The contractor will assign a member of the site staff as the environmental officer with the responsibility for ensuring the environmental measures prescribed are adhered to

The Amphibian survey submitted found no evidence of amphibians on any of the site at the time of surveying. There are no potential impacts anticipated. No mitigation measures are necessary. There are no residual impacts.

The Invasive Species Survey and Management Plan submitted reported that Japanese Knotweed, Giant Rhubarb and other invasive species are located in a number of areas but mostly occurs where fill from another site has been deposited. A licensed invasive species treatment specialist has outlined treatment methods to be used for the total eradication of these invasive species on site. As a result additional mitigation measures are required to ensure that there is no contamination of watercourses on site or risk of contamination to Roaringwater Bay and Islands SAC. These additional mitigation measures include:

- A fence should mark out the area of issue with a restricted work area for recovery team only and a herbicide foot dip for the specialist team entering and leaving the recovery area
- Excavator buckets and tracks to be brushed down and sprayed with herbicide on completion of recovery dig
- All vehicles leaving the infested area or transporting infested soil / material must be thoroughly pressure washed and washing area must be bunded to prevent run off into nearby watercourses and Roaringwater Bay and Islands SAC
- All chemicals used should be stored and used in a responsible manner
- The application of herbicides will be undertaken by trained operators who are registered under the European Communities (Sustainable Use of Pesticides) Regulations 2012.

At the **operation phase** a number of SuDS measures have been proposed to intercept surface water run off and storm water runoff. These include:

- A storm water tank to deal with water from Copper Point housing estate before entering the storm water system of the proposed site is proposed

- Reinforced concrete attenuation tanks from modular “stormcell types” x 3 complete with hydro brake flow control and bypass separators for metals and hydrocarbons
- Tree pits for the native / pollinator friendly trees planted in the green areas
- Filter drains
- Swales
- Rain butts for each domestic dwelling
- Permeable paving in driveways

The purpose of SuDs measures is to mimic natural drainage, which is now reduced due to the creation of man-made surfaces in the form of buildings, impermeable footpaths and roadways as part of the development. The proposed SuDS measures remove the risk to Roaringwater Bay and Islands SAC in the vicinity of the development and thus eliminate the potential pathways for impact on the qualifying species and habitats in the SAC.

It is my view that these are best practice standard construction management and surface water management measures which have not been designed or intended to avoid or reduce any harmful effects of the project on a European Site. The measures are otherwise incorporated into the applicant’s Construction Environmental Management Plan (CEMP), the EclA, the Invasive Species Survey and Management Plan and other elements of the documentation and drawings submitted, and I do not consider that they include any specific measures that would be uncommon for a project of this nature.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to the qualifying interests of the Roaringwater Bay and Islands SAC and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Mitigation measures are captured in Condition No 2 of my recommendation to grant permission above.

In-Combination Effects

In terms of combination / cumulative effects of the proposed development with other known plans or developments in the vicinity of the site a search was made on the Cork County Council planning website and the EIA Portal for other developments in the vicinity of the proposed development. There are no EIA reports for this area of Schull. It is stated that the only significant application for which planning has been granted / applied for is for permission for the construction of 12 no dwelling houses at Ardmanagh, Schull by Schull Community Care Associate Ltd (Reg Ref 20401). However, an NIS was not required for this development is relatively small scale and surface water will be appropriately intercepted and managed, it is unlikely that there will be cumulative impacts or an in-combination effect on Roaringwater Bay and Islands SAC as a result of this development of 12 houses and the proposed development.

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

Findings and Conclusions

The applicant determined that following the implementation of mitigation measures, the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the Appropriate Assessment. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are

described to prevent ingress of silt laden surface water. Monitoring measures are also proposed to ensure compliance and effective management of measures. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented. The proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Reasonable Scientific Doubt

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

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the Roaringwater Bay and Islands SAC (Site Code – 000101). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Roaringwater Bay and Islands SAC (Site Code – 000101) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U/ 177AE was required.

Following an examination, analysis and evaluation of the NIS, all associated material submitted, I consider that adverse effects on site integrity of the Roaringwater Bay and Islands SAC (Site Code – 000101) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed including supervision and monitoring and integration into CEMP ensuring smooth transition of obligations to eventual contractor.
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the attainment of conservation objectives for the Roaringwater Bay and Islands SAC (Site Code – 000101)

26.0 Appendix 5 - Water Framework Directive Impact Assessment

Stage 1 Screening			
Step 1: Nature of the Project, the Site and Locality			
ABP Ref.	ABP-322693-25	Townland, address	Colla Road, Skull (Townland), Skull, Co. Cork
Description of project		Construction of 57 residential units and all associated site works with connections to Uisce Eireann Wastewater and Drinking Water infrastructure.	
Brief site description, relevant to WFD Screening		The site is greenfield in nature that was formerly farmland which was cleared and recolonised by vegetation. The majority of the site is relatively level at an elevation of 40m above sea level which then slopes towards the road at an elevation of 28m above sea level. The soil type overlying the bedrock is basic deep, poorly drained, mineral soil derived mainly from non-calcareous parent materials forming surface water gleys and ground water gleys. The site is outside of both the river and coastal flood plains. There is evidence of a spring to the west of the site that connects with a drainage ditch that runs down the southern boundary of the site	

	towards the Colla Road and due to the changing elevations of the site has a potential to run into the nearby Roaringwater Bay and Islands SAC, c360m away within Schull Bay. The applicant submits that an email from Inland Fisheries Ireland (IFI) found that the onsite drain (a man-made feature to drain agricultural land) was dry is not considered to be a watercourse. Please note that this email has not been made available with appeal file. The appeal site is not located within wither Flood Zones A or B. Accordingly, no flood risk arises in this case.
Proposed surface water details	The surface water drainage network from the adjoining Copper Point estate passes through the appeal site before connecting to the foul sewer in the Chestnut Grove estates, which in turn discharges to the public foul sewer on Colla Road to the east. Proposed attenuation measures includes a storm water tank to deal with water from Copper Point housing estate before entering the storm water system of the proposed site. The Drainage Impact Assessment provides details in relation to the nature-based SUDs measures to be incorporated into the drainage proposals for site, along with proposals for attenuating the runoff to the existing "greenfield runoff" rate. The following SUDs will be implemented for the operational phase of the development as detailed in the accompanying engineering plans and reports (as amended). These are as follows: ▪ A storm water tank to deal with water from Copper Point housing estate before entering the storm water system of the proposed site is proposed

	▪ Reinforced concrete attenuation tanks from modular “stormcell types” x 3 complete with hydro brake flow control and bypass separators for metals and hydrocarbons ▪ Tree pits for the native / pollinator friendly trees planted in the green areas ▪ Filter drains ▪ Swales ▪ Rain butts for each domestic dwelling ▪ Permeable paving in driveways The purpose of SuDs measures is to mimic natural drainage, which is now reduced due to the creation of man-made surfaces in the form of buildings, impermeable footpaths and roadways as part of the development. SuDs measures will therefore assist with the slowing down of runoff, thus reducing the potential for flooding and aid to improve the water quality of surface water and storm water runoff in line with the Water Framework Directive (2000).
Proposed water supply source & available capacity	Uisce Eireann mains water connection. Uisce Eireann has provided Confirmation of Feasibility subject to upgrades involving the replacement of approximately 250m of the existing watermain in the vicinity of the site. The applicant will be required to fund these local network upgrades. No capacity issues identified.

Proposed wastewater treatment system & available capacity		Uisce Eireann Wastewater connection. The foul network from the adjoining Copper Point estate passes through the appeal site before connecting to the foul sewer in the Chestnut Grove estates, which in turn discharges to the public foul sewer on Colla Road to the east. Wastewater will be collected and discharged by gravity to the public network for treatment. Uisce Eireann has provided a Confirmation of Feasibility advising the wastewater connections are feasible. No capacity issues identified.				
Other		N/A				
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified Waterbody	Distance to (m)	Waterbody name(s) (code)	WFD Status	Risk of not achieving WFD Objective	Identified pressures on the waterbody	Pathway linkage to water feature
River Waterbody	c300m	Skull_010 (IE_SW_20E070850)	Good	Review	Non identified	Surface water run off
Groundwater Waterbody	Underlying site	Skibbereen-Clonakilty	Good	Not at risk	Non identified	Drainage to groundwater

		(IE_SW_G_085)				
Coastal Waterbody	c370m	Roaring Water Bay (IE_SW_140_0000)	Ecological Status or Potential – Good Chemical Surface Water Status – Failing to Achieve Good	Not at risk	Non identified	Surface water run off and wastewater
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	Waterbody receptor	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure	Residual Risk (yes/no) Detail	Determination to proceed to Stage 2. Is there a risk to the water environment?
1.	Site clearance / construction	Skull_010	None	Water Pollution - Deterioration of surface water quality from pollution of surface water run-off during site preparation and construction	Implement CEMP	No	Screened out
2.	Site clearance/ construction	Skibbereen-Clonakilty	Drainage through soil / bedrock	Reduction in groundwater quality from pollution of surface water run-off	Implement CEMP	No	Screened out

3.	Site clearance/ construction	Roaring Water Bay	None	Water Pollution - Deterioration of surface water quality from pollution of surface water run-off during site preparation and construction and	Implement CEMP	No	Screened out
OPERATIONAL PHASE							
1.	Surface water run-off	Skull_010	None	None	SuDS and greenfield discharge rates	No	Screened out
2.	Groundwater discharges	Skibbereen- Clonakilty	Drainage through soil / bedrock	Reduction in groundwater quality	SuDS and greenfield discharge rates	No	Screened out

3.	Surface water run-off	Roaring Water Bay	None	None	SuDS features - incorporation of silt and oil interceptors to ensure clean discharge	No	Screened out
DECOMMISSIONING PHASE							
1.	Decommissioning is not anticipated as this is a permanent residential development.						