



An
Coimisiún
Pleanála

Inspector's Report

ABP-322734-25

Development	Demolition of three agricultural sheds, construction of 362 residential units, and associated site works including upgrades to Mountain Road. An EIAR was submitted with the application. (www.mountainroadlrd.ie)
Location	Mountain Road, Kilmoney, Carrigaline, Co Cork
Planning Authority	Cork County Council (CCC)
Planning Authority Reg. Ref.	25/4551
Applicant	Bridgewater Homes Ltd.
Type of Application	Large-Scale Residential Development (LRD)
Planning Authority Decision	Grant Permission
Type of Appeal	<ol style="list-style-type: none">1. First Party v Condition2. Third Parties v Grant of Permission
Appellants	<ol style="list-style-type: none">1. Bridgewater Homes Ltd. (Applicant, First Party)

2. Oliver Power (Third Party)
3. Simon Brewitt & Others (Third Party)

Observers

1. Brian O'Donoghue
2. Michael & Amy O'Broin
3. Dr. Erin Johnston
4. Pat & Brenda Lenihan
5. Niamh O'Connor
6. Dermot & Judy Judge
7. Denis Jones & Jean Wallace Jones
8. Paul Griffin
9. Nicola O'Byrne & Declan Dineen & Others

Date of Site Inspection

1st August 2025

Inspector

Anthony Kelly

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Appendix 1 - Appropriate Assessment (AA) Screening

Appendix 2 - Water Framework Directive (WFD)

1.0 Site Location and Description

- 1.1. The subject site is located on the south western edge of Carrigaline in south Co. Cork.
- 1.2. Access is by way of Mountain Road from its junction with the regional road R611. The main body of the site is just over 500 metres south west of the road junction. Mountain Road is a local road which has been subject of development, including housing developments, over the years on both sides of the road to the east of the proposed housing site. The road is in a relatively good physical condition with verges, property boundaries, sporadic footpaths, and vegetation along its length to the east. There is a continuous line of detached housing on the opposite side of the road to the north and west of the site.
- 1.3. The proposed housing area comprises a number of agricultural fields, plus a wooded area. The fields are relatively flat with strong boundaries and dry ditches, though the site slopes from the south western towards the north east. Overhead lines traverse the site. The fields in the western and central areas of the site are heavily surfaced in rushes. The fields in the eastern area are surfaced in grass and were used by cattle and horses on my site inspection. An active farmyard occupies the north eastern area of the proposed housing area, accessed by a laneway which is surfaced in tarmac as far as a 1 ½ storey house adjacent to the farmyard, and gravel with a grass centre beyond a vehicular gate. Houses in the Wheatfields development back on to this laneway.
- 1.4. The site has a gross area of 12.97 hectares with a stated net area of 10.24 hectares.

2.0 Proposed Development

- 2.1. Permission is sought for an LRD comprising:
 - demolition of three agricultural sheds (755.19sqm),
 - construction of 362 residential units (318 houses and 44 two-bed apartment/duplex units),
 - a creche (695sqm) with a community room (83.9sqm) and a café (103.6sqm),

- vehicle and pedestrian access, shared surface pedestrian and cycle link on the existing laneway to the east, upgrades to the L-6495-9 and L-6495-0 Mountain Road to the north and east to include pedestrian crossings, traffic calming/raised tables and a shared cycle footpath connecting to the R611/Kilmoney Road, and,
- all other ancillary development.

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

Table 2.1 – Key Figures

Site Area (Gross / Net)	12.97 hectares / 10.24 hectares
Number of Units	362 residential units (318 houses and 44 two bed apartment / duplex units)
Height	Single storey (café) to three storeys (duplex / apartments)
Net Density (units per hectare (uph))	35.4uph
Dual Aspect (Apartments)	100% (44 units, both simplex and duplex)
Open Space / Amenities	16.3% usable open space (net area) Three small playgrounds Creche with a community room and a café
Pedestrian / Cyclist Infrastructure	Shared surface area along the northern boundary of Mountain Road to the R611 junction Share laneway along the eastern boundary of the site and a possible link into the area adjacent to the south east which borders the R611 A network of walking and segregated cycling routes within the subject site
Car and Bicycle Parking	584 car parking spaces

	102 bicycle spaces (48 long stay and 12 short stay for the first-floor apartments, 14 for the creche, 8 for the café, and 20 along the greenway)
Part V	72 (20%)

Table 2.2 – Unit Breakdown

	Bedroom Number			
Type	2-Bed	3-Bed	4-Bed	Total
Houses	117	155	46	318 (87.8%)
Duplexes	8	0	0	8 (2.2%)
Apartments	36	0	0	36 (10%)
Total	161 (44.5%)	155 (42.8%)	46 (12.7%)	362 (100%)

- 2.3. Letters of consent, including one from Cork Co. Co. (CCC), have been submitted with the application with regard to the facilitation of road improvements on Mountain Road from the north east corner of the site as far as the junction with the R611.
- 2.4. The subject site is divided into four character areas: Village Square, Crescent Park, Neighbourhood Green, and Willow Lawn. They are separated by internal vehicular circulation roads and areas of open space/landscaping. The creche, community room, and café are located centrally on site. The existing wooded area on site is largely retained as an open space area. The vehicular access is from Mountain Road, and it also accommodates pedestrian access. A shared pedestrian and cycle link is provided from the existing laneway along the eastern boundary which also maintains a vehicular access for the existing detached 1 ½ storey house.
- 2.5. A phasing plan has been submitted with the application. Six phases are outlined. Works to the public road are included as part of phase 1. It is estimated that construction will take place over a 60 month period.
- 2.6. It is proposed to discharge surface water to an existing 300mm diameter surface water pipe to the north of the site which crosses Mountain Road and discharges to the West

Carrigaline River running along Forest Road approx. 500 metres to the north. The application states that it is proposed to use a sustainable urban drainage system (SuDS) approach to stormwater management where possible e.g. petrol interceptors, swales, bioretention raingardens, permeable paving, six cellular attenuation systems, an attenuation basin, and two retention ponds. It is proposed to discharge wastewater to the public foul sewer. The existing foul sewer has to be extended by approx. 170 metres to the site boundary and approx. 690 metres of sewer network upgrades will be required to provide the necessary additional capacity. Due to topography a portion of the site in the eastern area will require pumping. For water supply, approx. 600 metres of water network upgrades will be required to provide additional network capacity. Uisce Éireann's observation to CCC states that the applicant will be required to fund these local foul water and water network upgrades.

2.7. The Environmental Impact Assessment (EIA) Portal ID number is 2025047.

2.8. In addition to standard plans and particulars the planning application was accompanied by a number of supporting documents. These include, but are not limited to:

- 'Planning Report' dated January 2025,
- 'Statement of Consistency' dated January 2025,
- An Environmental Impact Assessment Report (EIAR) (undated) comprising Volume I (Non-Technical Summary), Volume II (Main Statement), and Volume III (Appendices),
- 'Appropriate Assessment Screening Report' (AA Screening Report) dated January 2025
- 'Architectural Design Statement' dated January 2024 [sic],
- 'Housing Quality Assessment (undated),
- 'Arboricultural Impact Assessment' dated 17th December 2024,
- 'Traffic and Transportation Assessment' (TTA) dated January 2025,
- 'Engineering Services Report' dated January 2025,
- 'Surface Water Management Plan / Drainage Impact Assessment' dated January 2025,

- 'Site Specific Flood Risk Assessment' (SSFRA) dated January 2025,
- 'Outline Construction and Environmental Management Plan' (CEMP) dated January 2025,
- 'Resource and Waste Management Plan' (RWMP) dated January 2025, and,
- 'Operational Waste Management Plan' (OWMP) dated January 2025.

3.0 Planning Authority Pre-Application Opinion

- 3.1. The LRD meeting took place on 14th November 2024 between the applicant and CCC.
- 3.2. In the LRD opinion subsequently issued on 11th December 2024 the planning authority was of the opinion that the documents submitted required further consideration and amendment to constitute a reasonable basis for an LRD application. The issues identified by the planning authority included ecology, requirement for an EIAR, design and layout, open space, public lighting, surface water, traffic and transport, proposed works on Mountain Road, the creche/café, phasing, Part V, and preparation of an Archaeological Impact Assessment.

4.0 Planning Authority Decision

4.1. Decision

- 4.1.1. CCC granted permission subject to 69 conditions. Condition 4 (a) is subject of the first party appeal. This condition is as follows.

'4. The development shall be carried out in accordance with the phasing scheme lodged with the application, except as otherwise may be required to comply with the requirements of the following conditions, unless agreed otherwise in writing with then Planning Authority:

(a) The Mountain Road Improvement works shall be carried out and completed prior to any commencement of works within the proposed housing development site.

(b) ...

(c) ...

(c) ...

Reason: To ensure the timely provision of services and infrastructure, for the benefit of the occupants of the proposed dwellings' [sic].

4.1.2. There are no notably unusual conditions attached to the permission.

4.2. Planning Authority Reports

4.2.1. The Senior Planner's report contained, inter alia, a summary of internal reports, observations from prescribed bodies, third party submissions, and the policy context. Other report headings can be summarised as follows:

Density, design and layout – The proposed density complies with policy objective HOU 4-7. The mix of units proposed is generally acceptable. The proposed development generally meets the specific planning policy requirements of the Apartment Guidelines. It is considered that the design and layout is acceptable in principle. Certain aspects of design and layout can be improved by condition. Minor discrepancies in relation to labelling and consistency in some drawings can be addressed by condition.

Car parking – Car parking does not exceed the standard in the Cork County Development Plan 2022.

Cycle parking and storage – The level of provision is acceptable.

Recreation, amenity and open space provision – Open space provision complies with the Compact Settlement Guidelines (2024). A condition is recommended requiring submission of a long-term management and maintenance plan for the Woodland Park Area.

Traffic and transport – The applicant has allowed for future pedestrian/cycling access to the south east as far as is practicable. Improvements to Mountain Road will provide significant benefit to the public. It is noted that the Area Engineer states that careful consideration will have to be given as to how construction activity can be undertaken while maintaining access for residents and that a condition is recommended that these works are completed prior to any works within the housing site.

Phasing – Conditions are recommended in relation to the road upgrade, the woodland area, and the social infrastructure.

EIAR – The chapters are briefly summarised and it is recommended that development should be carried out in accordance with the proposed mitigation measures.

Ecology – The Ecology office is satisfied that AA is not required. While further information is recommended by Ecology in relation to hedgerows, this can be addressed by condition.

Conclusion – Having regard to the LRD Opinion, submitted documents and the assessment, permission subject to conditions is recommended.

4.2.2. **Other Technical Reports**

Area Engineer – There are two reports on file. The first report, dated 25th March 2025, indicates no objection subject to conditions¹. The second report, dated 6th May 2025, makes some comments in relation to site servicing.

Engineering – No objection subject to a condition.

Architect – Grant recommended subject to conditions.

Environment – No objection subject to conditions.

Environment (Noise) – No objection subject to a condition.

Environment (Waste) – There are two reports on file. The first report, dated 15th May 2025, recommends further information. The second report, dated 21st May 2025, outlines conditions to be included in a grant of permission.

Traffic & Transport (Sustainable Travel Unit) – No objection subject to conditions.

Estates Primary – No objection with conditions recommended.

Ecology – Further information is recommended, relating to hedgerows.

Archaeologist – Conditions recommended to be attached to any grant of permission.

Public Lighting – There are two reports on file. The first report, dated 2nd May 2025, recommends further information. The second report, dated 23rd May 2025, outlines conditions to be included in a grant of permission.

¹ This was a report prepared for a previous invalid application on site for the same development under 25/4296.

4.3. Prescribed Bodies

Department of Housing, Local Government and Heritage (DHLGH) – The report relates to nature conservation. Commentary is provided in relation to common frog, birds, badger, hedgerows, woodland, bats, and landscaping. In terms of AA, reference is made to a hydrological link to Cork Harbour Special Protection Area (SPA).

Uisce Éireann – No objection in principle. Connections are feasible subject to upgrades.

Environmental Health Service (HSE) – Commentary is provided under a number of sub-headings including population and human health, active travel, CEMP, construction noise, waste/wastewater management, air, dust, noise, hydrology and hydrogeology, climate, and cumulative impacts. Should permission be granted measures are recommended to be included as conditions.

Inland Fisheries Ireland (IFI) – Comments made in relation to capacity of the foul network and pollution to or interference with watercourses.

4.4. Third Party Observations

4.4.1. Approximately 60 submissions were made on the original planning application to CCC by local residents. The broad and main issues raised are largely covered by the grounds of appeal and observations on the grounds of appeal with the exception of the following:

- Impact of increased population on services in the town e.g. parks, medical, school places.
- Lack of public transport options in the area.
- Concern about impact on water pressure.
- Inadequate photomontages.
- Errors in the planning application.
- Concern about the content of the Environmental Health Service (HSE) report.
- Inadequate car parking.
- Anti-social activity on the eastern boundary laneway.

- Inadequate public open space provision.
- Concern about overlooking.
- Construction phase nuisance.
- Proposed café is insufficient for a development of this size.
- Impact on the Wrenville housing development.
- Health impacts on existing residents during the lengthy construction phase.
- Previous development plans for the site were abandoned due to feasibility issues.
- Mountain Road is an amenity area used for walking and by families.

5.0 Planning History

- 5.1. There is no previous relevant planning history on site.
- 5.2. There is a concurrent planning application on the adjacent site to the south east which is of relevance to this LRD application in terms of accessing the LRD site from the R611. The application is as follows.

P.A. Ref. 24/6418 – On 18th February 2025 further information was sought in relation to an application for permission for the demolition of an existing building and the construction of 39 residential units and ancillary works. An extension of time to reply to same was sought by the applicant and granted by CCC. The further information period expires on 17th November 2025.

- 5.3. The Carrigaline Transportation and Public Realm Enhancement Plan (CTPREP) is subject of a Part 8 process. The scheme involves the construction of a number of sustainable transport interventions to facilitate enhanced pedestrian, cyclist and bus movement. The Lower Kilmoney Road (R-611) from the roundabout at Castle Heights to the junction with Upper Kilmoney Road (L-6501) is included.

6.0 Policy Context

6.1. Project Ireland 2040 National Planning Framework First Revision (2025) (NPF)

6.1.1. The NPF is the long-term 20-year strategy for strategic planning and sustainable development of Ireland's urban and rural areas to 2040, with the core objectives of securing balanced regional development and a sustainable 'compact growth' approach to the form and pattern of future development. It is focused on delivering 10 National Strategic Outcomes.

6.1.2. Relevant National Policy Objectives (NPOs) include:

NPO 11 – Planned growth at a settlement level shall be determined at development plan-making stage and addressed within the objectives of the plan. The consideration of individual development proposals on zoned and serviced development land subject of consenting processes under the Planning and Development Act shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment.

NPO 12 – Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

NPO 20 – In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

NPO 43 – Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

6.2. Housing for All – A New Housing Plan for Ireland to 2030 (2021)

6.2.1. This is the government's housing plan to 2030. It aims to improve Ireland's housing system and deliver more homes of all types for people with different housing needs.

6.3. Climate Action Plan (CAP) 2025

- 6.3.1. CAP 2025 is the third statutory annual update to Ireland's Climate Action Plan under the Climate Action and Low Carbon Development (Amendment) Act 2021. It lays out a roadmap of actions which will ultimately lead Ireland to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022. It should be read in conjunction with CAP 2024.

6.4. Ireland's 4th National Biodiversity Action Plan 2023-2030

- 6.4.1. This aims to deliver the transformative changes required to the ways in which we value and protect nature. It 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'.

6.5. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)

- 6.5.1. The Guidelines set out policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements. There is a renewed focus in the Guidelines on, inter alia, the interaction between residential density, housing standards, and quality urban design and placemaking to support sustainable and compact growth.
- 6.5.2. Carrigaline is a metropolitan town located within the Cork Metropolitan Area Strategic Plan (MASP) boundary as per the Regional Spatial & Economic Strategy for the Southern Region (RSES). Having regard to the nature and location of the subject site it can be considered an urban extension area of a metropolitan town with a population greater than 1,500 i.e. 'urban extension refers to greenfield lands at the edge of the

existing built-up footprint that are zoned for residential or mixed-use (including residential) development. It is a policy and objective of these Guidelines that residential densities in the range 35 dph to 50 dph (net) shall generally be applied at suburban and edge locations of Metropolitan Towns, and that densities of up to 100 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations ...' (Table 3.3 - Areas and Density Ranges – Metropolitan Towns and Villages).

6.5.3. I further address the issue of density in sub-section 8.2.

6.6. Sustainable Urban Housing: Design Standards for New Apartments (July 2023)

6.6.1. The overall purpose of these Guidelines is to strike an effective regulatory balance in setting out planning guidance to achieve both high quality apartment development and a significantly increased overall level of apartment output. They apply to all housing developments that include apartments that may be made available for sale, whether for owner occupation or for individual lease.

6.6.2. I note that the Planning Design Standards for Apartments Guidelines for Planning Authorities (2025) have been introduced since the application was submitted. However, as these only apply to applications for planning permission submitted after the issuing of the Guidelines, they are not applicable to the consideration of this LRD application.

6.7. Childcare Facilities Guidelines for Planning Authorities (2001)

6.7.1. These Guidelines provide a framework to guide local authorities in preparing development plans and assessing applications for planning permission and developers and childcare providers in formulating development proposals. They are intended to ensure a consistency of approach throughout the country to the treatment of applications for planning permission for childcare facilities.

6.8. Design Manual for Urban Roads and Streets (DMURS) (2019)

6.8.1. The manual seeks to address street design within urban areas by setting out an integrated design approach. It is an aim of the Manual to put well designed streets at

the heart of sustainable communities. Street design must be influenced by the type of place in which the street is located and balance the needs of all users.

6.9. Regional Spatial and Economic Strategy for the Southern Region (2020) (RSES)

- 6.9.1. This is a strategic regional development framework which establishes a broad framework for the way in which society, environment, economy, and the use of land should evolve.
- 6.9.2. Carrigaline is located within the Cork MASP boundary as shown on page 41 of the RSES. It is identified as a Metropolitan Town. It is described in section 7.4 as 'a thriving Metropolitan Town with a strong village character, set in a high-quality harbour environment and in close proximity to Ringaskiddy employment area'. It is stated that there is a potential residential yield of 2,380 units. Infrastructure priorities are identified as enhanced public transport connectivity and investment in retrofitting infrastructure and services (physical, social and recreational) to improve quality of life for communities.

6.10. Cork County Development Plan (CCDP) 2022

- 6.10.1. Carrigaline is a Main Town in the Carrigaline Municipal District and a Metropolitan Town in the County Metropolitan Strategic Planning Area. Planning policy guidance on future development in Carrigaline is set out in sub-section 1.4 of Volume 4 (South Cork). It includes, among a substantial number of sub-headings: vision and context, strategic context, local context, Carrigaline Transportation and Public Realm Enhancement Plan (CTPREP), placemaking, movement, general objectives, and specific objectives.
- 6.10.2. Figure 4.1.7 of Volume 4 shows that the housing site area is zoned for 'residential' development. Paragraph 18.3.13 of Volume 1 (Main Policy Material) states, inter alia, that 'Residential Areas are intended primarily for housing development but may also include a range of other uses, particularly those that have the potential to foster the development of new residential communities'. Land adjacent to the south of the site is unzoned.
- 6.10.3. The application also refers to parts of the site being zoned 'Existing Residential/Mixed Residential and Other Uses'. This is the area along the northern edge of Mountain

Road to accommodate the road upgrade. Paragraph 18.3.3 of Volume 1 states 'The objective for this zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities'.

- 6.10.4. The site is also identified in figure 4.1.7 as being subject of specific development objective CL-R-10. This states, 'Medium B density residential development to include a mix of house types accompanied with appropriate landscaping. Access to the site will be from the R611 and the Mountain Road. Specific arrangements will be made for the provision and construction of the link road (CL-U-07) the southern relief road, amenity walk (CL-U-08)'. A 'Walk/Cycle' link is shown through the body of the site, from the eastern boundary to the northern boundary through the centre of the site, and also north-south along the eastern boundary.
- 6.10.5. CL-U-07 is a road link shown along the R611 north to the junction with Mountain Road, west along Mountain Road, and then in a northerly direction from a location in the vicinity of the proposed vehicular entrance. CL-U-07 is described as 'Link road between CL-U-04 and the Southern Relief Road'.
- 6.10.6. CL-U-08 is the 'Walk/Cycle' link referred to in paragraph 6.10.3. It is described as 'Provide pedestrian amenity walk from Mountain road east to join Greenway on the Crosshaven road. Future upgrades or extensions to the route will be considered/ designed/developed taking account of the birds that use the estuary as well as other values including landscape and biodiversity values'.
- 6.10.7. Table 2.9 of Volume 1 is the Core Strategy Table. There is a population target for 2028 of 20,495. The population is cited as 15,770 as per the 2016 census. (The 2022 census cites a population of 18,239). There is a housing target of 1,806 units between 2022-2028. Table D2 (Settlement Specific Key Infrastructure) sets out the key infrastructure required to be delivered over the life of the Plan to support the delivery of land zoned for development. Among the transport infrastructure identified is 'Mountain Road upgrade (footpath and public lighting, realignment and drainage)' and 'Permeability measures to support improved access within and between local communities, including new / widened footpaths and segregated cycle tracks'.
- 6.10.8. In terms of density, objective CL-R-10 cites a Medium B density on site. Objective HOU 4-7 states that a Medium B density has a minimum net density of 20uph and a

maximum net density of 35uph. I further address the issue of density in sub-section 8.2.

6.11. Natural Heritage Designations

- 6.11.1. The nearest designated area of natural heritage is Owenboy River proposed Natural Heritage Area (pNHA) (site code 001990) approx. 1.4km to the north east. The nearest European site is Cork Harbour SPA (site code 004030) approx. 1.5km to the north east. This area is one of a number of separate areas that combined make up the SPA. The nearest Special Area of Conservation (SAC) is Great Island Channel SAC (site code 001058) approx. 9.9km to the north east.

7.0 The Appeal

7.1. First Party Appeal

- 7.1.1. A first party appeal was received which seeks to remove one condition (condition 4 (a)). The main issues raised can be summarised as follows.
- Condition 4 (a) requires improvement works to Mountain Road to be completed prior to commencement of any works within the housing site².
 - It is requested the appeal be considered under s.139 of the Planning & Development Act, 2000 (as amended) and restricted to consideration of the condition only.
 - Having regard to the provisions of the Development Management Guidelines for Planning Authorities (2007) the condition is unreasonable given the commitment to infrastructure delivery and unnecessary as the timing and delivery of the infrastructure has already been addressed in the submitted phasing plan as part of phase 1.
 - It is unreasonable to require the improvement works to be completed prior to any works within the housing site. The site is zoned residential. The condition falls foul

² Condition 4 (a) is set out in full in paragraph 4.1.1.

of s.34 (4)(b) of the 2000 Act and is not directly related to the permitted development.

- The condition fails the 'reasonable' test in paragraph 7.3.5 of the 2007 Guidelines. Having not made any contribution to the provision of road improvements it is unreasonable for CCC, and contrary to the provisions of s.34 (4)(m) of the 2000 Act, to require them to be completed prior to any commencement of works within the housing site.

7.2. Third Party Appeals

7.2.1. Third party appeals were received from:

1. Oliver Power, with an address on the opposite side of Mountain Road from the subject site, and,
2. Simon Brewitt and seven others, all with addresses in the vicinity of the site.

7.2.2. The main points made in the third-party appeals, can be summarised as follows:

7.2.3. Oliver Power

- Large developments on small sites have been shown to cause social problems.
- High density development is not in keeping with existing development in the area.
- There is only one entrance which will not cope with the traffic generated. A second entrance to the R611 is essential.
- The proposed exit location will result in vehicular light, fumes, and noise pollution to existing residents and it should be relocated to where there is no housing.
- The Mountain Road/R611 junction is inadequate to handle increased traffic.
- Proposed surface water drainage is to the 300mm pipe which currently struggles to cope during rainy periods with four properties at risk of flooding. The proposed development will cause flooding. Concern expressed about the content of the SuDS plan in terms of rainfall.
- Mountain Road residents could be connected to the public foul system.
- The appellant's original submission to CCC is included.

7.2.4. Simon Brewitt & Others

- The principle of development of the land for residential purposes is accepted.
- The proposed development would materially contravene objective CL-R-10 of the CCDP 2022-2028 which specifies access to the site from Mountain Road and the R611. This was also included in the previous Local Area Plan for Carrigaline (2017). Residents understanding has always been that the site is required to have two vehicular access points. There are consequences for sustainable transport provision and the amenities of the area.
- Omitting the R611 access would concentrate traffic at a single point on the R611 and traffic volumes on Mountain Road will be incompatible with Development Plan objectives. Nearly 500 houses would be reliant on a single access for emergency services. No through route would prevent possible expansion of the existing public transport loop. Upgrading Mountain Road in the absence of a second access would significantly impact existing residential amenities.
- The applicant's justification for a single access point as per the Architectural Design Statement is refuted. The CCC Planning Report's interpretation of the objective is not reasonable and it side-steps the issue.
- Landowners on the northern section of the proposed shared surface link along the eastern boundary have not been consulted or given permission. It cannot be delivered and should be omitted.
- The proposed development is far from highly permeable.
- The complex wider Mountain Road/R611 junction appears to have been modelled incorrectly in the TTA. The TTA conclusions are based on erroneous information and the development would create gridlock on the R611.
- The proposed upgraded road will be substandard in width. 5.5 metres is not adequate and 6 metres would be required.
- The construction methodology lacks detail.
- The environmental impact of road works on Mountain Road has largely been ignored in the application.

- Mountain Road needs to be upgraded. Upgrades required to service the proposed development are effectively a complete rebuild. It must be upgraded prior to housing construction. The road is effectively a cul-de-sac and it cannot be closed.
- There is a lack of coherence in the design approach for Mountain Road.
- There is no proposal to extend the short length of existing footpath on the south side of Mountain Road and the raised pedestrian crossings are too far apart to have appropriate impact on regulating traffic speed. There are no details for the treatment of the southern side of the road and there must be consultation with property owners with respect to accommodation works prior to commencement.
- The proposal is for a substandard road upgrade and should be refused.
- The application largely omits proposals for maintaining services and access. There is no reference to services and the need to maintain them. It is unlikely that some work can be done without road closures. Condition 26 is included but there is nothing to instil confidence that what is submitted will satisfactorily address these matters.
- No proposed cross section drawings of Mountain Road are provided. Two have been prepared using application information and are included in the appeal. The red line boundary width is not adequate to accommodate a temporary road given existing and proposed services. There is no confirmation that more land is available than shown on the consent drawing and one affected landowner (also one of the eight appellants) made a submission to CCC that permission for extra land has not been sought and will not be given. 'Traffic management' is insufficient to mitigate the impact of construction on residents.
- The EIAR makes little reference to the impact of the Mountain Road upgrade. Mitigation measures described are largely ineffective to affected residents. The road is currently a popular amenity walk. Biodiversity on the road does not appear to be considered. All trees and vegetation will be removed from the northern side.
- Removing condition 4, as sought by the applicant, has the potential to radically undermine any form of mitigation measures intended to reduce the impact of construction work on the road. The logic for a condition to prevent an overlap of work on the road upgrade and housing site should be self-evident.

- Requested alterations to some conditions are outlined and additional conditions are set out.

7.3. First Party Response

7.3.1. The applicant has made a response to the two third party grounds of appeal. The main issues raised can be summarised as follows:

- Objective CL-R-10 does not state that there has to be a direct access point onto both Mountain Road and the R611 and does not state that there has to be a direct vehicular access onto the R611. The site has no frontage or direct connection to the R611 therefore vehicular access can only be onto the R611 via Mountain Road. This is reinforced by objective CL-U-07. Pedestrian and cycle connectivity is provided in accordance with objective CL-U-08 and the development will deliver a significant section of objective CL-U-07.
- Material contravention only occurs when a development materially deviates from a development plan objective. The development is consistent with the above three objectives.
- CCC agrees with the applicant's interpretation and did not seek a vehicular connection to P.A. Ref. 24/6418.
- Should the Commission consider that the proposed development would be a material contravention of the Plan it should still be granted in accordance with s.37 (2)(a) of the Planning & Development Act, 2000 (as amended) as it would deliver housing and significant physical and social/community infrastructure.
- The CTPREP clearly indicates that vehicular access to the subject site is from Mountain Road with pedestrian and cycle connectivity from the east.
- The increase in width of Mountain Road to 5.5 metres is in accordance with DMURS for roads of this type (local road). Autotrack shows this width can accommodate large vehicles without them mounting kerbs. A DMURS technical note is attached as appendix 1 demonstrating that Mountain Road is fully DMURS compliant.
- Care has been taken to position pedestrian and vehicular routes to allow for maximum permeability and future expansion.

- The TTA concluded that all modelled junctions will operate within capacity. There is no bus route proposed as a loop through the site. Proposed new routes are within easy access on the R611.
- An engineering response to the issues of junction modelling and public transport and pedestrian safety is attached as appendix 2.
- The proposed vehicular access location is the optimum location from a traffic calming/safety perspective. It is directly opposite a laneway and not the appellant's house. The EIAR contains adequate mitigation in relation to air quality and noise.
- The implementation of SuDS on site will not increase the risk of flooding elsewhere and the proposed development will not have a negative impact on the surface water regime.
- The road upgrade will be carried out in agreement with CCC. A detailed traffic and works management plan will be put in place. There are existing services and accesses to be maintained and the management of this will be incorporated into the final construction design detail as is standard practice.
- In relation to the objective CL-U-08 shared surface laneway, there are no physical works required for this lane and the applicant has the relevant consents.
- It is not the case that the developer does not have the space to facilitate the road upgrade. The land along the northern boundary will be taken first to provide the shared pedestrian and cycle space. During the construction of this the existing Mountain Road width plus the additional carriageway is available and adequate to manage traffic and pedestrians during construction. The upgrade works will not require any additional land take, temporary or permanent.
- Every EIAR chapter references and considers the Mountain Road upgrade during construction and operation and excerpts in relation to biodiversity are outlined as well as the boundary treatment plan which shows the replacement of existing boundaries along Mountain Road.

7.4. Third Party Responses

- 7.4.1. Third party responses were received from both parties. Their responses can be summarised as follows:

7.4.2. Oliver Power

- The grounds of appeal submitted by Simon Brewitt & Others is supported.
- The absence of the R611 vehicular entrance and the probability of flooding from the surface water drainage pipe are briefly referenced.

7.4.3. Simon Brewitt & Others

- There is inconsistency and ambiguity in the application as to the intended timing of the road upgrade with examples of this set out. There is uncertainty as to what the real intention is. Condition 4 (a) is necessary to achieve clarity and avoid a piecemeal approach.
- It is essential that the road is widened and sub-structure upgraded before housing development commences in the interest of accommodating construction traffic and for public safety reasons.
- The new services under the road will necessarily have to be laid prior to completing the road upgrade. These services are required to serve the housing development and the housing site compound.
- Construction work will be going on in the dark and therefore street lighting is necessary for pedestrian safety.
- The methodology for the upgrade is not designed to accommodate construction traffic generated by the housing development.
- That the applicant is seeking the removal of the condition is alarming.
- The requirement to widen and strengthen the road to accommodate construction traffic prior to the construction of housing is a result of the decision to omit the R611 access and therefore incur the associated costs.
- While there will be a long-term benefit to existing residents there will be a significant loss of residential amenity during the construction phase.
- The vast majority of new infrastructure is for the benefit of the proposed development.

7.5. Planning Authority Response

7.5.1. A response was received from CCC. The main issues can be summarised as follows:

- The LRD Opinion required phasing detail to be submitted. Apart from a phasing map comprehensive phasing detail was not submitted. The Area Engineer recommended the condition to mitigate against construction traffic causing delay to current residents, and the condition is considered to be reasonable.
- The planning authority is satisfied that the applicant has allowed for future pedestrian/cycling access to the CL-R-07 lands as far as is practicable. Condition 9 was included to assist delivery.
- The Mountain Road upgrade will provide significant public benefit. It is consistent with the policy objective of the site.

7.6. Observations

7.6.1. Nine observations have been received. The broad and main issues raised are largely covered by the third-party grounds of appeal and the third-party responses to the first party appeal with the exception of the following:

- Comments made about the TTA and mobility plan.
- Car based development in an already congested town.
- Comments made in relation to AA/biodiversity e.g. absence of wintering bird and non-breeding bird surveys, the CCC decision to screen out the possibility of significant effects, content of the EIAR biodiversity chapter in relation to woodland, treelines, hedgerows, bats, and there is an invasive species on Mountain Road.
- Independent biodiversity survey required.
- Documentation shows trees on the south side of Mountain Road outside the site boundary being removed.
- Concern about past/potential flooding/surface water on the shared surface laneway along the eastern boundary / Surface water on site.
- Impact on residential amenity to the east of the eastern boundary shared surface laneway / Absence of construction detail for the shared surface laneway.

- The CCDP 2022 highlights an alternative route for CL-U-08 through the site and this should be conditioned / Sections of eastern boundary laneway could be transferred to existing residents/properties in Wheatfields if the alternative route is implemented.
- Residents' concerns were not addressed in the CCC decision.
- Excessive density of development.
- Concern about the provision of apartments in the context of CL-R-10 and overlooking impact.
- Further information should have been sought.
- Comments made about previous development carried out by a company of which a director of the applicant is/was also a director.

8.0 Planning Assessment

In terms of assessing the planning application there are four separate elements: a planning assessment, an environmental impact assessment (EIA), an appropriate assessment (AA), and the water framework directive (WFD). This planning assessment section addresses issues that are not more appropriately addressed in the EIA e.g. road issues, biodiversity, and surface water, and it should be read in conjunction with the EIA, AA, and WFD sections.

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

- Zoning
- Density
- Site Design, Layout, and Impact on Existing and Future Residential Amenity
- First Party Appeal – Condition 4 (a) of the Planning Authority Decision

- Material Contravention of Development Objective CL-R-10 of the Cork County Development Plan (CCDP) 2022
- Planning Authority Conditions

8.1. Zoning

- 8.1.1. The subject site is primarily zoned for 'Residential' development in the CCDP 2022. 362 residential units are proposed.
- 8.1.2. Paragraph 18.3.13 of Volume 1 states 'Residential Areas are intended primarily for housing development but may also include a range of other uses, particularly those that have the potential to foster the development of new residential communities'. A creche is one of the uses cited. The Childcare Facilities Guidelines for Planning Authorities (2001) states that 'in new communities/new housing areas, planning authorities should require the provision of at least one childcare facility for new housing areas and other areas of residential development ...' (appendix 2). In my opinion, the proposed creche, as well as the community room and proposed café, in a clustered layout in the centre of the site, would play a positive role in fostering the development of the community.
- 8.1.3. The upgrade to Mountain Road is required as part of development objective CL-R-10 and therefore I consider it to be consistent with the provisions of the Plan.
- 8.1.4. As such, I consider that the principle of the proposed development is acceptable, subject to the detailed considerations below.

8.2. Density

- 8.2.1. The subject site has a gross area of 12.97 hectares with a net developable area of 10.24 hectares. The area identified as the net developable area is set out on page 45 of the Architectural Design Statement (ADS). It is somewhat unclear, but the areas excluded from consideration as 'net' area appear to be the Mountain Road upgrade area, the eastern boundary laneway, the footprint of the café, community room, and creche, and areas of the site containing existing hedgerows which is broadly similar to the area to be retained illustrated on the Hedgerow Treatment map on page 13 of the Landscape Concept document. The resulting net area has been cited as 10.24

hectares, a figure not disputed by the planning authority or third parties. I am satisfied that the identified areas can be excluded from the gross area. The resulting net density is 35.4uph. Many third parties consider that this density is excessive and out of character with the area.

- 8.2.2. Development objective CL-R-10 of the CCDP 2022 specifically cites a requirement for a 'Medium B' density on this site. Objective HOU 4-7 of volume 1 of the Plan identifies a Medium B density as between 20-35uph. Therefore, the proposed density is very marginally above the maximum density envisaged. Notwithstanding, the CCC Planning Report states that this density complies with the policy objective.
- 8.2.3. Table 3.3 of the Compact Settlement Guidelines (2024) sets out density ranges for metropolitan towns. The site can be considered as an urban extension area in a metropolitan town with a population of greater than 1,500. The table states 'urban extension refers to greenfield lands at the edge of the existing built-up footprint that are zoned for residential or mixed-use (including residential) development. It is a policy and objective of these Guidelines that residential densities in the range 35 dph to 50 dph (net) shall generally be applied at ... edge locations of Metropolitan Towns ...' The proposed density, therefore, is marginally within the lowest range of density envisaged for an area such as this within the Compact Settlement Guidelines (2024).
- 8.2.4. Given the disparity in envisaged density ranges between the CCDP 2022 and the Compact Settlement Guidelines (2024), I consider that the proposed density of 35.4uph reaches an appropriate balance between both. The CCC Planning Report considered the density to be acceptable 'having regard to the location of the proposed site on the periphery of Carrigaline'. I agree that the density is acceptable and would simultaneously satisfy the provisions of both policy documents. I consider that the proposed density would be a de minimis breach of the CCDP 2022 and would not comprise a material contravention of the Plan.

8.3. Site Layout, Design, and Impact on Existing and Future Residential Amenity

- 8.3.1. The grounds of appeal and observations received on foot of same did not raise any particular issue with the general layout or design of the proposed development, apart from some concern expressed about overlooking to the east and the principle of providing apartments on site. The application is accompanied by a number of

documents supporting the proposed development, such as an ADS and a Housing Quality Assessment (HQA). The proposed development can be briefly considered under a number of relevant headings as set out below.

Site Layout

- 8.3.2. The site is accessed off Mountain Road and there are four different character areas proposed within the housing site according to the ADS. It is stated that some alterations were made to the site layout on foot of the pre-planning process.
- 8.3.3. The ten apartment buildings are in each character area except area 1. They are located overlooking the eastern shared boundary or overlooking/framing open space areas in areas 3 and 4. They are two or two-three storeys in height containing four or five units.
- 8.3.4. The creche, community room, and café are centrally located on site with substantial landscaping to the south west, west, north, and east of the building. I consider this to be an appropriate location within the site, easily accessible to all areas. It has a small plaza area to the south and it acts as a type of focal point for the overall development. The area of woodland to the south west and west is a notable feature of the development. An area of this type is relatively unusual on housing sites and its retention and use as an open space area is a positive element of the layout. Additionally in relation to existing landscaping, although the loss of some hedgerow is inevitable with the development of a zoned site, it is proposed to retain much of the hedgerow on site. This is an issue addressed in more detail in sub-section 9.7 (Biodiversity).
- 8.3.5. I consider that the permeability proposed for active travel is in line with the provisions of the CCDP 2022. Apart from the upgrade of Mountain Road and its 3 metres wide shared space, the layout provides for footpaths and cycle paths throughout the site as well as along the eastern boundary and connecting into the site adjacent to the south east which is currently under consideration by CCC and which would, if permitted, connect to the R611 in line with development objective CL-U-08.
- 8.3.6. Some roads can be extended to the site boundary to possibly facilitate future accesses e.g. page 25 of the ADS states that there are streets within the scheme which run perpendicular to the southern boundary which could be extended to provide access to a proposed road line if required. I have included this in my recommended conditions.

8.3.7. The CCC Architects report considered that the development would 'provide for a sustainable residential community with longevity and opportunity for a satisfactory level of integrated community living'. In addition, I note that the CCC Estates Report referred to the scheme as being well laid out.

8.3.8. Having regard to the foregoing, I consider the proposed site layout to be acceptable.

Open Space

8.3.9. The open space area is identified as 16.3% (1.67 hectares) of the net site area. This overall open space area is dominated by the woodland (10,135sqm) within which it is proposed to create paths and play areas. There are a number of other open spaces identified throughout the site which range in area from 430sqm to 1,905sqm. An additional 1.58 hectares of amenity space is also identified. These are areas of existing/retained hedgerow and greenway links and paths. Figure 2.11 of the EIAR identifies exercise stations and play along the way areas throughout the site area.

8.3.10. Notwithstanding the substantial area of the site set aside for public and additional amenity open space, I acknowledge that there is not too much open space for active play or other activities that would require larger areas of open space. However, I consider that the presence of the woodland is a somewhat unique opportunity to create open space of a different type which would benefit biodiversity in a manner which similar areas of maintained grass spaces would not. Given the specifics of this site, and the combined 3.25 hectares of public and additional amenity open space, I consider the open space provision on site to be acceptable.

Unit Design

8.3.11. The ADS states that each of the four character areas are defined by specific elevational treatment and materials.

Area 1 (Village Square) – This is west of the vehicular entrance area and includes the creche, community room, and café. The area comprises two-storey houses with external materials of red brick and off-white render.

Area 2 (Crescent Park) – This is east of the vehicular entrance. There are houses and two-storey apartment buildings (eight units in two buildings) with external materials of beige brick and off-white render and narrow windows, door bay frames, and pop-out windows. It is stated that innovative unit typologies are placed at prominent corners

and overlooking public areas and it creates an edge to the pedestrian link along the eastern boundary.

Area 3 (Neighbourhood Green) – This is in the south eastern area. A range of unit typologies are proposed with external finishes of beige brick and off-white and beige render. Open space defines the area. Two two/three storey apartment/duplex buildings are used as ‘book ends’ and four two-storey apartment buildings create urban edges and physical markers.

Area 4 (Willow Lawn) – This is in the south western area. There are houses and two two/three storey apartment/duplex buildings with external materials of grey brick and off-white render.

- 8.3.12. I consider that the proposed external appearances of the houses and apartment buildings are acceptable. I also consider that the variety in external finishes and the layout of the site in terms of the open spaces creates different areas within the development and results in appropriate placemaking. The CCC Architects report also welcomed the four character areas.

Building Heights

- 8.3.13. Building heights are primarily two-storey across the development. The proposed café is single storey in scale attached to the two storey creche and community room and four of the duplex/apartment buildings in areas 3 and 4 (two in each) have three-storey elements. Overall the proposed development is dominated by two-storey development, similar to much development in the area, particularly to the east, and I consider the proposed heights to be acceptable across the site.

Residential Amenity

- 8.3.14. There has been no issue raised in the application process in relation to matters such as inadequate floor areas or private open space. A HQA has been submitted with the application which identifies all floor areas, aggregate areas, dual aspect, storage, amenity spaces etc. Further to the provisions of that, I am satisfied that the requirements of the Quality Housing for Sustainable Communities (2007) and the Apartment Guidelines (2023) have been satisfied.

Car and bicycle parking

- 8.3.15. 563 car parking spaces are provided for the 362 housing units. Table 12.6 of the CCDP 2022 outlines maximum car parking standards at two spaces per dwelling and 1.25 spaces per apartment. The provision is therefore significantly less than the maximum allowed under the Plan. Inadequate car parking is an issue raised by third parties. The CCC Area Engineers report notes that Carrigaline is a commuter town with a significant reliance on cars and 'provision of adequate parking is essential'. Notwithstanding, no further comment is made on this issue in the report. The Traffic and Transport (Sustainable Travel Unit) report did not refer to parking. Specific planning policy requirement (SPPR 3) of the Compact Settlement Guidelines (2024) states that in intermediate/peripheral locations such as this, 'the maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 2 no. spaces per dwelling'. The CCC Planning Report states that, having regard to the maximum standards in the CCDP 2022, the level of car parking does not exceed same.
- 8.3.16. The maximum allowable number of residential spaces under the CCDP 2022 and Compact Settlement Guidelines (2024) would be 691 (318×2 (636) + 44×1.25 (55) = 691). The proposed provision of 563 spaces is approx. 81.5% of the maximum allowed. Therefore, while the provision is below the maximum, it is not unduly inadequate. Having regard to the provisions of the CCC reports in relation to car parking and the fact that increasing car parking would likely reduce open space provision and increase hard landscaping, I consider that the provision of 563 spaces is adequate.
- 8.3.17. 12 car parking spaces are proposed for the creche, community room, and café area. Again, maximum standards apply in the CCDP 2022. It is clear that the car parking provision for these areas is significantly below the maximum standards. The maximum provision for the creche is 1 space per 3 staff plus 1 space per 10 children (the capacity of the creche is 102 children). The community room would require three spaces, and the café approx. twelve (based on one space per 5sqm net space). However, I consider that there would be significant patronage to this area by active travel given it would be primarily local residents who would be visiting, dual trips would occur i.e. visiting the café and creche on the same trip, the community room would likely be more active when the creche was closed etc. Therefore, notwithstanding the number

of spaces provided in the context of the (maximum) number cited in the CCDP 2022, I consider it to be adequate.

- 8.3.18. 60 bicycle spaces have been provided for first floor apartments; 48 long and 12 short stay. Minimum cycle parking standards are set out in table 12.8 of Volume I of the CCDP 2022 as one long-stay space per bedroom and one short-stay space per unit. I consider residential bicycle parking provision is in line with the CCDP 2022 standard as there are 24 first-floor two bed units proposed. This is also consistent with SPPR 4 of the Compact Settlement Guidelines (2024). External bike stores are proposed in combination with bin stores for each duplex/apartment building. 14 spaces have been provided for the creche (four staff and ten visitor) and eight spaces for the café. I consider these to be acceptable in terms of table 12.8. Combined bin/bike stores are proposed for mid-terrace units.

Housing Mix

- 8.3.19. HOU 4-6 of the CCDP 2022 is an objective to secure a mix of house types and sizes to meet the needs of the likely future population across all age groups. A Statement of Housing Mix is to be submitted with multi-unit residential applications to include proposals for the provision of suitable housing for older people and the disabled in the area. Development objective CL-R-10 also refers to a requirement for a mix of house types.
- 8.3.20. A HQA was submitted with the application. As per table 2.2 (Unit Breakdown) of this inspector's report I consider a suitable mix of two, three, and four-bed units in houses and duplex and simplex apartments have been provided for this standard LRD application on the edge of the town. The CCC Architects report states that the overall development 'has a satisfactory mix of various typologies and sizes ...'
- 8.3.21. Concerns are raised by third parties about the provision of apartments within the scheme as CL-R-10 refers to a 'mix of house types'. I have no objection in principle to the provision of apartments as part of this application and I do not consider that the wording of the development objective requires such a narrow interpretation in relation to this. Apartments comprise a limited element of the proposed development, only 44 (12.2%) of the overall number of units. The apartments are not in standard 'apartment buildings', rather they more resemble the houses in the development, in particular the two-storey blocks containing two ground and two first floor units. I also consider that,

without the proposed apartments helping to increase the net density, the overall development may result in having an inadequate density.

- 8.3.22. I do not consider that any potential material contravention issue arises in relation to the proposed housing mix.

Shadowing, Overbearing, Overlooking, and Lighting Impact

- 8.3.23. Given the two-storey nature of the vast majority of development on site I do not consider that any undue shadowing or overbearing impact would occur.

- 8.3.24. Proposed houses along Mountain Road would overlook the public road. Houses along the boundaries of the existing houses to the north east either have en-suite/bathroom windows addressing the third-party boundary or have a separation distance in excess of the 8 metres/16 metres referenced in SPPR 1 of the Compact Settlement Guidelines (2024). In the case of the apartment building (unit nos. 2100-2103), any overlooking that would occur would be to the front of the adjacent house to the north (which is indicated as being under the applicant's ownership).

- 8.3.25. The two proposed apartment buildings and house no. 2112 which are closest to the eastern boundary shared laneway would provide passive surveillance to this active travel link. Other houses further to the south are set back further from the link. I do not consider that there would be any undue overlooking impact to the rear of houses to the east in Wheatfields, from the proposed two-storey apartments or house. Passive surveillance of the link is required and there is a separation distance of approx. 10 metres at the closest point to the site boundary with additional distances to the houses in Wheatfields. Notwithstanding, I consider additional landscaping/boundary treatment should be provided to the eastern boundary of the shared laneway as the rear of some of these properties are relatively exposed.

- 8.3.26. Concern has been expressed about the impact of vehicular lighting on existing properties opposite the site entrance. This issue is not unique to residents on Mountain Road. There are numerous houses within the proposed development which are towards the end of roadways and which would be subject of vehicular lighting. This occurs in every urban area and in every housing development. I consider that in practice the effect would be negligible.

8.4. First Party Appeal – Condition 4 (a) of the Planning Authority Decision

- 8.4.1. The applicant is appealing Condition 4 (a) of the planning authority decision. The condition is as follows.

‘4. The development shall be carried out in accordance with the phasing scheme lodged with the application, except as otherwise may be required to comply with the requirements of the following conditions, unless agreed otherwise in writing with then Planning Authority:

(a) The Mountain Road Improvement works shall be carried out and completed prior to any commencement of works within the proposed housing development site.

(b) ...

(c) ...

(c) ...

Reason: To ensure the timely provision of services and infrastructure, for the benefit of the occupants of the proposed dwellings’ [sic].

- 8.4.2. Page 2 of the Area Engineer’s report stated ‘Noted in MHL plan that Mountain Road Improvement works are to be carried out earl in the construction phasing – it would be a condition of any planning that these works are completed prior to any works within the proposed housing development in order to mitigate against construction traffic causing delays to existing residents’ [sic]. These comments are noted in both sections 12 and 13 of the planning authority Planning Report and condition 4 was attached.
- 8.4.3. The applicant’s rationale for the removal of condition 4 (a) is summarised in sub-section 7.1 of this report and the third parties’ arguments against the removal of the condition are set out elsewhere in sub-section 7. The planning authority has also submitted a response to the appeal and considers the condition to be reasonable.
- 8.4.4. Mountain Road, from the junction of the R611 to the proposed site vehicular entrance (approx. 600 metres), is in a relatively good physical condition with adjacent verges, property boundaries, sporadic footpaths, and vegetation. However, it is typical of a road that has become part of the urban environment without appropriate ancillary infrastructure such as an increased road width, footpaths, or public lighting. Development objective CL-R-10 applies to the application site. Among the provisions

of the objective is 'Specific arrangements will be made for the provision and construction of the link road (CL-U-07)'. Development objective CL-U-07 is 'Link road between CL-U-04 and the Southern Relief Road'. As per the map of Carrigaline on page 38 of volume 4 of the CCDP 2022, the link road is primarily along Mountain Road.

- 8.4.5. This stretch of Mountain Road is the only viable access to Carrigaline for existing residents. Although a more circuitous route to the town does exist going west along Mountain Road, connecting to local road (L2494), and onto the R611, it is not suitable or feasible. The distance from the proposed site entrance to the Mountain Road/R611 junction using this route is approx. 8.5km in length, it is very narrow in places, and there are no facilities for vulnerable road users. The Area Engineer's report states, on page 2, that this route 'is not considered suitable for access or emergency vehicle access'. It is clear that the Mountain Road must be kept accessible for residents during the construction phase because no other viable alternative is available.
- 8.4.6. Given that Mountain Road must be kept accessible it is therefore reasonable that the period during which it is subject of significant construction works should be as brief as possible in the interests of residential amenity and vehicular and pedestrian/cyclist safety. The applicant considers that it is sufficient that it be carried out within the first phase of works whereas some ambiguity in the submitted documentation in terms of a specific timeline is identified by the Simon Brewitt & Others response to the first party appeal.
- 8.4.7. In my opinion the planning authority's condition, given the nature and location of the proposed development, is appropriate. Ensuring that the Mountain Road improvement works are carried out and completed prior to the commencement of works within the housing site would ensure that the improvement works are carried out as early and quickly as possible, it would reduce the length of time residents would be exposed to the nuisance associated with road construction activity, and it would provide the 3 metres wide shared path along the northern side of the road in advance of construction-related traffic associated with the housing development. This would avoid a situation where a poorly surfaced or unfinished road would be in place for a potentially unspecified length of time (in the event phase 2 was not commenced as envisaged). From a planning perspective it is logical that the road is constructed in advance of the housing construction phase in the interests of residential amenity and traffic and pedestrian safety.

8.4.8. Condition 4 (a) is clear in its wording and it is not ambiguous. The 'specific arrangement' for this link road as per CL-R-10 appears to have been agreed between the applicant and CCC in that it would be provided and constructed by the applicant as part of the development of the housing site. The road upgrade is directly related to the development of the main body of the site. I consider that the condition included by the planning authority is reasonable and necessary in the circumstances and I recommend that it be retained as a condition should the Commission grant permission.

8.5. **Material Contravention of Development Objective CL-R-10 of the Cork County Development Plan (CCDP) 2022**

8.5.1. One of the main issues raised by third parties is the absence of a vehicular access to the development site from the R611 which it is claimed comprises a material contravention of the CCDP 2022, specifically development objective CL-R-10. That the proposed development comprises a material contravention of the Plan is disputed by the applicant, and the planning authority Planning Report does not consider that a material contravention arises.

8.5.2. Development objective CL-R-10 states, in full,

'Medium B density residential development to include a mix of house types accompanied with appropriate landscaping. Access to the site will be from the R611 and the Mountain Road. Specific arrangements will be made for the provision and construction of the link road (CL-U-07) the southern relief road, amenity walk (CL-U-08).'

8.5.3. CL-U-07 and CL-U-08 are set out in paragraphs 6.10.5 and 6.10.6.

8.5.4. It is the second sentence of CL-R-10 which is particularly relevant. Third parties have interpreted this to mean that there should be vehicular access to the site from both Mountain Road and the R611. As vehicular access is only proposed from Mountain Road, it is the third parties' position that the proposed development would comprise a material contravention of the Plan. While I understand that reading of the sentence, I do not agree with that interpretation of it. There are two main reasons for this.

- First, the objective does not require that there are two vehicular accesses to the site. The applicant is providing a vehicular access to Mountain Road and has indicated a proposed greenway connection to the site to the east, under other

ownership, which is currently on further information (24/6418). The site layout of that application shows a 'future pedestrian and cycle connection' connecting both sites and therefore the LRD site would indirectly connect to the R611 via the adjacent site. This would result in accesses to the site from both roads and therefore would be consistent with the wording of the development objective. A condition could be applied should permission be granted to the effect that a proposed greenway connection would be facilitated and that the turning area in front of house nos. 3058/3059 be extended to the site boundary to facilitate a possible future vehicular connection.

- Second, the map of Carrigaline (Fig. 4.1.7 of volume 4) shows proposed road lines/objectives and proposed 'walk/cycle' lines/objectives. Of relevance is CL-U-08 which is a walk/cycle objective from the R611 through the site to Mountain Road. Proposed road lines are shown through residential areas elsewhere in the map e.g. CL-U-01, but no road line is shown through the subject site indicating that no such road was envisaged as part of the development objective.

8.5.5. Having regard to the foregoing, in my opinion it is clear that the development as proposed, in terms of vehicular and shared walk/cycle access, would be consistent with the relevant provisions of the CCDP 2022 and the issue of a material contravention of the Plan does not arise.

8.6. Planning Authority Conditions

8.6.1. CCC granted permission subject to 69 conditions. These are briefly summarised in the following table and I also indicate whether I have included or incorporated them in my recommended conditions in section 14. Some conditions, while indicated as being included in the recommended conditions, may have been reworded for clarity, brevity, or other reasons, but are essentially consistent with the CCC condition.

Table 8-1 – CCC Conditions

Con. No.	Summary	Included or Excluded in Recommended Conditions
1	As per application documentation and EIAR mitigation	Included as standard conditions 1 and 2
2	Permission for 362 units	Excluded. Unnecessary condition.
3	Part V	Included as standard condition 26.
4 (a) – (d)	Phasing, including the first party appeal condition	Included as condition 7. As per subsection 8.4 of this report, and I agree with the reasoning in section 13 of the CCC Planning Report.
5	Restriction on institutional investors	Included as standard condition 27.
6 (a) – (g)	A palette of materials, revisions to elevations / front areas / building line / separation distance, and discrepancies in drawings	(a) Addressed in standard condition 11 (b) and (e) Excluded. Not warranted. (c) Agreed. Included as condition 6 (c). (d) and (f) Excluded as per paragraph 8.3.24. (g) Agreed. I note some minor discrepancies as set out in section 7 of the CCC Planning Report. Included as condition 6 (d).
7 (a) – (b)	Alter two roadways to culs-de-sac	Excluded. I consider it would be contrary to the principles of DMURS.
8 (a) – (e)	Bin store locations, accessibility, construction, and water points	(a) Excluded. Already shown on layout plan. (b) Excluded. Seven are adjacent to road, three are no greater than 30 metres from a road. I consider it an unnecessary condition. (c), (d), and (e) Agreed. Included as condition 18 (b).

9 (a) – (c)	Curtilage gates, use of natural boundaries, and future connections	(a) Excluded. I consider it an unnecessary condition given the limited curtilages. (b) Agreed. Incorporated into condition 6 (f). (c) Agreed. Incorporated into standard conditions 10 (a) and (b).
10	Taking in charge / management company	Included as standard condition 24
11	Mobility management plan	Included as standard condition 16 (c)
12	Electric vehicle charging	Included as standard condition 16 (a)
13	Security bond	Included as standard condition 28
14	Developer's responsibilities	Included as condition 25
15	Development naming	Included as standard condition 12
16	Internal traffic management plan	Addressed as part of standard condition 15
17	Meeting with Housing Estates Dept.	Excluded. Not a standard Coimisiún condition.
18	Management company	Excluded. It is effectively a duplication of condition 10. Addressed in standard condition 24.
19	Boundary supplementation	Excluded. Not a standard Coimisiún condition.
20	Security bond	Excluded. Duplication of condition 13. Addressed in standard condition 28.
21 (a) – (b)	Woodland park management/maintenance plan and playgrounds	(a) Agreed. This condition is warranted given the nature of the woodland park area. It does not contradict any EIAR mitigation and I consider it to be an environmental condition. Included as condition 4 (a).

		(b) Incorporated as condition 6 (e)
22	Uisce Éireann	Included as standard condition 21
23 – 26	Construction phase site management	Incorporated as standard conditions 22 and 23
27	Standby generator for pumping station	Excluded. I consider this would be addressed as part of the required Uisce Éireann agreement.
28	Foul sewer	Excluded. I consider this would be addressed as part of the required Uisce Éireann agreement.
29	Roadside drainage	Incorporated as standard conditions 22 and 23
30	Road gradient	Addressed as part of conditions 5 (b) and 15
31 – 32	Construction phase site management	Incorporated as standard conditions 22 and 23
33	SuDS	Incorporated as standard condition 20
34	Noise levels	Addressed in the EIAR and by condition 3 (b)
35	CEMP	Included as standard condition 23
36	Information, emissions, complaints	Excluded. Not a standard Coimisiún condition. Monitoring, recording and appointment of a Community Liaison Officer required under standard condition 22 (h), (l), and (n).
37	Surface water runoff	Incorporated as standard conditions 22 and 23
38	RWMP	Addressed as standard condition 19
39 – 40	Archaeology	These conditions are warranted given the nature of the development area. They do not contradict any EIAR mitigation and I consider them to be environmental conditions. See paragraph 9.14.10. Included as condition 17.

41	Noise	Similar to condition 34. Addressed in the EIAR and by condition 3 (b).
42 – 45	Cycle design manual, pedestrian crossings, tactile paving, footpaths	Addressed as part of standard conditions 5 (b) and 15.
46	Stage 3 Road Safety Audit	Excluded. Not a standard Coimisiún condition. Can be addressed in conditions 5 (b) and 15.
47	Maintenance of porous asphalt	Incorporated as standard condition 25
48 – 52	Active travel paths, sightlines	Incorporated as conditions 5 (b), 6 (a), 13, and 15
53 (a) – (b)	Future connections	(a) Agreed. Included as condition 10 (d). (b) Excluded. I consider it unnecessary given the extent of permeability through the site.
54 – 55	Raised tables, drainage	Excluded. Incorporated into conditions 5 (b), 15 and 20.
56 – 64	Public lighting	Addressed/included as standard condition 13
65	Restriction on cutting/removal of vegetation	Agreed. Included as condition 8 (b). This condition is warranted because of the extent of bird nesting habitat, ambiguity in the EIAR (paragraph 11.11.2.3), and the provisions of the DHLGH submission. It is referenced in paragraph 9.7.11 of this report. I consider it to be an environmental condition.
66 (a) – (b)	EIAR biodiversity mitigation	(a) Included as standard condition 2 (b) The requirement for a pre-construction badger survey is reasonable as the mitigation measures relating to badger (paragraph 11.11.2.1.1 of the EIAR) only refers to the

		<p>badger sett. This condition would be consistent with the DHLGH report and would not contradict EIAR mitigation. I consider it to be an environmental condition.</p> <p>I do not consider the pre-construction amphibian survey is specifically required as the EIAR biodiversity chapter provides for same (paragraph 11.11.2.6). However, I consider it appropriate for the survey to be submitted to the planning authority for approval.</p> <p>Included as conditions 4 (c) and (d).</p>
67	Construction material	Incorporated as condition 8 (d)
68 (a) – (d)	Trees and hedgerows	<p>(a) Agreed. As per paragraph 9.7.10. I consider this to be an environmental condition. Included as condition 8 (a).</p> <p>(b) and (c) Agreed. I consider these to be environmental conditions and not ones that would conflict with EIAR mitigation or the DHLGH report. Included as conditions 4 (e) and (f).</p> <p>(d) Agreed. Incorporated into standard condition 8 (c). Paragraph 9.7.11 is relevant to this. I consider this to be an environmental condition which removes ambiguity in the EIAR.</p>
69	Development contributions	Included as standard condition 30

9.0 Environmental Impact Assessment (EIA)

This section sets out the EIA of the proposed project and it should be read in conjunction with the planning assessment, AA, and WFD assessment sections. The proposed development provides for 362 residential units, a creche, community room, and café, and associated site works including upgrade of Mountain Road on a 12.97 hectares site at Carrigaline, Co. Cork.

9.1. Statutory Provisions

- 9.1.1. Schedule 5 Part 2 Class 10 (Infrastructure) (b)(iv) of the Planning & Development Regulations, 2001 (as amended), requires EIA for 'Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere'. As the site area is 12.97 hectares, the proposed development requires EIA.

9.2. EIA Structure

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

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

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

- 9.2.2. Article 94 of the Planning & Development Regulations, 2001 (as amended) and associated Schedule 6 set out requirements on the contents of an EIAR.
- 9.2.3. This EIA section of the report is therefore divided into two sections. The first section assesses compliance with the requirements of Article 94 and Schedule 6 of the Regulations, 2001 (as amended). The second section provides an examination, analysis, and evaluation of the development and an assessment of the likely direct and indirect significant effects of it on the following defined environmental parameters, having regard to the EIAR and relevant supplementary information:
- population and human health,
 - biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive,
 - land, soil, water, air and climate,
 - material assets, cultural heritage and the landscape,
 - the interaction between the above factors, and
 - the vulnerability of the proposed development to risks of major accidents and/or disasters.
- 9.2.4. The assessment also provides a reasoned conclusion and allows for integration of the reasoned conclusions into the Commission's decision, should it agree with the recommendation made.
- 9.2.5. It should be noted that reasoned conclusion refers to significant effects which remain after mitigation. Therefore, while I outline the main significant direct, indirect, and cumulative effects within my assessment of each environmental factor, only those effects that are not or cannot be appropriately mitigated are incorporated into my reasoned conclusion in subsection 9.18.
- 9.2.6. I also note that page 2-12 of the EIAR states that, for the EIA process, the development is considered to be permanent and therefore no decommissioning phase is considered.

9.3. Issues Raised in Respect of EIA

- 9.3.1. The main issues raised in respect of EIA by parties to the appeal relate to the inclusion of works to Mountain Road within the EIAR, the works to Mountain Road itself, the content of the biodiversity chapter, and surface water. These issues are elaborated upon in the consideration of the technical chapters where relevant.
- 9.3.2. In relation to the concern expressed about the inclusion of works to Mountain Road I note that the EIAR does not exclude this aspect of the proposed development. The upgrade is specifically referenced in, for example:
- sub-sections 2.3.7 and 2.3.8.3 and figures 2.9 and 2.13 in chapter 2 (Project Description),
 - the buffers from the site boundary on pages 13-7/8 of the Air Quality and Climate chapter,
 - figures 6.1 and 6.7, table 6.17, and sections 6.9 and 6.22 of the Material Assets: Traffic & Transport chapter,
 - the mitigation measures relating to works in existing public roads in sub-section 7.9.3.1 of the Material Assets: Built Services chapter, and,
 - views 1 and 2 of appendix 5-1 of the Landscape and Visual chapter.
- 9.3.3. This matter is also addressed in the analysis, evaluation, and assessment sections of other technical chapters, where relevant.

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

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

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

Article 94(a) Information to be contained in an EIAR (Schedule 6, paragraph 1)
A description of the proposed development comprising information on the site, design, size, and other relevant features of the proposed development, including the additional information referred to under section 94(b).
A description of the proposed development is set out in Chapter 2 (Project Description) of the EIAR. Sub-sections of the chapter include a description of the subject site, proposed uses, design approach and layout, materials, access, parking, landscaping, and drainage as well as construction phase detail. Demolition works form part of the proposed development, with the existing farmyard in the north east corner of the site. However, this is relatively limited in scale with a floor area of 755.19sqm. I am satisfied that the development description provided is adequate.
A description of the likely significant effects on the environment of the proposed development, including the additional information referred to under section 94(b).
An assessment of the likely significant direct, indirect, and cumulative effects of the development is carried out for each of the technical chapters of the EIAR. I am satisfied that the assessment of significant effects is sufficiently robust to enable a decision on the project. However, I consider additional detail is required in this regard in relation to noise and biodiversity for the upgrade works on Mountain Road, which I consider can be addressed through a compliance condition should permission be granted. These comprise environmental conditions.
A description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent, or reduce and, if possible, offset likely significant adverse effects on the environment of the development, including the additional information referred to under section 94(b).
Mitigation is addressed in each of the EIAR technical chapters. Chapter 17 (Summary of Proposed Mitigation Measures) summarises the proposed mitigation measures in tables covering the construction and operational phases as well as the incorporated design mitigation e.g. infrastructure for vulnerable road users and green infrastructure.

I am satisfied that proposed mitigation measures comprise standard good practices and site-specific measures that are largely capable of offsetting significant adverse effects identified in the EIAR, although I consider that additional detail is required in relation to noise and biodiversity for the upgrade works on Mountain Road.

A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment, including the additional information referred to under section 94(b).

Chapter 3 (Alternatives) provides an overview of the alternatives considered.

The site is zoned for residential development by CCC with a specific zoning objective. A do-nothing alternative would not fulfil the zoning objective or assist in the delivery of housing units and it would be inappropriate and unsustainable. Given the zoning there is no reasonable alternative location. The proposed uses are appropriate for the site. The development layout went through a design process. Four previous iterations of the layout are illustrated.

I am satisfied that reasonable alternatives were considered, the main reasons have been set out for opting for the layout proposed, and potential impacts on the environment have been taken into account. The application is for a LRD on a suitably zoned site.

Article 94(b) Additional information, relevant to the specific characteristics of the development and to the environmental features likely to be affected (Schedule 6, Paragraph 2)

A description of the baseline environment and likely evolution in the absence of the development.

The baseline environment is addressed in each technical chapter within the EIAR and the likely evolution of the environment in the absence of the proposed development is described, with particular reference to 'do nothing' scenarios. I am satisfied with the descriptions of same.

A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example

technical deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved.

The relevant methodology employed in preparing the EIAR, including desk-based assessment, consultations, site visits, site investigations etc. is set out in the individual chapters.

The applicant has identified any difficulties encountered in each technical chapter, (they are described as 'Limitations' in the biodiversity chapter). Difficulties encountered/limitations were cited in the biodiversity, material assets: traffic and transport, cultural heritage, and landscape and visual chapters and included issues such as below optimum breeding bird and bat survey data, seasonal variations in traffic data and public transport schedules, an inability to assess the wooded area for archaeology because of the nature of the area, and that surveys only took place in summer when full foliage on trees provided additional screening in terms of landscape and visual impact. The relevant chapter sub-sections address these limitations further. Although it is a deficiency in the EIAR that sufficient data is lacking, such as in relation to breeding birds and bat surveys, I do not consider that it is to a degree fatal to the planning application. In this regard I note that the detailed CCC Ecology report does not raise this as a specific issue and nor does the DHLGH observation received by CCC.

I am satisfied that the forecasting methods overall are adequate in respect of likely effects.

A description of the expected significant adverse effects on the environment of the proposed development deriving from its vulnerability to risks of major accidents and/or disasters which are relevant to it.

Chapter 15 (Risk of Major Accidents and Disasters) assesses the vulnerability of the proposed development to be affected by major accidents and disasters. It assesses its potential to cause an increased risk of major accidents and disasters and the likely significant adverse effects arising from them. I am satisfied this issue has been adequately addressed in the EIAR.

Article 94 (c) A summary of the information in non-technical language.

Volume I of the EIAR comprises a Non-Technical Summary. I am satisfied that this is concise, suitably comprehensive, and would be easily understood by members of the public.

Article 94 (d) Sources used for the description and the assessments used in the report

Each chapter provides a list of documents and information used to inform the chapter assessment. I consider the sources relied upon are generally appropriate and sufficient in this regard.

Article 94 (e) A list of the experts who contributed to the preparation of the report

A list of the various experts/consultants who contributed to the EIAR and their specialist chapter(s) are set out in table 1-1 (EIAR Chapters and Contributors) of the EIAR. The expertise and qualifications of the chapter authors are also set out at the beginning of each technical chapter. I am satisfied that the EIAR demonstrates the competence of the individuals who prepared each chapter of the EIAR.

Consultations

- 9.4.2. The application has been submitted in accordance with the requirements of the Planning & Development Act, 2000 (as amended), and the Planning & Development Regulations, 2001 (as amended), in respect of public notices. Submissions have been received from statutory bodies and third parties and are considered in this report, in advance of decision making.
- 9.4.3. I am satisfied, therefore, that appropriate consultations have been carried out and that third parties have had the opportunity to comment on the proposed development in advance of decision making.

Compliance

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

9.5. Assessment of Likely Significant Effects

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

9.6. Population and Human Health

Issues Raised

- 9.6.1. Matters relevant to population and human health raised in the grounds of appeal and observations generally relate to construction phase nuisance and safety during the upgrade of Mountain Road. Noise impact is assessed in this sub-section while more general impact on residential amenity has been addressed in sub-section 8.3 and traffic-related issues are addressed in sub-section 9.11.

Examination of the EIAR

Context

- 9.6.2. Chapter 4 (Population and Human Health) notes this is a very broad factor which would be highly project dependant. Other environmental factors are relevant e.g. traffic, air quality, and noise. Supporting documentation submitted with the application is referenced such as the Childcare and School Demand Assessment Reports. Relevant publications and other data sources are referenced.

Baseline

- 9.6.3. The baseline environment is set out under sub-headings including public transport, air quality, population, health, households, employment, and social infrastructure.

Potential Effects

- 9.6.4. The EIAR considers the potential for environmental effects under the headings of population, employment and economics, health, residential amenity, and local amenity impacts. Likely significant effects of the development, as identified in the EIAR, are

summarised in Table 9.2. Minor effects are not generally identified, except where there is potential for significant impact interactions, cumulative effects, where concerns have been expressed by parties to the application, or where otherwise considered notable. The EIAR noise and vibration chapter (chapter 12) is also considered in this sub-section.

Table 9.2 – Environmental Effects on Population and Human Health

Project phase	Potential effects
Do-nothing	There would be no immediate impact on population, economic activity, or community services/facilities. There will be a shortfall in housing supply. Zoning and objectives will not be realised. <i>Negative to neutral</i> impacts. Noise and vibration levels will remain unchanged.
Construction	<p><i>Short term negative</i> impacts on population/residential amenity.</p> <p><i>Positive short term moderate</i> effects on employment and economics with up to 100 workers employed on site.</p> <p>The noise effects during site set up, clearance, and demolition works at noise sensitive locations (NSLs) is likely to be <i>temporary, negative and significant to very significant</i> within 50 metres, reducing to <i>moderate to significant</i> at distances between 50 metres – 90 metres. During site services works the noise at NSLs within 30 metres is likely to be <i>short term, negative and significant to very significant</i>, reducing to <i>moderate to significant</i> at distances between 30 metres – 50 metres. General construction noise within 10 metres of a NSL will be <i>negative and significant to very significant</i>.</p>
Operation	<p><i>Significant positive long term</i> impacts on population by the provision of the proposed childcare facility.</p> <p><i>Positive slight long term</i> impact on employment and economics to the local area and wider town.</p>

	<p><i>Significant permanent positive</i> impact on human health as a result of the amenity and recreational facilities.</p> <p>The high quality living environment will have a locally <i>significant, positive and permanent</i> effect on residential amenity.</p> <p><i>Significant positive permanent</i> effects on local amenity from the open space provision and links to proposed infrastructure.</p>
Cumulative	<p>Cumulative effects during construction would increase potential impacts but during the operational phase they are expected to be <i>slight, long term and positive</i>.</p>

Mitigation

- 9.6.5. Mitigation is set out in sub-sections 4.10 and 12.10 of the EIAR. Designed-in mitigation is referenced for population and human health e.g. building regulations. Documents referred to for construction phase mitigation include the Outline CEMP and the RWMP and reference to methods such as noise control and working hours. No particular operational phase measures are proposed (though the OWMP is cited under the construction phase mitigation in chapter 4).

Residual Effects

- 9.6.6. The land will have an urban rather than rural character. The residual effect for population and human health will be significantly positive having regard to the delivery of new homes in a location that has the carrying capacity in terms of both services and amenities. No significant adverse residual effects to the human environment have been identified during the operational phase. However, the implementation of mitigation would not significantly reduce the construction phase residual noise effects which would continue to have up to a very significant effect.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

- 9.6.7. I have examined, analysed, and evaluated chapters 4 and 12 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of population and human health and noise. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely

effects on population and human health and noise, as a consequence of the proposed development, have been identified.

- 9.6.8. The EIAR states that there would be significant positive operational phase impacts on population as a result of the proposed childcare facility, on health as a result of the amenity and recreational facilities, on residential amenity as a result of the high quality living environment, and on local amenity as a result of open space provision and links to proposed infrastructure. While I agree that these would have positive impacts I do not consider that they are of such significance that they, individually or collectively, warrant inclusion in the reasoned conclusion of this EIA. They are, generally, a basic requirement of the proposed development. For example, the Childcare Facilities Guidelines (2001) require a childcare facility for a development of this size and the CCDP 2022 requires minimum open space provision and the provision of active travel links through the site as per CL-R-10. Therefore, while these are positive elements, I consider that their impact, as effectively standard aspects of a proposed residential development, are overstated in the EIAR, and do not warrant inclusion in the reasoned conclusion.
- 9.6.9. I note that this environmental factor would have significant interactions with other environmental factors which are set out in sub-section 4.12 of the EIAR. In particular in my opinion, during the construction phase, air quality, traffic and transport, landscape and visual impact, and noise and vibration would be relevant. The first three factors are considered separately in stand-alone sub-sections of this EIA. Air and landscape are environmental factors cited in the Planning & Development Act, 2000 (as amended) and traffic and transport is considered under the material assets sub-heading. I consider it appropriate to consider noise and vibration under the 'Population and Human Health' heading.
- 9.6.10. While I do not consider that there would be any notable noise impacts once the proposed development is occupied, there would be construction phase noise and vibration impacts given the size of the proposed development and the length of the anticipated duration of works, the upgrade works required to Mountain Road, and the proximity to existing development. Chapter 12 of the EIAR assesses this. Relevant construction phase noise impacts as set out in chapter 12 are contained within table 9.2, above. The residual/post mitigation effects would remain up to very significant in terms of significance despite the implementation of mitigation.

- 9.6.11. The noise chapter does not explicitly include detail on noise impacts to NSLs as a result of upgrade activity/construction works on Mountain Road. The assessment is concentrated on the housing site itself. For example, the three baseline noise monitoring locations (the baseline noise survey only took place on one day) are all within the housing site area, the NSLs illustrated on figure 12-4 are relevant to the housing area of the site, and road upgrade works are not included in the three construction phases set out in paragraph 12.9.1.2. There is no reference to road upgrade works and therefore, in my opinion, the EIAR is deficient in this regard.
- 9.6.12. Notwithstanding, I do not consider that the absence in the EIAR of specific noise detail relating to the construction phase on Mountain Road is fatal to the consideration of the EIAR. The upgrade of Mountain Road is required as part of development objective CL-R-10. The noise generated by the upgrade/construction activity on the road is likely to be the same regardless of whether the works are carried out by the applicant or, for example, CCC. The subject site is zoned for residential development and the upgrade is necessary to facilitate this. I consider that, in the event of a grant of permission, it would be necessary to include a condition requiring a noise report specific to the Mountain Road upgrade, to include appropriate mitigation, to be agreed with the planning authority prior to commencement of development to address the vacuum in the EIAR. This would comprise an environmental condition. I consider that construction phase works associated with the road upgrade would be significant to NSLs along the road.
- 9.6.13. I concur with the chapter that significant noise impacts would likely arise during the construction phase to NSLs in proximity to the construction works as set out in the chapter. However, this is a standard residential development project requiring a road upgrade envisaged under the development plan, and I do not consider that this is reason to recommend a refusal of permission. I also note that neither the CCC Environment (Noise) report nor the HSE report set out any particular concern in relation to noise.
- 9.6.14. Suitable mitigation measures have been proposed, including construction phase noise, which I consider are sufficient to ensure that there would be no undue adverse impacts on population and human health from development on the housing site area. An additional mitigation condition relating to the road upgrade works should be

included. I am also satisfied that there would be no significant cumulative adverse impacts.

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

9.6.15. Having regard to my examination of environmental information in respect of population and human health, in particular the EIAR provided by the applicant, the submissions and observations received, and my site inspection, I consider that the main significant direct and indirect effects on population and human health, after the application of mitigation measures, are:

- Positive, significant impact for population, due to the substantive increase in the housing stock during the operational phase in a location that has the carrying capacity in terms of both services and amenities.
- Short term negative noise effects up to very significant in significance arising for population in the vicinity of site works during the construction phase which would be mitigated as much as is reasonable by a suite of appropriate construction phase management measures.

9.7. Biodiversity

Issues Raised

9.7.1. Matters relating to biodiversity have been raised in the grounds of appeal, in third party observations on the grounds of appeal, in the DHLGH submission received by CCC, and in the CCC Ecologist's report. Biodiversity issues related to AA are addressed in section 10 (Appropriate Assessment (AA) Screening) of this report where I conclude that the proposed development would not be likely to give rise to significant effects on any European site, and AA (and submission of a Natura Impact Statement (NIS)) is not therefore required.

Examination of the EIAR

Context

9.7.2. Chapter 11 of the EIAR addresses biodiversity. Relevant appendices in volume III of the EIAR are 11-1 (Legislation and Policy), 11-2 (Value of Ecological Resources), 11-3 (EPA Impact Assessment Criteria), and 11-4 (Bird Survey Results (Green-Listed Species)). The chapter comprises an ecological impact assessment (EclA).

Legislation and policy context is identified. A desk study was undertaken. A field ecological survey was carried out in June 2024, a focused badger survey in September 2024, a preliminary bat roost assessment in June 2024 with bat activity surveys in August and September 2024, and a breeding bird survey in August 2024. Impact is only undertaken on key ecological receptors (KERs).

Baseline

9.7.3. The baseline environment is set out under sub-headings of:

- Hydrology, geology and hydrogeology.
- Designated sites.
- Habitats – semi-natural wet grassland dominates the open areas to the west and centre, improved grassland to the east, good quality hedgerows, a wet willow-alder-ash woodland with an adjacent drainage ditch, scrub along the peripheries of the hedgerows and woodland, treelines along the fringes of the site, and buildings and artificial surfaces at the farmyard.
- Flora – no rare or protected species noted but the invasive species sycamore was present in the treeline at the northeast boundary bordering Mountain Road.
- Non-volant mammals – a seemingly currently unused badger set was discovered on the southern site boundary.
- Bats – the site has negligible potential for roosting bats though the habitats are important in a local context for foraging and commuting with activity noted on both bat activity surveys.
- Birds – 23 species were recorded during the breeding bird surveys, four of medium-high conservation concern (meadow pipit, swift, swallow, willow warbler).
- Other fauna – common frog is likely to be supported, common lizard could utilise the site, the wet grassland/woodland may support locally important populations of invertebrates.
- Evaluation of ecological features – KERs identified on site are the woodland, wet grassland, hedgerows, and drainage ditches habitats, bats, badger, breeding birds, hedgehog, pygmy shrew, common frog, and invertebrates.

Potential Effects

- 9.7.4. The EIAR considers the potential for environmental impacts on the KERs. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 9.3. Minor effects are not generally identified, except where there is potential for significant impact interactions, cumulative effects, where concerns have been expressed by parties to the application, or where otherwise considered notable.

Table 9.3 – Environmental Effects on Biodiversity

Project Phase	Potential Effects
Do-nothing	The development would likely remain in its current state
Construction	<p><i>Negative, slight and long term</i> impact to the wet willow-alder-ash woodland from interventions to construct the public walkway</p> <p>The loss of wet grassland will be <i>negative, significant and permanent</i></p> <p>In the absence of pre-construction surveys the interference with the drainage ditches/amphibian habitat would be <i>negative, significant and long-term</i></p>
Operation	<p>No significant adverse effects are identified though a <i>negative, slight long term</i> impact would arise to badger due to increased human pressure in the vicinity of the sett entrance</p> <p>There may be anthropogenic impact on amphibians but the SuDS features would have a <i>positive, slight permanent</i> impact</p>
Cumulative	No in-combination potential for likely significant effects on nearby KERs

Mitigation

- 9.7.5. Mitigation measures are set out in sub-section 11.11 of the EIAR. Incorporated design mitigation includes SuDS features/green infrastructure. Construction phase mitigation includes measures outlined in the CEMP, measures related to the badger sett, surface water, timing of works, lighting, waste management, and pre-construction surveys. Operational phase mitigation relates to the badger sett, regular maintenance of the

drainage system, and biodiversity enhancement measures comprising swift bricks, kestrel nest boxes at the edge of the site, bat boxes within the wet woodland, amphibian and reptile hibernacula around the attenuation areas, and nesting boxes for solitary bees.

Residual Effects

- 9.7.6. Provided all recommended measures are implemented in full and remain effective, no significant negative residual impacts on the local ecology will occur. The residual impacts arising following the implementation of mitigation will be a net gain in biodiversity value when compared to the baseline conditions, due to the relatively low ecological value of the main site footprint.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

- 9.7.7. I have examined, analysed, and evaluated chapter 11 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of biodiversity. I am satisfied that the applicant's presented baseline environment in terms of the proposed housing area is comprehensive and that the key impacts in respect of likely effects on biodiversity, as a consequence of the proposed development, have been identified.
- 9.7.8. Biodiversity issues have been raised in the grounds of appeal and observations received on foot of same, by the DHLGH, and by the CCC Ecologist, as follows.
- 9.7.9. Grounds of appeal – Section 4.0 of the Simon Brewitt & Others appeal briefly states that the biodiversity assessment does not appear to have referenced Mountain Road at all despite the removal of all vegetation from the northern side of the road. From reading chapter 11 of the EIAR I agree that Mountain Road has been excluded from consideration in terms of biodiversity. There is no reference to any survey being carried out along the road and no reference to its habitats (primarily artificial/built surfaces but there are some stretches of trees, hedgerow, and verges along the approx. 600 metres of proposed upgrade works). In my opinion this is a vacuum in the EIAR. However, given the relatively limited extent of the northern boundary to be removed, in the context of the overall site, to accommodate an upgraded road of 5.5 metres in width and a shared width of 3 metres, and the unlikelihood of significant biodiversity value being present along the north side of Mountain Road given the limited extent of natural habitat and the proximity to houses and the road/artificial

surfaces, I do not consider that it is such an omission that permission should be refused on this basis. I consider that in the event of a grant of permission, it would be necessary to include a condition requiring an EclA specific to Mountain Road to be agreed with the planning authority prior to commencement of development to address the vacuum in the EIAR. This would comprise an environmental condition.

9.7.10. Dr. Erin Johnston observation on the grounds of appeal³ – Comments on biodiversity are contained in this observation (I address the AA-related observations in section 10 (Appropriate Assessment (AA) Screening). Issues set out include the wet woodland habitat, the treeline along Mountain Road, extent of hedgerow loss, bats, and invasive species being present along Mountain Road. I am satisfied that the specific detail of treatment of the wet woodland area can be adequately addressed by way of a suitable compliance condition. The habitat along Mountain Road, which would include the invasive species identified, can be addressed by the EclA referred to in the previous paragraph. The CCC Planning Report acknowledged the ambiguity in the extent of hedgerow loss but stipulated in condition 68 (a) of the decision that hedgerows shall be retained in accordance with the Hedgerow Treatment map in the Landscape Concept document. I consider that to be acceptable. The observation considers it remarkable that there are no trees with roosting potential on site. In this regard I consider that the chapter author is suitably qualified and I note that the CCC Ecologist has not referred to this as an issue despite summarising the chapter and in their assessment specifically stating ‘I note that bat roost assessments were carried, including within the buildings onsite’ [sic].

9.7.11. DHLGH – The department’s observation considers that a number of issues should have been included or addressed in the EIAR and it comments on common frog, breeding birds, badger, quantitative data on hedgerow and woodland area, protection of hedgerows and trees during construction, lighting, and bats. A pre-construction amphibian survey is to be carried out as mitigation as per paragraph 11.11.2.6 of the EIAR. Condition 65 of the CCC decision states that no cutting or removal of trees or hedgerows, or clearance of ground vegetation shall be undertaken between March 1st

³ I note that brief reference was made to wildlife on the eastern boundary laneway in the Denis Jones and Jean Wallace Jones observation. I consider those issues to be generally addressed in the EIAR chapter or by condition. Reference was made to wildlife and trees in the Paul Griffin observation. The wildlife issue is not specifically relevant as the ditch referenced is not being altered. In relation to tree removal, should permission be granted this would not include any tree removal outside the red line site boundary.

and August 31st. I consider a similar condition can be stipulated to address ambiguity present in the EIAR in relation to this issue, given the quality of existing nesting habitat. This would be an environmental condition. Construction phase mitigation for badger/the badger sett is set out in paragraph 11.11.2.1.1 of the EIAR. A pre-construction survey for badger can also be conditioned as per condition 66(b) of the CCC decision. Issues relating to the hedgerow and woodland areas are addressed in the previous paragraph. In addition, I consider that standard conditions can be attached to any grant of permission relating to protection of hedgerows and trees during construction, and lighting. In relation to the protection of hedgerows and trees during construction I note that paragraph 11.11.2.1 of the EIAR refers to a mitigation measure in the CEMP. In order to avoid ambiguity about whether this is or is not EIAR mitigation I consider an additional condition is required (condition 8 (c)), which would be an environmental condition. The observation also queries whether the bat survey covered the existing farm buildings. Paragraph 11.6.1.5.1 of the EIAR states that they were and the CCC Ecologist also noted that, as per the excerpt from their report as set out in the previous paragraph.

9.7.12. CCC Ecologist Report – The report recommended further information in relation to a Hedgerow Appraisal Report. The Planning Report (section 17) considered that a significant portion of hedgerow was being retained, and acknowledged that some hedgerow loss would be expected as a result of a development of this size on zoned land. A condition stipulating retention in accordance with the Hedgerow Treatment Map in the Landscape Concept document was considered appropriate. I consider it should be restated should permission be granted by the Commission.

9.7.13. In the applicant's response to the grounds of appeal, brief reference is made to the Simon Brewitt & Others appeal which stated that biodiversity on Mountain Road did not appear to have been considered in the EIAR. The applicant's response completely disagrees with this and states that the biodiversity chapter deals with the proposed upgrade works 'in considerable detail, as is evident from figure 11.1 of the EIAR ...' and excerpts of the chapter are set out. As previously stated, having regard to the content of the EIAR chapter, I do not consider that it has taken Mountain Road into consideration. Figure 11.1 merely shows an aerial image of the area with the site boundary outlined and the excerpts set out do not specifically relate to biodiversity on Mountain Road but are general statements. However, as per paragraph 9.7.9, I

consider, given the relatively limited likelihood of significant biodiversity impact occurring as a result of the upgrade works along the road, this can be addressed by way of an EclA to be approved by the planning authority.

- 9.7.14. Notwithstanding the issues set out in this analysis, evaluation, and assessment, the subject site is zoned for residential development. I agree with the CCC Planning Report that in a development of this nature and size the loss of some hedgerow is unavoidable. There are no specific objectives in the CCDP 2022 relating to hedgerows that the proposed development would contravene. Objectives such as BE 15-6 (b) and HE 16-21 encourage the retention and integration of existing trees and hedgerows within new developments and appropriate landscaping of proposed developments by protecting existing hedgerows in rural areas. The development objective that is specific to the site, CL-R-10, requires 'appropriate landscaping'. The proposed development retains substantial lengths of hedgerow and the wet woodland habitat is also retained as part of the open space area. It is not feasible or reasonable to maintain these areas untouched and in their current condition when they are located within an area specifically designated for residential development and where there is an onus on the relevant authorities to require a sustainable density of development. Should permission be granted I recommend the inclusion of a tree/hedgerow bond in relation to the trees and hedgerows to be retained within the housing development area, given their value and importance to the site.
- 9.7.15. I consider that further detail of the development/layout and management/maintenance of the woodland area should be agreed with CCC prior to the commencement of development on the housing site. These would be environmental conditions which would bring clarity. It would not contradict the EIAR.
- 9.7.16. The EIAR identifies no significant adverse residual effects despite identifying significant construction phase impacts on wet grassland, as a result of its removal, and on amphibians/drainage channels in the absence of pre-construction surveys. In relation to the wet grassland, it appears that the net gain in biodiversity value addresses this issue for the purpose of the EIAR. A pre-construction amphibian survey is proposed which would mitigate that issue. However, the wet grassland loss is not compensated for, in my opinion, by the proposed landscaping. I have no issue with the loss of the wet grassland area given that the zoned area cannot be developed without its loss, but I do not agree that alternative landscaping results in it not

comprising a significant residual impact given the chapter identifies its loss as significant in the first instance and it was identified as a KER. Therefore, I consider that the loss of the wet grassland should be included in the reasoned conclusion as a significant impact that is not fully mitigated.

9.7.17. Notwithstanding, I am satisfied that suitable mitigation measures have been proposed, and additional conditions can be attached, sufficient to ensure that there would be no undue adverse impacts on biodiversity on this zoned site. I am also satisfied that there would be no significant cumulative adverse impacts.

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

9.7.18. Having regard to my examination of environmental information in respect of biodiversity, in particular the EIAR provided by the applicant, the submissions and observations received, and my site inspection, I consider that the main significant direct and indirect effects on biodiversity, after the application of mitigation measures, are:

- Significant adverse direct impact on biodiversity due to the removal of the wet grassland habitat which is unavoidable to allow for the development of this zoned site.

9.8. Land and Soil

Issues Raised

9.8.1. None.

Examination of the EIAR

Context

9.8.2. Chapter 9 (Lands & Soils) assesses the potential significant effects of the proposed development on land, soils, and geology. Appendix 9-1 (Site Investigation Data) in volume III is applicable to this chapter. The methodology adopted takes cognisance of relevant identified legislation and guidelines.

Baseline

9.8.3. The baseline environment is described under a number of sub-headings including:

- Topography – The site slopes down from the south west to the north east.

- Soils – Mineral poorly drained (mainly acidic) surface water gleys / ground water gleys derived from mainly non-calcareous parent materials.
- Quaternary geology – Till derived from Namurian sandstones and shales (TNSSs).
- Bedrock geology – Three major lithological units beneath the northern portion (White Strand Formation), beneath the central portion (Lispatrick Formation), and beneath the southern portion (Cuskinny Member) with a series of structural faults offsetting the lithological units).
- Site investigation – Topsoil ranged to depths between 0.25 metres – 0.4 metres. This was underlain by mixed glacial deposits comprising slightly sandy, slightly gravelly SILT with low cobble content to depths of up to 3.6 metres below ground level (mbGL). Weathered mudstone was encountered in the southeast of the site at depths ranging from 2.7mbGL to 3.3mbGL. Groundwater was encountered at 2.7mbGL (described as a trickle flow rate) at a single trial pit location.

Potential Effects

- 9.8.4. The EIAR considers the potential for environmental impacts under a number of sub-headings. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 9.4. Minor effects are not generally identified, except where there is potential for significant impact interactions, cumulative effects, where concerns have been expressed by parties to the application, or where otherwise considered notable.

Table 9.4 – Environmental Effects on Land and Soils

Project Phase	Potential Effects
Do-nothing	No change or resulting impact on the nature of the site
Construction	<p>There will be an unavoidable land take with loss of undeveloped land and soil with a <i>negative, permanent and moderate to significant</i> impact</p> <p>Use of cementitious materials may have a <i>negative, moderate and long term</i> impact on soil quality</p> <p>Accidental release of deleterious materials such as fuels could have a <i>negative, moderate to significant long term</i> impact</p>

Operation	Limited potential for direct adverse effects
Cumulative	No notable cumulative impacts

Mitigation

- 9.8.5. Mitigation measures are set out in sub-section 9.9 of the EIAR. All measures are demolition/construction phase measures with reference made to, inter alia, the Outline CEMP and RWMP, imported materials from reputable suppliers, measures relating to stockpiles of soil, re-use where possible, and appropriate fuel storage.

Residual Effects

- 9.8.6. Tables 9-7 – 9-10 set out the residual effects. The only notable residual effect remains the moderate to significant land take which is unavoidable and there is no mitigation.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

- 9.8.7. I have examined, analysed, and evaluated chapter 9 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of land and soils. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on land and soils, as a consequence of the proposed development, have been identified.
- 9.8.8. Suitable mitigation measures have been proposed which I consider are sufficient to ensure that there would be no significant adverse impacts on land and soils, other than the loss of the undeveloped land and soil which is unavoidable given the zoned nature of the site. While this is similar to the conclusion of the previous biodiversity sub-section I consider that both can be included in a reasoned conclusion as they impact two different environmental factors and the degrees of impact differ (biodiversity being significant and land and soil being moderate to significant). I am also satisfied that there would be no significant cumulative adverse impacts.

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

- 9.8.9. Having regard to my examination of environmental information in respect of land and soils, in particular the EIAR provided by the applicant, the submissions and observations received, and my site inspection, I consider that the main significant

direct and indirect effects on land and soils, after the application of mitigation measures, are:

- Moderate to significant direct negative impact on land and soil due to the loss of undeveloped land and soil which is unavoidable to allow for the development of this zoned site.

9.9. Water and Hydrology

Issues Raised

- 9.9.1. The Oliver Power grounds of appeal references surface water issues on Mountain Road and two observations received on foot of the grounds of appeal reference surface water/flooding on the laneway along the eastern boundary.

Examination of the EIAR

Context

- 9.9.2. Chapter 10 (Water & Hydrology) assesses the potential significant effects of the proposed development on the receiving hydrology and hydrogeology. The methodology adopted has had regard to relevant identified legislation and guidelines.

Baseline

- 9.9.3. The baseline environment is described under a number of sub-headings which provide information as set out under the previous sub-section. Other sub-headings include:

- Hydrology – The closest EPA mapped surface waterbodies are the Healy's Bridge Stream, the West Carrigaline River, and the Kilnaglery 19 Stream located approx. 240 metres west, 290 metres north, and 370 metres east of the site, respectively. The Healy's Bridge Stream discharges to the West Carrigaline River. It discharges to the Owenboy River and eventually outfalls to coastal waters of Cork Harbour via Owenboy Estuary transitional waters. The Kilnaglery 19 also discharges to that transitional waterbody.

Although some drainage ditches were identified on site they were mostly dry at the time of inspection. The central woodland area was waterlogged. Surface water associated with the woodland was observed to drain northwards to an existing drainage ditch at the field boundary. This was the only drainage ditch where

standing water was observed. All drainage ditches at the site were observed to be contained within the site boundary with no outflow from the site. Based on the findings of the site walkover, it is considered that all retained surface water infiltrates to groundwater.

An existing 300mm diameter surface water pipe to the north of the site crosses Mountain Road and discharges to the West Carrigaline River along Forest Road. The SSFRA classifies the site as Flood Zone C, where the probability of flooding is low, and confirms that the proposed development will not significantly impact flood levels in the surrounding areas, with surface water runoff being attenuated to greenfield runoff rates before discharging to the existing 300mm diameter surface water pipe.

- Hydrogeology – The groundwater body (GWB) beneath the site is the Ballinhassig East GWB. The bedrock aquifer is a locally important aquifer which is moderately productive only in local zones. There is a groundwater vulnerability rating of 'High' beneath the majority of the site and a rating of 'Moderate' beneath the eastern portion of the site. An overall groundwater vulnerability rating of 'High' is considered appropriate.
- Water Framework Directive (WFD) status – The Owenboy river has a moderate WFD status but is at risk of not achieving the WFD objective. The Kilnaglery has a good status and is under review in terms of the WFD objective. The Ballinhassig East GWB has a good status and is not at risk of not achieving the WFD objective.

Potential Effects

- 9.9.4. The EIAR considers the potential for environmental impacts. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 9.5. Minor effects are not generally identified, except where there is potential for significant impact interactions, cumulative effects, where concerns have been expressed by parties to the application, or where otherwise considered notable.

Table 9.5 – Environmental Effects on Water and Hydrology

Project Phase	Potential Effects
Do-nothing	No change to drainage or the hydrological and hydrogeological regime at the site
Construction	<p>There is a risk to the underlying bedrock aquifer due to accidental release of deleterious materials e.g. fuels or other hazardous materials. Groundwater vulnerability will temporarily be increased during the demolition and construction phase. This could result in a <i>negative, moderate to significant and long term</i> impact.</p> <p>The use of cementitious material may result in a <i>negative, moderate to significant and medium-term</i> impact.</p> <p>There is a potential risk of contaminants which enter the groundwater to flow laterally towards the receiving water supply at the residential property to the north of Mountain Road which could result in a <i>negative, moderate to significant and long term</i> impact on the receiving water supply/users.</p>
Operation	<p>The proposed development will convert a percentage of undeveloped land to impermeable surface e.g. buildings and roads. The existing capacity for infiltration and recharge to the aquifer is low. The change in cover will result in an unavoidable reduced infiltration potential within a localised portion of the GWB. The incorporation of SuDS will encourage continued groundwater recharge and any change in recharge potential will only impact a very localised area of the aquifer. There will be an unavoidable <i>negative, slight to moderate and permanent</i> impact.</p> <p>There is a potential risk of contaminants that enter the groundwater to flow laterally towards the receiving water supply located at the residential property to the north of Mountain Road with potential <i>negative, moderate to significant and long term</i> impact on the receiving water supply/users.</p>

Cumulative	No notable potential cumulative impacts
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Mitigation

- 9.9.5. Mitigation measures are set out in sub-section 10.9 of the EIAR. Demolition/construction phase measures reference, inter alia, the Outline CEMP, road cleaning, surface water management, silt fencing, protection of stockpiles, and appropriate fuel storage. No particular operational stage mitigation is cited although SuDS and the ongoing monitoring and maintenance of same is referenced.

Residual Effects

- 9.9.6. Tables 10-12 – 10-15 set out the residual effects. Residual construction phase impacts are all considered to be imperceptible. The most notable residual operational phase impact is negative and slight to moderate in significance for the reduction in infiltration and recharge to the aquifer.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

- 9.9.7. I have examined, analysed, and evaluated chapter 10 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of water and hydrology. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on water and hydrology, as a consequence of the proposed development, have been identified.
- 9.9.8. The Oliver Power grounds of appeal and two of the observations received on the grounds of appeal state that the existing surface water pipe struggles to cope with surface water during rainy periods, that the additional impermeable surfacing will cause flooding, and reference is made to flooding/surface water in the eastern boundary laneway area.
- 9.9.9. All surface water on site is currently retained on site and infiltrated to groundwater. Therefore, the surface water generated by the proposed development which is not removed through SuDS/infiltration on site will be added to existing surface water pipe. The proposed runoff into the existing pipe would be restricted to a greenfield runoff rate. Neither the EIAR nor CCC have indicated an issue or concern in relation to flooding on Mountain Road, with the capacity or condition of this surface water pipe,

or with the capacity of the outfall to West Carrigaline River along Forest Road⁴. Having regard to the foregoing I am satisfied that surface water from the site can be adequately treated.

- 9.9.10. Similarly, neither the EIAR nor CCC have indicated an issue or concern with flooding or surface water issues on the eastern boundary laneway. Photographs have been attached to one of the observations (Denis Jones and Jean Wallace Jones) showing some water ingress within the garden of a house in Wheatfields. The publicly available Office of Public Works www.floodinfo.ie website, accessed on 3rd September 2025 does not show any past flood events on Mountain Road or on this laneway. A SSFRA has been submitted with the application. The entirety of the subject site is in Flood Zone C i.e. where the probability of flooding from rivers and the sea is low (less than 0.1% AEP⁵ or 1 in 1000 for both river and coastal flooding). The SSFRA conclusion, inter alia, states that 'The implementation of these SuDS measures will not increase the risk of flooding elsewhere. It is considered that the proposed development will have a negligible impact on the potential flood regime of the area'.
- 9.9.11. The initial CCC Area Engineer's report addresses surface water specifically. Among other issues, the proposed discharge to the 300mm pipe was acceptable. The CCC Environment report, which noted the proposed SuDS features, indicated no objection to the proposed development subject to conditions.
- 9.9.12. Having regard to the foregoing, I am satisfied that the proposed manner of surface water treatment and disposal is acceptable. Notwithstanding the third-party appeal and observations on this issue I do not consider that it has been demonstrated that the proposed method of surface water disposal is inappropriate or that the proposed development would increase the risk of flooding to adjacent properties. I note that the proposed surface water masterplan drawing (drg. no. 24011-OSL-XX-11-XX-DR-C-1126) shows the southern section of attenuation pond 5 within the footprint of a possible extension of the turning head to the site boundary to facilitate future connection. I consider that any required reconfiguration/resizing of the pond to facilitate a condition whereby this turning head is extended would not result in significant implications in terms of the surface water regime.

⁴ I note that the www.floodinfo.ie website, as referenced in the following paragraph, indicates a single historic flood event on Forest Road in October 2017.

⁵ AEP – Annual Exceedance Probability

9.9.13. I consider that the mitigation measures outlined within the chapter are sufficient to reduce impacts to a non-significant level. I am also satisfied that there would be no significant cumulative adverse impacts.

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

9.9.14. Having regard to my examination of environmental information in respect of water and hydrology, in particular the EIAR provided by the applicant, the submissions and observations received, and my site inspection, I do not consider that there would be any significant direct or indirect water and hydrology effects.

9.10. Air Quality and Climate

Issues Raised

9.10.1. None.

Examination of the EIAR

Context

9.10.2. Chapter 13 (Air Quality & Climate) assesses the potential significant effects of the proposed development on air quality and climate. Appendices 13-1 (Construction Phase AADT⁶) and 13-2 (Operational Phase AADT) are applicable to this chapter. Applicable standards for assessing compliance in relation to air quality are outlined in table 13-1. Relevant climate agreements, national legislation and policy, and climate background are summarised. The chapter was prepared having regard to identified guidance. Detailed methodologies for identifying construction phase dust impacts and operational phase traffic-related emissions are outlined.

Baseline

9.10.3. The site is in Zone B (Cork Conurbation) in terms of the Air Quality Standards Regulations. Existing baseline air quality for the area can be characterised as being of good quality. General meteorological data for the area using Cork Airport data is outlined.

Potential Effects

⁶ Annual Average Daily Traffic

9.10.4. The EIAR considers the potential for environmental impacts. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 9.6. Minor effects are not generally identified, except where there is potential for significant impact interactions, cumulative effects, where concerns have been expressed by parties to the application, or where otherwise considered notable.

Table 9.6 – Environmental Effects on Air Quality and Climate

Project Phase	Potential Effects
Do-nothing	Ambient air quality will remain as per the baseline and will change in accordance with trends within the wider area. It would be <i>neutral</i> in terms of air quality and climate.
Construction	<p><u>Air Quality</u></p> <p>There is a <i>high</i> risk of dust soiling impacts as a result of earthworks, construction, and trackout.</p> <p>There is a <i>negligible to low</i> risk of human health impacts.</p> <p><u>Climate</u></p> <p>The effect on national greenhouse gas (GHG) emissions will be <i>insignificant</i>.</p>
Operation	<p><u>Air Quality</u></p> <p>Impacts on nitrogen dioxide (NO₂) concentrations are likely to be <i>long term, negative and imperceptible</i>.</p> <p><u>Climate</u></p> <p>The increase in traffic flow is likely to contribute to increases in GHG emissions, though they are likely to be <i>marginal</i> in terms of national GHG estimates and <i>unlikely</i> to have an adverse effect on climate.</p>
Cumulative	No significant cumulative impacts will occur.

Mitigation

- 9.10.5. Mitigation measures are set out in sub-section 13.10 of the EIAR. In terms of incorporated design mitigation reference is made to Part L of the Building Regulations. A number of construction phase measures are outlined including implementation of a Dust Management Plan, daily inspections, site fencing, management of earthworks, road sweepers, and wheel washes. No operational phase mitigation is proposed.

Residual Effects

- 9.10.6. No significant adverse residual impacts are anticipated from the proposed scheme in the context of air quality and climate. There are also no significant cumulative residual effects.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

- 9.10.7. I have examined, analysed, and evaluated chapter 13 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of air quality and climate. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on air quality and climate, as a consequence of the proposed development, have been identified.
- 9.10.8. Suitable mitigation measures have been proposed which I consider are sufficient to ensure that there would be no significant adverse air quality and climate impacts. I am also satisfied that there would be no significant cumulative adverse impacts.

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

- 9.10.9. Having regard to my examination of environmental information in respect of air quality and climate, in particular the EIAR provided by the applicant, the submissions and observations received, and my site inspection, I do not consider that there would be any significant direct or indirect air quality and climate effects.

9.11. Material Assets: Traffic and Transport

Issues Raised

- 9.11.1. A significant number of related issues have been raised in the grounds of appeal and third-party observations received on foot of the grounds of appeal. The first party appeal against the imposition of condition 4(a) by the planning authority and the

material contravention of development objective CL-R-10 of the CCDP 2022 have been addressed in sub-sections 8.4 and 8.5. The other main traffic and transport related issues are addressed under the Analysis, Evaluation and Assessment sub-heading, below.

Examination of the EIAR

Context

- 9.11.2. Chapter 6 (Material Assets: Traffic & Transport) assesses the potential impacts of the proposed development on traffic and transport. Appendix 6-1 (Modelled AADT HGV⁷: scenario per linkage) is applicable to this chapter. The methodology is outlined including significance criteria, the guidelines and documentation which informed the chapter, and site visits and traffic count surveys.

Baseline

- 9.11.3. The baseline environment is described under a number of sub-headings. The closest bus stop is on Kilmoney Road Upper, approx. 700 metres from the housing site access point. Existing pedestrian and cycle facilities are very limited along Mountain Road. Traffic counts and surveys indicate moderate to high volumes of traffic on the local road network at peak periods. The key roads in the study area are described. Current traffic movements in the area are dominated by private vehicles. Junction turning count surveys were undertaken at nine junctions in May 2024 to establish baseline traffic conditions. These were converted to AADT using Transport Infrastructure Ireland expansion factors.

Potential Effects

- 9.11.4. Section 6.10 of the EIAR considers the potential significant effects. The language used is more descriptive than qualitative or quantitative. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 9.7. Minor effects are not generally identified, except where there is potential for significant impact interactions, cumulative effects, where concerns have been expressed by parties to the application, or where otherwise considered notable.

⁷ Heavy Goods Vehicle

Table 9.7 – Environmental Effects on Material Assets: Traffic and Transport

Project Phase	Potential Effects
Do-nothing	The baseline situation would remain largely unchanged. No infrastructure improvement would occur.
Construction	<p>Likely significant effects of increased traffic congestion and risk of accidents due to increased HGVs are <i>direct, moderate, adverse, and local</i>.</p> <p>Likely significant effects of disruption to pedestrian access are <i>direct, minor, adverse, and local</i>.</p>
Operation	<p>Likely significant effects of increased traffic volume and increased level of accidents due to higher traffic levels are <i>direct, moderate, and adverse</i>.</p> <p>Likely significant effects on local community amenity are <i>indirect, minor, and adverse</i>.</p> <p>Accident and safety effects can be classified as <i>long-term, minor and not significant</i>.</p>
Cumulative	Impacts are expected to be <i>moderate to significant</i> , particularly during peak periods.

Mitigation

9.11.5. Mitigation measures are set out in sub-section 6.15 of the EIAR. Incorporated design mitigation includes cycle lanes, pedestrian crossings, and traffic calming measures. A Construction Traffic Management Plan is referenced for the construction stage, a framework of which was submitted with the application. A Mobility Management Plan is included with the application as an operational phase measure.

Residual Effects

9.11.6. Construction phase residual effects are primarily minor in significance with one moderate effect (improved safety through traffic management measures). Operational phase residual effects are of major positive significance (no significant increase in accident rate) and moderate positive significance (improved traffic flow due to road

upgrades and enhanced pedestrian safety through improved crossings). Cumulative effects are expected to be minor to moderate.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

9.11.7. I have examined, analysed, and evaluated chapter 6 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of traffic and transportation. This aspect of the proposed development has been subject of the primary grounds of appeal and observations received on the grounds of appeal, and in particular, the ability of the developer to upgrade Mountain Road without undue impact to existing residents. I note that the upgrade of the road is, effectively, required as part of development objective CL-R-10 of the CCDP 2022 and that CCC had no objection to the applicant's proposals in relation to the proposed upgrade. In subsection 8.4 I have already assessed the first party appeal in relation to condition 4 (a) of the CCC decision and I consider that it is appropriate that the road upgrade be carried out prior to the commencement of development of the housing area.

9.11.8. The main relevant issues raised by third parties are as set out in paragraphs 9.11.9-9.11.26.

Mountain Road Upgrade

9.11.9. Issues in this regard refer to an absence of detail in terms of maintaining property access, services, pedestrian safety, and whether the work can be constructed within the site boundary. I note that some of these issues are referenced elsewhere in the application e.g. section 4.1 of the Outline CEMP.

9.11.10. In the applicant's response to the third-party grounds of appeal it states that the proposed upgrade works will be carried out in agreement with the local authority. A traffic and works management plan will be in place to ensure the safety of all users of the road. The applicant accepts that there are existing services and accesses to be maintained and the management of these 'will be incorporated into the final construction design detail and in compliance with the local authority requirements, as is standard practice'. It is also stated that the available width is adequate to manage traffic and pedestrians during construction of the road upgrade.

9.11.11. The upgrade of this road is required as per development objective CL-R-10. Its general detail has been presented to CCC as part of this planning application and reports have

been received from both the Area Engineer and Traffic & Transport (Sustainable Travel Unit), who raise no particular issue with the proposed road upgrade, subject to relatively standard conditions. The proposed road upgrade is a welcome element of this application and, as set out in sub-section 8.4, I recommend that this element of the proposed development is in place prior to commencement of development of the housing element.

9.11.12. While it would have been useful for the application to contain specific detail of how services and access to properties would be maintained during the construction of the road upgrade, I consider that these details can be agreed with the planning authority prior to the commencement of development, and I do not consider the absence of this from the EIAR to be a fatal deficiency. I consider it critical that the road not be closed at any stage and that it remains open and accessible at all times (paragraph 6.10.2 of the EIAR, in relation to the construction phase, states 'Road closures and temporary diversions may be required ...') I consider that this be specifically cited as a condition should permission be granted, to avoid any ambiguity. I consider this to be an environmental condition.

9.11.13. I have no objection to the upgrade of the road and consider that it can be carried out while maintaining services and accesses, and the safety of vulnerable road users, having regard to the application and CCC documentation.

Non-compliance with DMURS

9.11.14. It is stated that the proposed development is not consistent with DMURS for reasons such as it is not highly permeable and the Mountain Road upgrade would be substandard in width.

9.11.15. The applicant's response to the third-party grounds of appeal states that the Statement of Consistency document submitted with the application assessed the proposed development in the context of DMURS. Permeability is referenced in terms of both the internal footpath layout and the positions of the external connection points allowing permeability with the wider area, including future expansion connectivity. It is stated that a 5.5 metres width is in accordance with DMURS recommendations for roads of this type. The applicant's response is accompanied by a DMURS technical note as an appendix.

- 9.11.16. I consider that the proposed development layout is appropriate in terms of its permeability. Although there is only one vehicular entrance point, there are a number of pedestrian/cycle points to both Mountain Road and to the adjacent development (24/6418) under consideration by CCC which would provide connectivity to the R611. There is also the potential for a vehicular connection to the R611 at this location as well as further to the south, should those lands be zoned in future. I consider that a condition can be attached to any grant of permission requiring internal roadways be constructed to the relevant site boundary to facilitate this. I am satisfied that adequate permeability has been/can be provided on the subject site.
- 9.11.17. In terms of the width of the road, I note that a 5.5 metres width is acceptable and in line with DMURS. Development objective CL-R-10 specifically refers to this road as a 'link' road. Figure 4.55 of DMURS illustrates a width of 5.5 metres – 6.5 metres for 'Standard carriageway widths for Arterial and Link streets. Range for low to moderate design speeds'. Therefore, although it is the minimum width, it complies with DMURS and the width would act as a traffic calming measure.
- 9.11.18. I consider that the proposed development is acceptable both in terms of permeability and the width of the upgraded Mountain Road.

TTA

- 9.11.19. It is stated that the TTA does not adequately model the complex Mountain Road/R611/Upper Kilmoney Road junction.
- 9.11.20. In the applicant's response to the third-party grounds of appeal it states that the TTA submitted with application concluded that all modelled junctions would operate within capacity up to and including 2041. A technical note was attached to the applicant's response. This states that the junctions in the TTA were agreed with CCC and that design capacity results demonstrate that the overall capacity of the Mountain Road/R611 junction 'is such as to not be impacted by the nearby Upper Kilmoney Road Priority "T" junction'. The model accounts for vehicles coming from this road as the flows are presented as mainline traffic at a number of modelled junctions. The technical note also clarifies, in my opinion, what it considers to be misinterpretations in the grounds of appeal.
- 9.11.21. As regards the principle of development in relation to the additional traffic volumes on Mountain Road and at the Mountain Road/R611 junction I note that it is an objective

(CL-R-10) of the CCDP 2022 to construct/upgrade the link road/Mountain Road, which is being undertaken as part of the planning application. As set out previously in subsection 8.5, I am of the opinion that the CCDP 2022 does not require the provision of a second vehicular access to facilitate the development of this development site. Therefore, the Plan envisions all vehicular traffic using the upgraded link road. Further, the Part 8 development for CTPREP along the R611 includes the junction of Mountain Road and the R611 but yet no significant alteration to this junction was proposed e.g. signalised junction or the provision of a right turn lane in a southbound direction on the R611⁸. Having regard to the foregoing, I consider that the traffic element of the development is consistent with the provisions of the CCDP 2022. I do not consider undue traffic congestion would occur as a result.

Eastern boundary laneway

- 9.11.22. It is stated that permission has not been granted by landowners adjacent to the laneway for the shared surface to be applied for or constructed. It is also stated that there is an alternative route for CL-U-08 through the development site, rather than along the eastern boundary, and that this alternative route should be used.
- 9.11.23. The applicant states in the response to the grounds of appeal that 'there are no physical works required to this lane and our client has the relevant consents to provide the tie-in works to the south (within the LRD scheme) and the north on to Mountain Road'. The application includes for development of this shared laneway and as per paragraph 5.13 of the Development Management Guidelines (2007), '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'. As such, I am satisfied that the applicant has sufficient interest to make the application.
- 9.11.24. CL-U-08 does not include for a choice of routes, or an alternative route. CL-U-08, as per fig. 4.1.7 (Map of Carrigaline) of volume 4 of the CCDP 2022, requires both walk/cycle links to be provided. The Commission has no ability, as suggested in one of the observations on the grounds of appeal, to require the transfer of private land i.e. sections of the laneway, to adjoining residents, by condition.

⁸ I am unclear as to whether this Part 8 has or has not been approved but the EIAR (pages 9-4 and 10-5) states that it has been. The CCC Planning Report does not refer to it.

9.11.25. The eastern boundary laneway is an important element of the proposed development in terms of increased permeability between the site and Mountain Road and the R611 (via the proposed adjacent development). I consider a condition should be attached in the event of a grant of permission requiring detail of the laneway to be agreed with the planning authority to include for appropriate landscaping/screening along the common boundary with the houses in Wheatfields to the east whose rear elevations are somewhat exposed in places to the laneway.

Wider Traffic Congestion

9.11.26. One of the observations received on foot of the grounds of appeal refers to congestion in the wider area e.g. Carr's Hill on the N28. I note that construction works for the M28 Cork to Ringaskiddy Motorway are underway which should address this issue.

Significant Effects

9.11.27. Despite it not being referenced in the EIAR chapter, I am of the opinion that the proposed upgrade of Mountain Road together with the shared cycle/footpath, the shared surface link along the eastern boundary, and the facilitation of future connectivity in accordance with CL-U-08, would result in a significant, positive, long-term effect for connectivity, permeability and active travel in the area and consider that it should be included as such in the reasoned conclusion.

Conclusion

9.11.28. Having regard to the foregoing, notwithstanding the content of the grounds of appeal and observations on foot of same in relation to traffic and transport, in my opinion the proposed development is in accordance with the provisions of the CCDP 2022 and the proposed development would not have any undue adverse impact on the traffic environment of the area given that the site is appropriately zoned for development of the type proposed.

Conclusion: Direct and Indirect Effects (Traffic and Transport)

9.11.29. Having regard to my examination of environmental information in respect of traffic and transport, in particular the EIAR provided by the applicant, the submissions and observations received, and my site inspection, I consider that the main significant direct and indirect effects on traffic and transport, after the application of mitigation measures, are:

- Direct, positive, significant, long term traffic and transport impact in terms of improved infrastructure and permeability, due to the upgrade of Mountain Road in line with development objective CL-U-7 of the Cork County Development Plan 2022, provision of shared pedestrian/cycle facilities along both Mountain Road and the eastern site boundary, and the facilitation of future active travel links to the south east of the site in line with development objective CL-U-08 of the Plan.

9.12. **Material Assets: Built Services**

Issues Raised

9.12.1. None.

Examination of the EIAR

Context

9.12.2. Chapter 7 (Material Assets: Built Services) addresses surface water drainage, foul water drainage, water supply and utilities (electricity, gas and telecommunications) infrastructure in the receiving environment. In relation to methodology, relevant legislation and guidance is cited and a desk study including consultations was carried out.

Baseline

9.12.3. The baseline environment is described under sub-headings of surface water drainage, wastewater drainage, water supply, electrical supply (there are medium voltage overhead electrical lines across the site), and telecommunications (none existing within the development boundary). There is no gas supply on site and it is not proposed to be provided.

Potential Effects

9.12.4. The EIAR considers the potential for environmental impacts under the five sub-headings set out in the previous paragraph. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 9.8. Minor effects are not generally identified, except where there is potential for significant impact interactions, cumulative effects, where concerns have been expressed by parties to the application, or where otherwise considered notable.

Table 9.8 – Environmental Effects on Material Assets: Built Services

Project Phase	Potential Effects
Do-nothing	No likely significant effects would arise
Construction	<p>Effects during the demolition phase are <i>insignificant</i>.</p> <p>Direct and indirect impacts on surface water drainage are <i>negative, significant and likely</i>.</p> <p>Direct impacts on wastewater drainage are <i>negative, significant and likely</i>. Indirect impacts are <i>negative, moderate and unlikely</i>.</p> <p>Direct impacts on water supply services are <i>negative, moderate and likely</i>. Indirect effects are likely to have <i>no significant effects</i>.</p>
Operation	<p>Direct impacts on surface water drainage are <i>negative, moderate and likely</i>.</p> <p>Direct impacts on wastewater services are <i>negative, significant and likely</i>. Indirect impacts are <i>negative, slight and likely</i>.</p> <p>Direct impacts on water supply services are <i>negative, moderate and likely</i>. Indirect impacts are <i>negative, slight and likely</i>.</p>
Cumulative	The cumulative impact is expected to be <i>neutral and not significant</i> .

Mitigation

9.12.5. Mitigation measures are set out in sub-section 7.9 of the EIAR. Incorporated design mitigation references codes of practice for new-build service infrastructure. Construction phase mitigation includes submission of a detailed CEMP, confirmation of all existing services prior to commencement of development, requirements for works in public roads, and consultation with Uisce Éireann and ESB Networks. In relation to operational phase mitigation, the design and construction of the required services infrastructure in accordance with relevant guidelines and codes of practice is likely to mitigate any potential impacts. Inspection and maintenance of components of the surface water system shall be performed on a regular and scheduled basis.

Residual Effects

- 9.12.6. Post-mitigation, all residual effects are insignificant. The cumulative residual effects are neutral and not significant.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

- 9.12.7. I have examined, analysed, and evaluated chapter 7 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of material assets: built services. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on material assets: built services, as a consequence of the proposed development, have been identified.
- 9.12.8. Suitable mitigation measures have been proposed which I consider are sufficient to ensure that there would be no significant adverse impacts to material assets: built services. I am also satisfied that there would be no significant cumulative adverse impacts.

Conclusion: Direct, Indirect, and Cumulative Effects (Material Assets: Built Services)

- 9.12.9. Having regard to my examination of environmental information in respect of material assets: built services, in particular the EIAR provided by the applicant, the submissions and observations received, and my site inspection, I do not consider that there would be any significant direct or indirect material assets: built services effects.

9.13. Material Assets: Waste

Issues Raised

- 9.13.1. None.

Examination of the EIAR

Context

- 9.13.2. Chapter 8 (Material Assets: Waste) was prepared having regard to the Outline CEMP, the RWMP, and the OWMP. The adopted methodology has had regard to relevant identified legislation, guidelines, and policies. A desk-based study was carried out.

Baseline

9.13.3. The baseline environment is described under the sub-headings of soils, bedrock geology⁹, and invasive species (no Third Schedule invasive species on site¹⁰).

Potential Effects

9.13.4. The EIAR considers the potential for environmental impacts. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 9.9. Minor effects are not generally identified, except where there is potential for significant impact interactions, cumulative effects, where concerns have been expressed by parties to the application, or where otherwise considered notable.

Table 9.9 – Environmental Effects on Material Asset: Waste

Project Phase	Potential Effects
Do-nothing	There would be a <i>neutral</i> effect on the environment in terms of waste
Construction	The potential impact on waste recovery and disposal is likely to be <i>medium-term, negative, direct and slight</i> .
Operation	The potential impact on municipal waste disposal is likely to be <i>long-term, negative, direct and slight</i> .
Cumulative	The likely effect will be <i>neutral</i> and <i>not significant</i> on waste management facilities in the area in the <i>long term</i> .

Mitigation

9.13.5. Mitigation measures are set out in sub-section 8.9 of the EIAR. It is stated, in relation to incorporated design mitigation, that buildings have been designed with material efficiency in mind. For the demolition and construction phase, the waste management objective will be to prevent waste arising in the first place, and to re-use, recycle or recover waste materials where possible. A number of mitigation measures are outlined

⁹ Both soils and bedrock geology are generally as outlined in sub-section 9.8 (Land and Soil).

¹⁰ The Dr. Erin Johnston observation states that allium triquetrum (three-cornered leek), which is a Third Schedule plant, is located on Mountain Road. This can be addressed by way of the EclA specific to Mountain Road referenced in the Analysis, Evaluation and Assessment of sub-section 9.7 (Biodiversity) and the condition recommended in paragraph 9.13.9.

e.g. segregation areas, the RWMP and Outline CEMP, imported material will be from a reputable source, export of waste materials will be to an authorised facility, and maintenance of records. An OWMP has been prepared for the operational stage.

Residual Effects

- 9.13.6. The residual effects on waste management for the demolition and construction phase are slight, neutral, direct, and medium-term. The likely effect of the operational phase on waste management will be neutral, direct, slight, and long-term. The likely cumulative operational stage effect will be neutral and not significant on waste management facilities in the area in the long term.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

- 9.13.7. I have examined, analysed, and evaluated chapter 8 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of material assets: waste. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on material assets: waste, as a consequence of the proposed development, have been identified.
- 9.13.8. Suitable mitigation measures have been proposed which I consider are sufficient to ensure that there would be no significant adverse impacts to material assets: waste. I am also satisfied that there would be no significant cumulative adverse impacts.
- 9.13.9. Notwithstanding, in relation to demolition and construction phase mitigation, page 8-6 states 'there are no Third Schedule Invasive Species, which would require additional attention and/or mitigation present on the subject site'. Given the conflicting information on file between the observation received on foot of the grounds of appeal, and the EIAR chapter, in terms of the invasive species, should permission be granted, I consider that the standard RWMP condition should be slightly reworded to ensure this issue is appropriately addressed.

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

- 9.13.10. Having regard to my examination of environmental information in respect of material assets: waste, in particular the EIAR provided by the applicant, the submissions and observations received, and my site inspection, I do not consider that there would be any significant direct or indirect material assets: waste effects.

9.14. Cultural Heritage: Archaeology and Built Heritage

Issues Raised

9.14.1. None.

Examination of the EIAR

Context

9.14.2. Chapter 14 (Cultural Heritage: Archaeology & Built Heritage) identifies and assesses the potential significant effects of the proposed development on the cultural heritage environment. For the report, cultural heritage is divided into three sub-groups: archaeology, cultural heritage, and architecture, and these are briefly defined. Appendices 14-1 (Proposed Development Site Depicted on Various Maps), 14-2 (Geophysical Survey Report), and 14-3 (Walkover Survey Photos) are applicable to this chapter. I also note that an unsolicited 'Test Trenching at Kilmoney, Co. Cork' document dated April 2025 was received by CCC after the submission of the planning application¹¹. This is addressed in the Analysis, Evaluation, and Assessment sub-section, below. The methodology used in the EIAR chapter comprised a review of legislation and guidelines, a desktop assessment, a geophysical survey and a walkover survey carried out in August 2024, an evaluation of the likely impacts, and proposed mitigation measures. These are summarised in sub-section 14.4.

Baseline

9.14.3. The baseline environment is described under the following sub-headings:

- Archaeology – There are no registered archaeological monuments within the site. The closest registered site is a fulacht fia (CO098—085) approx. 300 metres to the south west. A description of the area during the prehistoric, medieval, and post-medieval periods is outlined.
- Cultural heritage – Reference is made to townlands and the development of Carrigaline.
- Architectural heritage – There are no protected structures or structures on the National Inventory of Architectural Heritage on site. It is stated that the closest

¹¹ This is the documentation dated 14th May 2025 referred to in condition 1 of the recommended conditions.

protected structure is Kilmoney Abbey, 960 metres to the northeast [but it is then stated that another protected structure, Kilmoney House, is 660 metres to the northeast. The government's Historic Environment Viewer indicates that Kilmoney House is the closer].

- Cartographic information – The housing area of the site is outlined on three historic maps.
- Geophysical survey – Three of the fields were not surveyed due to environmental conditions (one was heavily wooded and two had poor accesses and wet and difficult ground conditions unsuitable for survey). Anomalies of uncertain origin were identified in six fields. There was no features of definite archaeological character and no anomalies of significant potential. The majority are expected to relate to past cultivation, responses from former/suspected former boundaries, natural soil/geological variation and/or modern ferrous. Some priority areas for targeted archaeological testing were identified.
- Walkover survey – No archaeological finds or features were noted.

Potential Effects

9.14.4. The EIAR considers the potential for environmental impacts. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 9.10. Minor effects are not generally identified, except where there is potential for significant impact interactions, cumulative effects, where concerns have been expressed by parties to the application, or where otherwise considered notable.

Table 9.10 – Environmental Effects on Material Assets: Archaeology and Built Heritage

Project Phase	Potential Effects
Do-nothing	The existing landscape will remain unchanged, preserving its current condition and allowing any potential archaeological sites to remain undisturbed beneath the surface.
Construction	The geophysical survey identified several potentially archaeological anomalies. Any impact on them is <i>direct and</i>

	<p><i>negative</i>. Determining the extent and significance of these effects will require further archaeological investigation.</p> <p>Any ground disturbance carries the risk of uncovering previously unknown archaeological material. The impact on such unrecorded archaeological sites is <i>direct and negative</i> with the extent and significance of the effects remaining uncertain pending further archaeological investigation.</p>
Operation	The proposed development is not expected to result in any significant visual impact on the cultural heritage environment.
Cumulative	The cumulative impact cannot be fully assessed without understanding the extent, if any, of subsurface archaeological sites which may be identified during construction within the site and permitted developments in nearby areas.

Mitigation

9.14.5. Mitigation measures are set out in sub-section 14.9 of the EIAR. Licenced archaeological monitoring will be conducted within the wooded area during proposed landscaping works. For the remainder of the development site, licenced archaeological monitoring may be required during the construction phase. No operational phase mitigation is proposed.

Residual Effects

9.14.6. No significant residual effects are anticipated.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

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

- 9.14.8. I note that a document titled 'Test Trenching at Kilmoney, Co. Cork' dated April 2025 was received by the planning authority as unsolicited further information. This contains the results of archaeological testing carried out since the preparation of chapter 14 of the EIAR. This detailed report outlines the 44 trenches excavated across the site and included the anomalies identified in the geophysical survey. One area in the vicinity of the farmyard was not investigated. No particularly notable find was made. It is proposed to preserve features that were identified by record and archaeological monitoring of topsoil removal in the fields to the north east, which were not available for testing, should be carried out. This document was taken into consideration by the CCC archaeologist who recommended two conditions to be attached to any grant of permission. I am satisfied that the proposed development is acceptable subject to standard archaeological monitoring.
- 9.14.9. The chapter does not include Mountain Road as part of the proposed development site and therefore it is incorrect when it states that the closest registered archaeological site to the proposed development site is the fulacht fia 300 metres to the south west. The closest archaeological site is a ringfort (rath) (CO098-018) which is approx. 90 metres north of the junction of Mountain Road and the R611 within the Wrenville housing development. There is no visible surface expression of this archaeological site. A souterrain (CO098-017002) is approx. 160 metres to the north of Mountain Road. Similarly, the closest protected structure to the site is Kilmoney House, but it is approx. 280 metres north of the junction of Mountain Road and the R611 and not 660 metres from the site as stated in the chapter. Notwithstanding, I consider that the conclusion reached i.e. that there would no significant visual impact on the cultural heritage environment remains valid given the distances involved and the nature of the proposed works to Mountain Road.
- 9.14.10. The mitigation measures in sub-section 14.9 refers to the archaeological testing subsequently forwarded to the planning authority on 14th May 2025. In my opinion, there is no explicit archaeological mitigation measures contained in the EIAR, as it was effectively overtaken by the archaeological testing, other than that monitoring will be conducted during landscaping within the wooded area. The Archaeological Testing report did not record anything of particular note. CCC attached two archaeological conditions to its decision (39 and 40). Condition 39 is a standard monitoring condition and condition 40 is more specific to the results of the Archaeological Testing report. I

consider that both conditions can be attached to any grant of permission. They can be considered as environmental conditions and they would not conflict with EIAR conditions, given the absence of such mitigation within the EIAR.

- 9.14.11. An appropriate archaeological condition (with three sub-sections) can be attached to any grant of permission and I am also satisfied that there would be no significant cumulative adverse impacts.

Conclusion: Direct, Indirect, and Cumulative Effects (Cultural Heritage: Archaeology and Built Heritage)

- 9.14.12. Having regard to my examination of environmental information in respect of cultural heritage: archaeology and built heritage, in particular the EIAR provided by the applicant, the 'Test Trenching at Kilmoney, Co. Cork' document received by CCC, the submissions and observations received, and my site inspection, I do not consider that there would be any significant direct or indirect cultural heritage: archaeology and built heritage effects.

9.15. Landscape and Visual

Issues Raised

- 9.15.1. None.

Examination of the EIAR

Context

- 9.15.2. Chapter 5 (Landscape and Visual) examines the potential effects of the proposed development on views of receptors in terms of visual intrusion and visual obstruction and examines the impact on the landscape character from the permanent physical changes brought about by the development. Appendix 5-1 (Verified Photomontages) is applicable to this chapter and the eight locations were agreed with CCC. The chapter is based on identified national and local policy guidelines and best practice methodology. A site visit was carried out in August 2024.

Baseline

- 9.15.3. In terms of landscape character the site is within landscape character type '6a – Broad Fertile Lowland Valleys'. Both the landscape value and sensitivity are 'High', and

importance is rated as being of 'County' level. There are no relevant protected views and prospects.

Potential Effects

- 9.15.4. Table 5-7 of the EIAR identifies 22 different 'receptor groups' (twenty residential, one community, and one town centre) within a general 2km radius of the site. Sub-section 5.7.2.1 describes the visual effects for these receptor groups for the operational phase. The assessment for the construction phase is included where visual effects are expected to be notable. During the construction phase the most notable effects are stated to be temporary, moderate and negative for the two residential receptor groups on the opposite side of Mountain Road and adjacent to the north east of the housing area. During the operation phase the most notable effects are permanent, moderate to slight and negative for the group adjacent to the north east of the housing area.
- 9.15.5. The EIAR considers the potential for environmental impacts. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 9.11. Minor effects are not generally identified, except where there is potential for significant impact interactions, cumulative effects, where concerns have been expressed by parties to the application, or where otherwise considered notable.

Table 9.11 – Environmental Effects on Landscape and Visual

Project Phase	Potential Effects
Do-nothing	No change expected to landscape and visual amenity.
Construction	<p><i>No significant negative</i> impacts are expected on the landscape character from demolition, and the visual impact is <i>not significant</i>.</p> <p>In terms of landscape during construction the effect is expected to be <i>temporary and not significant</i>.</p> <p>In terms of visual impact during construction, surrounding receptors are residents which are of high sensitivity. Visual changes are expected to have a <i>slight to imperceptible</i> visual impact as the surrounding hedgerows will be largely preserved. The visual effects to the northern boundary will be <i>moderate</i> due</p>

	to the wider extent of vegetation removal. These impacts are <i>not significant</i> .
Operation	<p>In terms of landscape, the development will change the fabric of the landscape, increasing both the built density and urban elements along Mountain Road at a density proportional to the zoning. The impact is expected to be <i>slight</i>.</p> <p>In terms of visual impact, surrounding receptors are expected to have their visual amenity affected. The largely retained vegetation and undulating topography provides sufficient screening. Vegetation removed will be replaced. <i>No significant</i> impact is expected.</p>
Cumulative	Planning ref. 24/6418 (currently on further information adjacent to the south east) is cited. <i>No significant negative</i> cumulative effects are expected.

Mitigation

9.15.6. No specific mitigation is required. The retained vegetation along with the proposed landscape and planting plans will mitigate against negative landscape and visual impacts.

Residual Effects

9.15.7. No residual effects are expected.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

9.15.8. I have examined, analysed, and evaluated chapter 5 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of landscape and visual impact. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely landscape and visual effects, as a consequence of the proposed development, have been identified. I note that the proposed development is in an area zoned for development of the type proposed, is a low-rise development in height, and is similar in urban character to development that has been carried out to the east of the site. The

proposed development would be consistent with the urban character of the area and would result in an extension to the urban fringe of the town. I note that no particular mitigation is required and I do not consider that there would be any undue cumulative impact in terms of landscape and visual impact.

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

9.15.9. Having regard to my examination of environmental information in respect of landscape and visual impact, in particular the EIAR provided by the applicant, the submissions and observations received, and my site inspection, I do not consider that there would be any significant direct or indirect landscape and visual effects.

9.16. Interactions Between the Foregoing

9.16.1. Though also referenced in the individual technical chapters, chapter 16 (Interactions of the Foregoing) of the EIAR considers the significant interactions of impacts between each of the separate disciplines. Table 16.1 outlines a matrix showing the interactions with potential for significant impacts before the implementation of mitigation measures.

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

9.17. Vulnerability to Risks of Major Accidents and/or Disasters

9.17.1. The EIAR contains a specific chapter in relation to this (Chapter 15 – Risk of Major Accidents and Disasters). Given the nature and extent of the proposed development i.e. a standard residential and road upgrade development, and the location on an edge of town area in south Co. Cork with similar existing and permitted development in the vicinity, no significant issue in this regard would be anticipated.

9.17.2. The EIAR states that, after mitigation, the residual impacts will be negligible once all control, mitigation, and monitoring measures have been implemented with no potential for cumulative impacts to arise.

9.18. Reasoned Conclusion

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

- Positive, significant impact for population, due to the substantive increase in the housing stock during the operational phase in a location that has the carrying capacity in terms of both services and amenities.
- Short term negative noise effects up to very significant in significance arising for population in the vicinity of site works during the construction phase which would be mitigated as much as is reasonable by a suite of appropriate construction phase management measures.
- Significant adverse direct impact on biodiversity due to the removal of the wet grassland habitat which is unavoidable to allow for the development of this zoned site.
- Moderate to significant direct negative impact on land and soil due to the loss of undeveloped land and soil which is unavoidable to allow for the development of this zoned site.
- Direct, positive, significant, long term traffic and transport impact in terms of improved infrastructure and permeability, due to the upgrade of Mountain Road in line with development objective CL-U-7 of the Cork County Development Plan 2022, provision of shared pedestrian/cycle facilities along both Mountain Road and the eastern site boundary, and the facilitation of future active travel links to the south east of the site in line with development objective CL-U-08 of the Plan.

9.18.2. Notwithstanding the conclusion reached in respect of the inability of the proposed mitigation measures to fully mitigate the construction phase noise impact, it is considered that the environmental effects would not justify a refusal of planning permission having regard to overall benefits of the proposed development. Further, the site is zoned for residential development under the CCDP 2022 and therefore the loss of wet grassland habitat is unavoidable to allow for the development of this zoned site.

10.0 Appropriate Assessment (AA) Screening

10.1. AA screening has been carried out in Appendix 1 to this report.

10.2. In accordance with section 177U of the Planning & Development Act, 2000 (as amended), and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Cork Harbour SPA or any other European site, in view of the conservation objectives of those sites, and AA (and submission of a NIS) is not therefore required.

10.3. This determination is based on:

- scientific information provided in the applicant's AA Screening report.
- the nature, scale, and location of the proposed residential development in a zoned area on fully serviceable lands.
- the lack of direct hydrological connection between the proposed development and European site.
- the extent of the availability of similar agricultural land/fields in the immediate vicinity of the site in terms of ex-situ foraging habitat.
- the absence of 'water quality' as an attribute, measure, or target in the Conservation Series document for the European site.
- the absence of any possibility of noise or nuisance disturbance to SPA special conservation interests (SCIs) during construction.

10.4. No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

11.0 Water Framework Directive (WFD)

11.1. The provisions of appendix 2 apply to this section.

11.2. The site is located on the south western urban edge of Carrigaline. It has an area of 12.97 hectares primarily comprising a number of fields and woodland and also an approx. 600 metres length of Mountain Road, which it is proposed to upgrade. There are no watercourses on site, either within the proposed housing area or along Mountain Road. Page 10-7 of the EIAR states 'All drainage ditches at the site were observed to be contained within the site boundary with no outflow from the site'.

11.3. No water deterioration concerns were raised in the planning appeal.

11.4. I have assessed the proposed LRD and have considered the objectives as set out in Article 4 of the WFD which seek to protect and, where necessary, restore surface and 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.

11.5. The reasons for this conclusion are as follows:

- the absence of Environmental Protection Agency (EPA) watercourses within 250 metres of the location of any construction works on site,
- all drainage ditches on site are contained within the site boundary with no outflow from the site, and,
- the proposed mitigation measures contained within submitted documentation such as the EIAR and the Outline CEMP.

11.6. On the basis of objective information, the proposed development would 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.

12.0 Recommendation

12.1. I recommend that permission is granted for the Large-Scale Residential Development (LRD) as proposed for the reasons and considerations set out below, and subject to conditions. These include a standard environmental condition which requires the implementation of mitigation measures set out in the EIAR (condition no. 2). Additional environmental conditions are recommended where there is a lack of clarity in the application documents and/or where additional measures are proposed to address specific items raised in the report i.e. condition nos. 3, 4, 5 (b) - (e), 8, and 17.

13.0 Reasons and Considerations

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

- (a) the nature, scale, and extent of the proposed development and the pattern of existing development in the area,
- (b) the provisions of the Project Ireland 2040 National Planning Framework,
- (c) the provisions of Housing for All – A New Housing Plan for Ireland to 2030 (2021),
- (d) the provisions of the Climate Action Plan (2025),
- (e) the provisions of the National Biodiversity Action Plan 2023-2030, which have been considered,
- (f) the provisions of the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (January 2024),
- (g) the provisions of the Sustainable Urban Housing: Design Standards for New Apartments (July 2023),
- (h) the provisions of the Childcare Facilities Guidelines for Planning Authorities (2001),
- (i) the provisions of the Design Manual for Urban Roads and Streets (2019),

- (j) the provisions of the Regional Spatial and Economic Strategy for the Southern Region (2020),
- (k) the provisions of the Cork County Development Plan 2022 including the 'Residential' and "Existing Residential/Mixed Residential and Other Uses' zonings for the site and development objective CL-R-10.
- (l) the documentation submitted with the planning application, such as the Environmental Impact Assessment Report, the Appropriate Assessment Screening Report, and the first and third parties' grounds of appeal,
- (m) the submissions and observations received on file including from the planning authority, prescribed bodies, and first and third parties,
- (n) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects on European sites,
- (o) the planning history in the vicinity of the site, and,
- (p) the report of the Senior Planning Inspector.

Appropriate Assessment Screening

The Commission completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European sites, taking into account the nature and scale of the proposed development on serviceable lands, the nature of the receiving environment which comprises a greenfield site at the edge of an urban area, the distances to the nearest European sites, the hydrological pathway considerations, the extent of similar ex-situ foraging habitat in the vicinity, the submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening Report, and the Inspector's report.

In completing the screening exercise, the Commission agreed with and adopted the report of the Inspector and that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment

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

- (a) the nature, scale, location, and extent of the proposed development,
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- (c) the submissions received from the applicant, planning authority, prescribed bodies, and observers in the course of the application, and,
- (d) the Senior Planning Inspector's report.

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

Reasoned conclusion on the significant effects

The Commission considered that the main significant direct and indirect effects of the proposed development on the environment, after mitigation, are as follows:

- Positive, direct significant impact for population, due to the substantive increase in the housing stock during the operational phase in a location that has the carrying capacity in terms of both services and amenities.
- Short term, direct negative noise effects up to very significant in significance arising for population in the vicinity of site works during the construction phase which would be mitigated as much as is reasonable by a suite of appropriate construction phase management measures.
- Significant adverse direct impact on biodiversity due to the removal of the wet grassland habitat which is unavoidable to allow for the development of this zoned site.

- Moderate to significant direct negative impact on land and soil due to the loss of undeveloped land and soil which is unavoidable to allow for the development of this zoned site.
- Direct, positive, significant, long term traffic and transport impact in terms of improved infrastructure and permeability, due to the upgrade of Mountain Road in line with development objective CL-U-7 of the Cork County Development Plan 2022, provision of shared pedestrian/cycle facilities along both Mountain Road and the eastern site boundary, and the facilitation of future active travel links to the south east of the site in line with development objective CL-U-08 of the Plan.

The Commission completed an Environmental Impact Assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed as set out in the Environmental Impact Assessment Report, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Commission adopted the report and conclusions of the Inspector. Overall the Commission is satisfied that the proposed development would not have any unacceptable effects on the environment.

Proper Planning and Sustainable Development

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the zoning and other relevant development objectives of the Cork County Development Plan 2022, would make efficient use of an appropriately zoned site at the edge of Carrigaline, would positively contribute to an increase in housing stock and physical infrastructure in the area, would be acceptable in terms of urban design, layout and building height, would be acceptable in terms of pedestrian and traffic safety, and would provide an acceptable form of residential amenity for future occupants. The proposed development would not seriously injure the residential or visual amenities of the area or unduly increase traffic volumes in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

14.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and as received by the planning authority on the 14th day of 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. The mitigation measures contained in the submitted Environmental Impact Assessment Report (EIAR), shall be implemented.

Reason: To protect the environment.

3. Prior to the commencement of development the developer shall submit for the written approval of the planning authority:
 - (a) An Ecological Impact Assessment of the proposed development specific to the Mountain Road area, arising from the upgrade of Mountain Road.
 - (b) A Noise Impact Assessment of the proposed development specific to the Mountain Road area, arising from the upgrade of Mountain Road.
 - (c) All mitigation measures arising from these Assessments, once approved by the planning authority, shall be included in the complete schedule of all mitigation measures referred to in condition 4 of this grant of permission.

Reason: In the interests of biodiversity, residential amenity, and proper planning and sustainable development.

4. In advance of commencement of development the developer shall submit to the planning authority a complete schedule of all mitigation measures. This shall

identify who is responsible for the implementation of these measures and a timescale for implementation. The schedule of mitigation measures shall include the following additional requirements for agreement with the planning authority:

(a) A long-term management and maintenance plan (minimum of fifteen years) for the woodland park area. This shall include comprehensive detail of proposed decking. Responsibility for the maintenance and upkeep of this facility shall be agreed with the planning authority.

(b) A detailed layout plan for the woodland park area shall be submitted identifying all, for example, paths, clearings, picnic or seating areas, and activity spaces. All surfacing or proposed interference with the woodland area shall be identified.

(c) A pre-construction survey for badger shall be carried out by the developer, the results of which shall be submitted for written approval of the planning authority.

(d) The results of the pre-construction amphibian surveys referenced in paragraph 11.11.2.6 (Pre-construction Amphibian Surveys) of the EIAR shall be submitted for written approval of the planning authority.

(e) Where the removal of hedgerows is required, appropriate mitigation shall include translocation of hedgerow (where possible and practical). The 'extensive native hedgerow planting' as per paragraph 11.10.2.1.3 of the EIAR shall be identified on a revised landscape plan. This hedgerow detail, to include species, shall be submitted to the planning authority for written approval prior to the commencement of development.

(f) All landscape planting shall be completed within 18 months of the completion of the development. Any trees that die or are removed within three years of planting shall be replaced within the first planting season thereafter.

Reason: In the interest of residential amenity, to protect the environment and in the interest of the proper planning and sustainable development of the area.

5. (a) The Mountain Road improvement works shall be carried out and completed to the satisfaction of the planning authority prior to the commencement of any development works within the housing area.
- (b) Prior to the commencement of any development on site the developer shall submit to the planning authority for written approval detail of the upgrade to Mountain Road including but not limited to lighting, road markings, surface finishes, and the interfaces with both the R611 and the non-upgraded area of Mountain Road to the west.
- (c) Mountain Road shall not be closed at any time as a result of construction works and shall always remain open for vehicular and pedestrian traffic.
- (d) Prior to the commencement of any development on site the developer shall submit to the planning authority for written approval a works methodology ensuring that access to each property and the maintenance of services will be maintained during the duration of the upgrade works.
- (e) 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 interests of clarity, residential amenity, traffic and pedestrian safety, and the proper planning and sustainable development of the area.

6. Prior to the commencement of development the developer shall submit detail of the following for the written approval of the planning authority:
- (a) Full detail of the surfacing and treatment of the shared active travel link along the eastern site boundary.
- (b) Landscaping / boundary treatment with adjacent third-party properties along the boundary of the eastern shared active travel link.
- (c) The area located to the south of unit nos. 1044-1047 shall be redesigned to achieve a less dominant car parking arrangement and a high-quality people-

centred space to add to the sense of placemaking and defensibility qualities. Provision for high quality surface materials in the form of a variety of paving and soft landscaping shall be included.

(d) Revised floor plan/elevation drawings and a site layout plan which correspond exactly to each other.

(e) Details of the playgrounds, which shall incorporate low maintenance children's play areas.

(f) The incorporation of natural hedgerow boundary as the southern boundaries of unit nos. 4053-4069.

Reason: In the interests of clarity and residential amenity.

7. The development shall be carried out in accordance with the proposed phasing plan lodged with the application, except as follows:

(a) The Mountain Road improvement works shall be carried out as per condition 5 (a), above.

(b) The woodland park area shall be completed and open for public use prior to the occupation of houses in phase 2.

(c) The creche, community room, and café shall be fully fitted out and suitable for immediate occupation and operation prior to the occupation of houses in phase 2.

(d) A revised phasing plan detailing the above shall be submitted to the planning authority for written agreement prior to the commencement of development.

Reason: To ensure the timely provision of services and recreational areas and in the interest of residential amenity.

8. (a) Trees and hedgerows shall be retained in accordance with the Hedgerow Treatment map in the submitted Landscape Concept document.

(b) Cutting or removal of trees, hedgerows and clearance of ground vegetation shall not be undertaken between the 1st of March and the 31st August.

(c) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum radius of two metres from the trunk of the tree or centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

(d) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees and hedgerows which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: In the interest of visual amenity and to protect trees and planting during the construction period.

9. Detail of signage to the commercial units and the community room shall be submitted to, and agreed in writing with, the planning authority prior to operation of the units.

Reason: In the interests of clarity and the visual amenities of the area.

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

(b) The 'possible additional connection' on the south east of the site layout plan to the adjoining property shall be constructed up to the boundary to provide access to the adjoining land with no obstruction including the erection of any

structure which would otherwise constitute exempted development under the Planning & Development Regulations, 2001 (as amended).

(c) The road to the west of unit no. 3086 and the road to the east of unit no. 3062 shall be constructed up to the boundary to the south to provide access to the adjoining lands, including footpaths/cycle paths, with no obstruction including the erection of any structure which would otherwise constitute exempted development under the Planning & Development Regulations, 2001 (as amended).

(d) The shared path on the eastern side of the south eastern internal road i.e. on the opposite side of the road to unit no. 3048, shall be extended southwards to the south eastern turning head to allow a future connection to the neighbouring site as per paragraph (b) of this condition.

(e) These areas shall be shown in a drawing which shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

11. The materials, colours, and textures of the external finishes to the proposed development shall be as submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

12. Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

13. 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 commencement of development. The scheme shall include lighting along pedestrian routes through open spaces, shall take account of trees and hedgerows, and shall be bat friendly. Such lighting shall be provided prior to the making available for occupation of any residential unit in that phase.

Reason: In the interests of amenity and public safety.

14. 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. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

15. The internal road network, including all footpaths and cycle paths, serving the proposed development, including turning bays, junctions, parking areas, kerbs, and signage shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets. Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. In default of agreement, the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

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

16. (a) All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these

requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) A Car Parking Management Plan for the communal car parking spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(c) The development shall be carried out and operated in accordance with the provisions of the Mobility Management Plan (MMP) submitted to the planning authority. The specific measures detailed in Section 7 of the MMP to achieve the objectives and modal split targets for the development shall be implemented in full upon first occupation of the development. The developer shall undertake an annual monitoring exercise to the satisfaction of the planning authority for the first five years following first occupation of the development and shall submit the results to the planning authority for consideration and placement on the public file.

Reason: In the interest of sustainable transportation.

17. (a) The developer shall engage a suitably qualified archaeologist to monitor (licensed under the National Monuments Acts) site clearance works, topsoil stripping, and groundworks (areas to agreed 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 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 (NMS), regarding appropriate mitigation [preservation in-situ/excavation]. 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 NMS, shall be complied with by the developer.

(b) The developer shall engage a suitably qualified archaeologist to preserve, by record, the following features:

(i) a layer of charcoal/oxidised silt deposits (F1) and a narrow linear feature or possible slot-trench (F2) in trench 2 (field M1).

(ii) a small pit (F17) containing charcoal/oxidised soil and five possible post-holes/pit features (F18-22) in trench 21 (field M5).

(iii) a small group of shallow features (F18-22) in trench 21.

(iv) two pits (F4 and F6) in trench 5 (field M1) and trench 9 (field M2).

(c) Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the NMS shall be furnished with a final archaeological report describing the results of the monitoring and excavations 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"

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

(b) This plan shall provide for screened communal bin stores for the apartments, the locations and designs of which shall be included in the details to be submitted. All bin/bike stores shall be constructed in brick, shall be roofed, and shall be provided with water points.

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

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

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

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

20. The attenuation and 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.

Reason: In the interest of public health.

21. 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.

22. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse.
 - (b) Location of areas for construction site offices and staff facilities.
 - (c) Details of site security fencing and hoardings.
 - (d) Details of on-site car parking facilities for site workers during the course of construction.
 - (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
 - (f) Measures to obviate queuing of construction traffic on the adjoining road network.
 - (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
 - (h) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
 - (i) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.
 - (j) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.
 - (k) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
 - (l) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.

(m) Hours of construction.

(n) a community liaison officer shall be appointed for the duration of the construction works

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

23. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following: collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

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

24. (a) The areas of the development for taking in charge shall be agreed in writing with the planning authority prior to the commencement of development.

(b) All areas not intended to be taken in charge by the local authority shall be maintained by a 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: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

25. The developer shall be responsible for the maintenance of all roads, footpaths, open spaces, site boundaries and other services within the development until taken in charge by the planning authority and/or Uisce Éireann at its discretion.

Reason: To ensure adequate maintenance of the development.

26. 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)(b) (Part V) of the Planning & Development Act, 2000 (as amended), unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

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

27. (a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning & Development Act, 2000 (as amended), that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact

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

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

28. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

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

29. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be accepted in writing by the planning authority, to secure the

protection of the trees and hedgerows on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree(s) or hedgerow(s) on the site or the replacement of any such trees or hedgerows which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

Reason: To secure the protection of trees on the site.

30. 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 & 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 Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning & 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.

Anthony Kelly

Senior Planning Inspector

3rd September 2025

Appendix 1 – Appropriate Assessment (AA) Screening

Screening for Appropriate Assessment (AA) Test for likely significant effects Case file – ABP-322734-25	
Step 1: Description of the project and local site characteristics	
Brief description of project	LRD application for demolition of three agricultural sheds, construction of 362 residential units, and associated site works including upgrades to Mountain Road, Carrigaline, Co. Cork.
Brief description of development site characteristics and potential impact mechanisms	<p>The site has an area of 12.97 hectares primarily comprising a number of fields and woodland on the south western edge of Carrigaline and also an approx. 600 metres length of the local public road, Mountain Road which it is proposed to upgrade. The main body of the site is greenfield land apart from an active farmyard in the north east corner and there are strong field boundaries throughout. There is existing development, primarily residential, adjacent to the east and on the opposite side of Mountain Road to the north and west. There are no watercourses on site, either within the proposed housing area or along Mountain Road.</p> <p>An EIAR and Outline CEMP are submitted with the application. It is proposed to discharge surface water to an existing 300mm diameter surface water pipe to the north of the site which crosses Mountain Road and discharges to the West Carrigaline River running along Forest Road approx. 500 metres to the north. It is proposed to use a SuDS approach to stormwater management where possible e.g. petrol interceptors, swales, bioretention raingardens, permeable paving, six cellular attenuation systems, an attenuation basin, and two retention ponds. It is proposed to discharge wastewater to the public foul sewer. The existing foul sewer has to be extended by approx. 170 metres to the site boundary and approx. 690 metres of sewer network upgrades will be required to provide the necessary additional capacity. Due to topography a portion of the site in the eastern area will require pumping.</p>

	The nearest European site is Cork Harbour SPA approx. 1.5km to the north east. The area is one of a number of separate areas that combined make up the SPA.			
Screening Report	An AA Screening Report dated January 2025 is submitted with the application.			
Natura Impact Statement (NIS)	None submitted.			
Relevant submissions	<p>The DHLGH observation states that it should be established if the woodland on site has links with the annexed habitat alluvial forests. Specifically in relation to AA it is noted that the site is hydrologically connected to Cork Harbour SPA (the EIAR indicates there is no hydrological outfall from the site) and it must be ensured that there are no significant effects or adverse impacts on the water quality of the SPA, which could affect the SCIs and the wetlands, through additional sewage and surface water runoff loading.</p> <p>The planning authority Ecologist's report concurs with the conclusion of the applicant's AA Screening Report and is satisfied that AA is not required.</p> <p>The observation from Dr. Erin Johnston received on foot of the grounds of appeal include AA-related concerns e.g. the absence of wintering bird surveys, the presence of curlew on site, the pathways between the SPA and the site, and the decision by the planning authority to screen out the possibility of significant effects.</p>			
Step 2: Identification of relevant European sites using the source-pathway-receptor model				
In my opinion there is only one European site within a potential zone of influence of the proposed development. The applicant's AA Screening Report also only identifies the same site.				
European site (code)	Special conservation interests (SCIs) ¹²	Distance from proposed development	Ecological connections	Consider further in screening Y/N

¹² There is a difference on the National Parks & Wildlife Service (NPWS) website (www.npws.ie) as viewed on 3rd September 2025 between the Conservation Objective Series document dated 16th December 2014 and the SPA's Statutory Instrument (S.I. No. 391 of 2021). The Conservation Objective Series document listed 23 bird species plus 'wetlands', whereas the S.I. lists 25 bird species. The applicant's AA Screening Report (table 4) lists the SCIs contained in the Conservation Objective Series document. The S.I. contains the same 23 species as the Conservation Objective Series document plus mallard and greenshank. I include the 25 S.I. species plus wetlands in my assessment.

Cork Harbour SPA (004030)	Waterbirds x 25 plus wetlands	Approx. 1.5km to the north east	Indirect hydrological connection and proximity (mobile species)	Yes
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Step 3: Describe the likely effects of the project (if any, alone or in combination) on European sites

AA Screening Matrix

Site name (code)	Possibility of significant effects (alone) in view of the conservation objectives of the site	
	Impacts	Effects
Cork Harbour SPA (004030) Little grebe, Great crested grebe, Cormorant, Grey heron, shelduck, Wigeon, Teal, Mallard, Pintail, Shoveler, Red-breasted merganser, Oystercatcher, Golden plover, Grey plover, Lapwing, Dunlin, Black-tailed godwit, Bar-tailed godwit, Curlew, Redshank, Greenshank, Black-headed gull. Common gull, Lesser black-backed gull, Common tern, Wetlands	<u>Direct impacts</u> There are no direct impacts <u>Indirect Impacts</u> - <i>Habitat loss/fragmentation and alteration</i> Loss of existing agricultural land	<p>The applicant's AA Screening Report considers that on-site habitats are not significant as ex-situ habitat and the loss would not present potential for likely significant effects. Third parties state curlew are regularly noted within the fields and no wintering bird surveys were carried out to substantiate the Screening Report conclusion.</p> <p>The CCC Ecologist report notes that some habitat may be suitable for ex-situ foraging species but that, inter alia, there is an absence of suitable foraging habitat 'of a substantial extent relative to the surrounding area'.</p> <p>Having regard to the SCI species and their normal diet, I agree with the AA Screening Report and the CCC Ecologist that the on-site habitats are not of particular importance for the SCI species, notwithstanding that some may visit the site from time to time and the habitat may be partly suitable for feeding e.g.</p>

		<p>wigeon, oystercatcher, golden plover, and lapwing which can feed on grasslands among other habitats. The site is agricultural land/fields, which are very common in the area, and I do not consider that the proposed development site could be considered of such importance for ex-situ SCI species that the proposed development could have a likely significant effect on the SPA species.</p>
	<p>- <i>Changes in water quality and resource</i></p> <p>Hydraulic connection to Cork Harbour via hydrogeological and hydrological pathways and via Ringaskiddy wastewater treatment plant (WWTP)</p>	<p>Chapter 10 (Water and Hydrology) of the EIAR concludes that, while immediate receiving waterbodies may experience short-term negative impacts during construction ‘there is no identified potential impact to the ... transitional waterbody ...’ There would be imperceptible impact during operation on waterbodies prior to reaching the SPA as a result of proposed SuDS. The applicant’s AA Screening Report concludes that there is no potential for likely significant effects on SPA water quality from the hydrogeological or hydrological pathways.</p> <p>Ringaskiddy WWTP operates under statutory consents and there will be capacity to accommodate the proposed development. The applicant’s AA Screening Report concludes that there is no potential for likely significant effects on SPA water quality as a result of foul water generation.</p> <p>I agree with the conclusion that there would be no likely significant effect on water quality, notwithstanding that water quality is not referenced in any of the attributes, measures, or targets contained in the Conservation Objectives Series document. On my site inspection the field ditches were dry and there are no watercourses on or adjacent to the</p>

	<p>site, including both the proposed residential area and Mountain Road. Page 10-7 of the EIAR states that 'All drainage ditches at the site were observed to be contained within the site boundary with no outflow from the site'.</p> <p>- <i>Disturbance / displacement of species</i></p> <p>Noise or nuisance e.g. vibration, dust.</p> <p>The applicant's AA Screening Report states that, due to the distance between the site and SPA and the limited ex-situ habitat potential, there is no potential for likely direct disturbance and/or displacement of species.</p> <p>The site is zoned for residential development and is approx. 1.5km from the SPA with a relatively substantial urban environment between both. I do not consider there would be any noise or associated nuisance impacts to ex-situ species. As noted previously I consider that there is a substantial area of other similar habitat in the immediate vicinity that could be utilised by SCI species.</p> <p>- <i>Changes in population density</i></p> <p>The AA Screening Report considers that there is no potential for likely significant changes in population density. Given the separation distance and absence of other impacts, I agree.</p>
	<p>Likelihood of significant effects from proposed development (alone)? No</p>
	<p>If no, is there likelihood of significant effects occurring in combination with other plans or projects?</p> <p>The potential for in-combination effects is considered in sub-section 4.4.6 of the applicant's AA Screening Report. No permitted development has been identified that could cause likely significant effects on key environmental receptors. (The planning application on the adjacent site, 24/6418, was taken into consideration). No plans or policies were found to result in in-combination effects. Given that the proposed development would not have a likelihood of significant effects alone, I do not consider there would be any likelihood of significant in-combination effects.</p>

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

I conclude that the proposed development (alone or in combination with other plans and projects) would not result in likely significant effects on any European site. No further assessment is required for the project. No mitigation measures are required to come to these conclusions.

Screening Determination**Finding of no likely significant effects**

In accordance with section 177U of the Planning & Development Act, 2000 (as amended), and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Cork Harbour SPA or any other European site, in view of the conservation objectives of those sites, and AA (and submission of a NIS) is not therefore required.

This determination is based on:

- scientific information provided in the applicant's AA Screening report.
- the nature, scale, and location of the proposed residential development in a zoned area on fully serviceable lands.
- the lack of direct hydrological connection between the proposed development and European site.
- the extent of the availability of similar agricultural land/fields in the immediate vicinity of the site in terms of ex-situ foraging habitat.
- the absence of 'water quality' as an attribute, measure, or target in the Conservation Series document for the European site.
- the absence of any possibility of noise or nuisance disturbance to SPA SCIs during construction.

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

Appendix 2 – Water Framework Directive (WFD)

WFD IMPACT ASSESMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site, and Locality			
An Coimisiún Pleanála Ref. No.	ABP-322734-25	Townland / Address	Mountain Road, Carrigaline, Co. Cork
Description of project?		LRD application for demolition of three agricultural sheds, construction of 362 residential units, and associated site works including upgrades to Mountain Road.	
Brief site description, relevant to WFD screening		<p>The site is located on the south western urban edge of Carrigaline. It has an area of 12.97 hectares primarily comprising a number of fields and woodland and also an approx. 600 metres length of the local public road, Mountain Road, which it is proposed to upgrade. There is an active farmyard in the north east corner and there are strong field boundaries throughout. There is existing development, primarily residential, adjacent to the east and on the opposite side of Mountain Road to the north and west. There are no watercourses on site, either within the proposed housing area or along Mountain Road.</p> <p>The site slopes from the south west towards the north east. The soils beneath the site have been mapped as mineral poorly drained (mainly acidic) surface water gleys / ground water gleys derived from mainly non-calcareous parent materials.</p>	
Proposed surface water details		<p>It is proposed to discharge surface water to an existing 300mm diameter surface water pipe to the north of the site which crosses Mountain Road and discharges to a stream (West Carrigaline River) running along Forest Road approx. 500 metres to the north. It is proposed to use a SuDS approach to stormwater management where possible e.g. petrol interceptors, swales, bioretention raingardens, permeable paving, six cellular attenuation systems, an attenuation basin, and two retention ponds.</p>	

Proposed water supply source and available capacity		Water supply is to be from the public main. To accommodate the proposed development approx. 600 metres of water network upgrades will be required to provide additional network capacity.				
Proposed wastewater treatment system and available capacity and any other issues		It is proposed to discharge wastewater to the public foul sewer. The existing foul sewer has to be extended by approx. 170 metres to the site boundary and approx. 690 metres of sewer network upgrades will be required to provide the necessary additional capacity. Due to topography a portion of the site in the eastern area will require pumping.				
Others?		No				
Step 2: Identification of Relevant Water Bodies and Step 3: Source-Pathway-Receptor (S-P-R) Connection						
Identified water body	Distance (metres from the main residential parcel of the site)	Water body name (code)	WFD status (2016-2021)	Risk of not achieving WFD status i.e. at risk, review, not at risk	Identified pressure on that water body	Pathway linkage to water feature e.g. surface water runoff, drainage, groundwater
River waterbody (Healy's Bridge Stream)	The closest EPA waterbody to the site is Healy's Bridge Stream approx. 240 metres to the west of the site. There is no surface water outflow from the site.	Owenboy(Cork)_040 (IE_SW_19O011400)	Moderate	At risk	Hydromorphology Agriculture	None. There is no existing or proposed surface water outflow from the site.

River waterbody (West Carrigaline River)	Approx 290 metres to the north. This is the watercourse to which the existing 300mm diameter surface water pipe discharges and to which it is proposed to discharge surface water from the proposed development	Owenboy(Cork)_040 (IE_SW_19O011400)	Moderate	At risk	Hydromorphology Agriculture	Surface water outfall location from proposed development
River waterbody (Kilnaglery 19)	Approx 370 metres to the east. There is no surface water outflow from the site.	Kilnaglery_010 (IE_SW_19K620850)	Good	Review	None	None. There is no existing or proposed surface water outflow from the site.
Groundwater waterbody	Underlying site	Ballinhassig East (E_SW_G_004)	Good	Not at risk	No pressures	Discharge to groundwater
Step 4: Detailed Description of any Component of the Development or Activity that may Cause a Risk of Not Achieving the WFD Objectives Having Regard to the S-P-R Linkage						

No	Component	Water body receptor (EPA code)	Pathway (existing and new)	Potential for impact / what is the possible impact	Screening stage mitigation measures	Residual risk? Y/N Detail	Determination to proceed to Stage 2. Is there a risk to the water environment? If 'screened in' or 'uncertain' proceed to Stage 2
Construction Stage							
1.	Site clearance / construction works	Owenboy(Cork)_040 (IE_SW_19O011400) Kilnaglery_010 (IE_SW_19K620850)	None	Deterioration of surface water quality from pollution of surface water run-off during site preparation and construction	A number of standard construction phase mitigation measures are set out in, for example, the EIAR and CEMP.	No. Mitigation will reduce possible effects. The site is approx. 250 metres from the nearest EPA watercourse and effects on this, or others, is not likely.	Screened out. There is no plausible pathway to affect an EPA watercourse.

2.	Groundwater	Ballinhassig East (E_SW_G_004)	Drainage to ground	Reduction in groundwater quality from pollution of surface water run-off	Relevant measures set out in the EIAR and Outline CEMP include road cleaning, surface water management, silt fencing, protection of stockpiles, and appropriate fuel storage.	No. I am satisfied that the proposed mitigation measures are adequate to prevent an adverse impact on groundwater quality.	Screened out
Operational Phase							
1.	Surface water runoff	Owenboy(Cork)_040 (IE_SW_19O011400)	Surface water discharge to the existing 300mm diameter surface water pipe	Deterioration of surface water quality	SuDS measures are proposed as part of the proposed development, include a restricted greenfield runoff rate, and the ongoing monitoring and maintenance of same is referenced.	No residual risk. This is a standard residential development.	Screened out

2.	Impact on groundwater	Ballinhassig East (E_SW_G_004)	Drainage to ground	Deterioration of groundwater quality	SuDS measures are proposed as part of the proposed development and the ongoing monitoring and maintenance of same is referenced.	As above	Screened out
Decommissioning							
Decommissioning is not anticipated as this is a permanent residential development.							