



An
Coimisiún
Pleanála

Inspector's Report ABP-322913-25

Development

Proposed housing scheme consisting of 6 no. 1 bedroom apartments, hard and soft landscaping, resurfacing of Cork County Council adjacent laneway, new public lighting and connection to utilities, all associated site and ancillary works

Location

Porters Lane, Youghal, County Cork

Planning Authority

Cork County Council

Requester(s)

Jean Gardiner

Type of Application

Environmental Impact Assessment (EIA) Screening Determination (Application under Article 120(3)(b) of the Planning and Development Regulations, 2001 (as amended)).

Date of Site Inspection

1st December 2025

Inspector

Joe Bonner

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1.0 Introduction

- 1.1.1. Under the provisions of Article 120(3)(b) of the Planning and Development Regulations, 2001 (as amended) (hereafter “the Regulations”) a request for an Environmental Impact Assessment Screening Determination was made to An Coimisiún Pleanála (hereafter “the Commission”) to determine whether or not a proposed development would be likely to give rise to significant effects on the environment, and thereby require the preparation of an Environmental Impact Assessment Report (EIAR). The proposed development comprises 6 no. 1 bedroom apartments, hard and soft landscaping, resurfacing of adjacent laneway, new public lighting and connection to utilities, all associated site and ancillary works at Porters Lane, Youghal, County Cork.
- 1.1.2. The proposed development is a local authority development and is being applied for under Part XI of the Planning and Development Act 2000, as amended (hereafter “the Act”), and in accordance with Part 8, Article 81 and Article 83 of the Planning and Development Regulations 2001 (as amended). It is not a direct planning application to the Commission.
- 1.1.3. Jean Gardiner (hereafter “the referrer”) made an application under the provisions of Article 120 (3)(b) requesting that the Commission makes an Environmental Impact Assessment (EIA) Screening Determination in respect of the proposed development.
- 1.1.4. Cork County Council (CCC) (hereafter “the applicant”) is of the opinion that the works do not require an EIAR and has initiated the process set out in Part XI of the Act and Part 8 of the Regulations. This view is expressed by Cork County Council in the public notices, in the preliminary EIAR examination, and in the EIA Schedule 7A – Sub Threshold Screening document, dated the 23rd of September 2025 and submitted to the Commission on the 29th of September 2025.

2.0 Site Location and Description

- 2.1.1. The subject site has a stated area of 0.06ha and is located within the built-up area of Youghal town, in east County Cork. The site is a vacant brownfield site that lies within the Youghal Architectural Conservation Area, c300m south of the Youghal Clock Tower Gate.

- 2.1.2. The main body of the site where the proposed development would be located is generally rectangular and is c24.8m long and c12m deep and accounts for approximately half of the sites area at c298square metres. It also contains a small area in the northeastern corner at the rear of the site measuring 31.2square metres that would be used to store bins for the development. The rest of the site consists of a pedestrian route, Porters Lane, that runs along the entire southeastern boundary and has a width of c3.2m, before turning southeast where it connects to South Cross Road, just before its junction with Hayman's Hill. This section of Porters Lane is currently overgrown and not easily passable. It would not be capable of accommodating vehicular traffic.
- 2.1.3. Porters Lane connects to Mary's Street at the easternmost part of the site and is accessible to traffic.
- 2.1.4. That part of the site where the proposed development would be located slopes downhill by c7m, from the elevated South Cross Road (L-38231-0) that marks the western boundary, to the eastern boundary that abuts No 4 Porters Lane. From there, the ground continues to fall in an eastern direction towards the town centre, although the slope is less severe than it is across the site. The rear of the site is marked by high boundary walls and private land.
- 2.1.5. While there are no intact structures on the site at present, there is evidence of historic boundary and internal walls, and the first edition Ordnance Survey Map indicates that there was a building on the site, that was described as a Police Barracks. The building was also evident on the second OS Map but was replaced by a smaller building before being demolished at some point in time.
- 2.1.6. The application documents indicate that the site had been cleared of vegetation in 2020, but there are signs of regrowth across the site. The Porters Lane boundary is protected by a metal temporary fence.

3.0 Description of Proposed Development

- 3.1.1. The proposed development will comprise a Part 8 housing scheme at Porters Lane, Youghal, Co Cork which is described as:

The construction of a new housing development consisting of:

- 6 no. one bed apartments
- Hard and soft landscaping including new planting and the resurfacing of the adjacent laneway.
- New public lighting and connection to public utilities
- All associated site and ancillary works

3.1.2. The surface water drainage proposal at the site would comprise of permeable paving on the pedestrian access at the rear of the site, while water from the roof would drain to the existing stormwater system in the public road at the corner of Porters Lane and Mary's Street.

3.1.3. For foul drainage, a gravity connection would connect to an existing foul sewer line on the corner of Porters Lane and Mary's Street, immediately east of the site, with a series of pipes and manholes laid on Porters Lane in front of the site. The Engineering Services Report includes a letter from Uisce Éireann confirming that there is capacity in the foul network to accommodate the proposed development, without a need to upgrade any infrastructure.

3.1.4. The submitted watermain layout indicates that there is an existing watermain in Porters Lane immediately east of the site, while Uisce Éireann has also indicated that a potable water connection to the site is feasible without an infrastructure upgrade.

3.2. Documents Supporting the Proposed Development

The following documents were submitted to the Commission in response to a request for a copy of the Part 8 documentation. They consisted of:

- Site Notice
- Newspaper Notice
- Architectural Drawings
- Architectural Design Report
- Civil & Structural Drawings
- Engineering Report
- Mechanical & Electrical Drawings

- Planning Report & EIAR Assessment
- Appropriate Assessment Screening Report & Determination
- Archaeological Site Clearance Attendance Report

3.3. The response also included the following documents that were prepared as part of the response to the Commission:

- Cover Letter dated 24th of September 2025
- Environmental Impact Assessment Schedule 7A - Sub-Threshold Screening
- Ecological Survey undertaken by Flynn Furney Environmental Consultants

4.0 Planning History

A review of Cork County Council's online planning register and the Commission's case files was carried out and there are no records of any recent planning applications being made in respect of the application site or in respect of immediately adjacent sites.

5.0 Policy Context

5.1. Cork City Development Plan 2022-2028

5.1.1. The relevant development plan is the Cork City Development Plan 2002-2028, which came into effect on the 6th of June 2022.

Zoning

5.1.2. The site is located within the Youghal Development Boundary and is zoned 'ER' 'Existing Residential/Mixed Residential and Other Uses', as illustrated on the Map on Page 268 of the development plan. All the surrounding land is also zoned 'ER'. The land use zoning objective is:

'to conserve and enhance the quality and character of established residential communities and protect their amenities'.

Housing

5.1.3. Section 4.7.1 of Volume 1 of the County Development Plan, under the heading of 'Housing Mix' states that:

The impact of population growth, social changes including more people living alone or in smaller households and an ageing population with specific housing needs means that the mix of house types and sizes required needs to become more diverse. Therefore, it has never been more important to improve the range of choice available throughout the County as a whole.

It follows on with 'Objective HOU 4-6: Housing Mix' which seeks to:

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

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

5.1.4. Volume 4 'South Cork', of the Development Plan incorporates Youghal town. Table 4.3.8 titled 'Youghal Population and Housing Supply' indicates that 359 new units are required (to 2028) to achieve the population target of 8,902 for the town by 2028, as set out in the Core Strategy of the plan. Section 3.4.13 states that housing for older persons and housing affordability will also continue to be an issue and should be reflected in the range of house types provided.

5.1.5. Paragraph 18.3.9 of Chapter 18 'Zoning and land use' includes Objective ZU 18-9: Existing Residential/Mixed Residential and Other Uses, which states that

The scale of new residential and mixed residential developments within the Existing Residential/Mixed Residential and Other Uses within the settlement network should normally respect the pattern and grain of existing urban development in the surrounding area. The survey work has identified a variety of habitats across the county including some that are protected under the Habitats Directive; are of Special Conservation Interest for County Cork; are of local bio-diversity value or form part of an ecological corridor. These habitats should be retained/integrated into developments where possible.

5.1.6. Paragraph 18.3.9 continues by setting out appropriate uses in 'Existing Residential/Mixed Residential and Other Uses Areas', which includes residential development.

Biodiversity

5.1.7. Chapter 15 'Biodiversity'

5.1.8. Section 3.4 of Volume 4 of the Development Plan addressed Youghal and includes a specific section on 'Biodiversity'. Paragraph 3.4.64 states that:

In 2018, the Council commissioned the preparation of Habitat Mapping for the towns of the county where such work had not previously been undertaken with a view to identifying what habitats were present in the areas and identify those of importance in protecting the biodiversity of the area.

The survey work has identified a variety of habitats across the county including some that are protected under the Habitats Directive; are of Special Conservation Interest for County Cork; are of local bio-diversity value or form part of an ecological corridor. These habitats should be retained/integrated into developments where possible.

5.1.9. Paragraph 3.4.70 states that:

This plan seeks to protect the biodiversity of the town. In total 6 local biodiversity areas have been identified within the Youghal settlement boundary.

The application site does not fall within the boundary of any of the six biodiversity areas or any European sites of Special Conservation Interest.

Architectural Heritage

5.1.10. Chapter 16 of the development plan addresses 'Built and Cultural Heritage'. Youghal is listed as one of seventeen historic towns in County Cork, and one of three medieval walled towns. In the case of each town a Zone of Archaeological Potential is mapped showing the area most likely to contain archaeological remains, both upstanding and sub-surface. Paragraph 16.2.11 notes that 'The medieval/late medieval buildings that made up the historic towns was generally replaced by 18th/19th century streetscapes and buildings'.

5.1.11. Objective HE 16-4: Zones of Archaeological Potential in Historic Towns and Settlements, states that

Proposed development works in Historic Towns and settlements, Zones of Archaeological Potential, Zones of Notification and the general historic environs in proximity to the zones, should take cognisance of the impact potential of the works, and all appropriate archaeological assessments employed to identify and mitigate the potential impacts.

5.1.12. The site lies outside of and to the south of the medieval walled town and is located between the Zone of Archaeological Potential (ZAP) for the Medieval town and to the north of the Franciscan Friary ZAP. Porters Lane is a historic lane that would have connected the two ZAP's.

5.1.13. The site lies within the boundary of Youghal Architectural Conservation Area and Table 1 of Volume 4 to the development plan notes that the Commission shall have regard to the 'Architectural Heritage Protection: Guidelines for Planning Authorities DAHG (2011)' in the performance of its functions. It also notes that 'There is specific reference made to these guidelines in Chapter 16 'Built and Cultural Heritage' and specifically the section relating to 'Architectural Heritage'. These guidelines have been implemented in the identification of structures for the inclusion in the Record of Protected Structures'.

5.1.14. Neither the site nor any of the adjacent buildings are designated as protected structures in the County Development Plan and are not listed on the National Inventory of Architectural Heritage (NIAH).

Appendices

5.1.15. As part of the preparation of the Development plan a Strategic Environmental Assessment (SEA) was carried out, while land use zonings were determined following the completion of a Strategic Flood Risk Assessment (SFRA), which resulted in land either retaining its zoning for residential development or being rezoned for a different more water compatible use, if deemed prone to flooding. As Youghal falls partly within Flood Zone A and B, the land use zonings were informed by a number of documents being the 'Final CFRAM - Catchment Flood Risk Assessment and Management Study', 'HPW - High Priority Watercourses' and/or

‘MPW– Medium Priority Watercourses’ as well as the ‘CPSS - Irish Coastal Protection Strategy Study’.

6.0 Legislation and Policy

6.1. EIA Directive 2014/52/EU

6.1.1. Directive 2014/52/EU came into effect on the 15th of May 2014 and amended Directive 2011/92/EU. It reaffirmed that ‘Annex I projects’ shall be subject to EIA. For ‘Annex II projects’, it provides that Member States shall determine whether a project should be subject to EIA on a case-by-case basis or subject to thresholds or other criteria set by the Member State, using the criteria set out in Annex III, which include project characteristics, location and potential impact.

6.1.2. The Directive has been transposed into Irish legislation through an amendment to Schedule 7 to the Planning and Development Regulations, 2001, (as amended) by way of S.I. No. 296/2018 European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.

6.2. Planning and Development Act, 2000 (as amended)

6.2.1. Section 172(1) of the Act states that an EIA shall be carried out in respect of certain applications for consent for ‘proposed development’. This includes applications for ‘sub threshold’ development, namely those which are of a Class specified in Part 2 of Schedule 5 to the Regulations, but do not equal or exceed the relevant quantity, area or other limit specified and the competent authority determines that the proposed development would be likely to have significant effects on the environment.

6.2.2. Section 172(1A) specifies that ‘proposed development’ as described above, is relevant to development that may be carried out by the local authority under Part X or under Part XI of the Act.

6.2.3. Section 176 provides that the Minister shall, for the purpose of giving effect to the Environmental Impact Assessment Directive, make regulations identifying development which may have significant effects on the environment, and specifying the manner in which the likelihood that such development would have significant effects on the environment is to be determined. The regulations may establish different thresholds or criteria in respect of different classes of areas, on a case-by-case basis, for the purpose

of determining which classes of development are likely to have significant effects on the environment.

6.2.4. Section 179 of the Act relates to local authority own development. Under subsection (b), where a local authority proposes to carry out a development, it shall comply with this section and any regulations under this section.

6.2.5. Section 179 (6)(d) of the Act shall not apply to proposed development which is for development in respect of which an environmental impact assessment report is required under Section 175 or under any other enactment.

6.3. **Planning and Development Regulations 2001 (as amended)**

6.3.1. Article 92 defines “sub-threshold development” as ‘development of a type set out in Part 2 of Schedule 5 which does not equal or exceed, as the case may be, a quantity, area or other limit specified in that Schedule in respect of the relevant class of development’.

6.3.2. **Article 120(3)(b)** states that any person at any time before the expiration of 4 weeks beginning on the date of publication of the notice (site and newspaper notices) may apply to the Commission for a screening determination as to whether a development proposed to be carried out by a local authority would be likely to have significant effects on the environment.

6.3.3. **Article 120(3)(c)** indicates that applications for a screening determination shall, in order to be considered by the Commission, state the reasons for the forming of the view that the development would be likely to have significant effects on the environment and shall indicate the class in Schedule 5 within which the development is considered to fall.

6.3.4. **Article 120(3)(ca)** requires the local authority to submit to the Commission the information specified in Schedule 7A for the purposes of a screening determination.

6.3.5. **Article 120(3)(cb)** requires that the information under 120(c)(ca) shall be accompanied by 1) any further relevant information on the characteristics of the proposed development and its likely significant effects on the environment, including, where relevant, information on how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account, and 2) the description of any features of the proposed development and measures to avoid or prevent significant adverse effects on the environment.

6.3.6. **Article 120(3)(cc)** requires the Commission to carry out an examination of, at least, the nature, size or location of the development for the purposes of a screening determination. If the determination is that there is no real likelihood of significant effects on the environment arising from the proposed development, it shall determine that an EIA is not required. If the determination is that there would be likely significant effects on the environment, the Commission shall serve notice on the local authority to prepare, or cause to be prepared, an EIAR in respect of the proposed development.

6.3.7. **Article 93** states that the prescribed classes of development for the purposes of section 176 of the Act are set out in Schedule 5.

6.3.8. **Schedule 5** to the Regulations sets out the classes of development where EIA is required.

- Part 1 – Sets out the development classes which are subject to mandatory EIA.
- Part 2 – Sets out classes of development which shall be subject to EIA where they exceed a certain threshold in terms of scale or where the development would give rise to significant effects on the environment.

6.3.9. **Schedule 7** sets out the criteria for determining whether a development would or would not be likely to have significant effects on the environment, under three headings -

1. Characteristics of the proposed development.
2. Location of the proposed development.
3. Types and characteristics of potential impacts.

6.3.10. **Schedule 7A** - Relates to information to be provided by the applicant or developer for the screening of sub-threshold development for the purposes of EIA. The requirement for the submission of this information in the case of requests to the Board for a determination under Article 120(3) of the Regulations arises on foot of revisions to Article 120(3) introduced by the EU (Planning and Development) (Environmental Impact Assessment) Regulations, 2018.

6.4. **Natural Heritage Designations**

The site is not located within or adjacent to any National or European designated sites. The following sites are in closest proximity to the site: -

- Blackwater River (Cork/Waterford) SAC (Site Code SAC: 002170) c128m east of the site.
- Blackwater Estuary SPA (Site Code SPA: 004028) c650m northeast of the site.
- Blackwater River And Estuary pNHA (c128m east of the site).

7.0 Request for Determination

7.1. Initial submission of Jean Gardiner - June 2025

7.1.1. A single valid submission/objection was received by the Commission on the 30th of June 2025 requesting that the Commission carry out a screening determination as to whether the proposed development would be likely to have significant effects on the environment.

7.1.2. The submission states that no EIA has been carried out in spite of the fact that the site is home to a large number of birds, insects, and molluscan class Gastropoda's (snails). The submission continued that the site is home to a large population of Pygmy Shrew, which is protected under the Wildlife Acts, and it would be an offence to capture or kill pygmy shrew without a licence. The submission also stated that the pygmy shrew is facing significant threats including loss of habitats and a loss of the pygmy shrew represents a loss of biodiversity and could impact the resilience of the Irish ecosystem.

7.2. Further Information Request

7.2.1. On the 2nd of July 2025, the Commission wrote to the requester seeking the screening determination, Jean Gardiner, and referred to her letter requesting that the Commission exercise its power under article 120(3)(b) of the Planning and Development Regulations 2001, as amended, to require the local authority to prepare an environmental impact assessment in respect of the proposed development.

7.2.2. The requester was required to submit further information within an appropriate period outlining:

1. A statement indicating what class of development set out in Schedule 5 to the Planning and Development Regulations, 2001, as amended, the proposed development the subject of the request is considered by you to belong (in this regard you should note that the Commission's power to issue a direction under the said article 120 is confined to a direction in respect of "sub-threshold development" as defined at article 92 of the Planning and Development Regulations, 2001, as amended).
- 2 A statement indicating the reasons why you consider that the proposed development would be likely to have significant effects on the environment and a statement indicating the nature of such effects. (in this regard you should note that the Commission's power to issue a direction to the local authority to prepare an environmental impact assessment in respect of sub-threshold development is confined to circumstances where the Commission considers that the proposed development would be likely to have significant effects on the environment).

7.2.3. The Commission did not receive a response to the above request and a second letter seeking a response was issued on the 22nd of July 2025. This letter stated that in order to proceed with the case and to make a determination, it was necessary for Jean Gardiner to respond to the letter of the 2nd of July 2025.

7.3. Response to Further Information Request

7.3.1. In the response, received by the Commission on the 28th of July 2025, Jean Gardiner stated that:

1. The proposed development does not (applicant's underlined word) fall under the class of development set out in schedule 5 to the Planning and Development Regulations 2001 (as amended) as schedule 5 refers to large scale infrastructure developments such as more than 500 dwelling units.
2. Restated her earlier comments regarding the protected status of pygmy shrew.
3. The existing pedestrian lane is to be resurfaced. It has cobblestone surface, most likely dating back to the 18th century. It may be the last remaining cobbled lane and historic mediaeval town of Youghal. The removal,

destruction, or replacement (covering) of the cobbles would have significant effects on the environment and in particular the cultural heritage aspect of same.

7.4. Response from Cork County Council

7.4.1. On the 30th of July 2025, the Commission wrote to Cork County Council requesting, in accordance with Article 120(3)(ca) of the Regulations, the submission of:

- A copy of the Part 8 documentation.
- Information set out in Schedule 7A to the Planning and Development Regulations 2001, (as amended), to facilitate the Commission in screening sub threshold development for EIA
- Information required by Article 120(3)(cb), in addition to Schedule 7A information.

7.4.2. Cork County Council was also invited to make comments on the submissions or observations received in relation to the application

7.4.3. In response to the request dated the 24th of September 2025, Cork County Council submitted all documents prepared as part of the Part 8 application, including an Environmental Impact Assessment Screening Report. I have previously referred to the submitted documents in section 3.2 above and will refer to the contents of those documents in my assessment below.

7.4.4. In summary, the planning authorities response:

- described the physical characteristics of the whole proposed development.
- described the environmental sensitivities in the area including European and other protected sites.
- stated that excavated materials and waste would be managed by a CEMP/WMP, that wastewater and water services are available from Uisce Eireann and that surface water management will included SuDS and would connect to the public sewers.
- stated that the site has been cleared under archaeological licence.

- outlined that aspects of the environment likely to be affected are addressed in the suite of reports prepared as part of the application.
- stated that the site is of low ecological value and would not be subject to flooding.
- noted that no significant demolition is proposed.
- considered that the scale of development of 6 residential units is miniscule in the context of the 359 units required in Youghal during the lifetime of the county development plan.
- stated that both the site and the urban area has the capacity to accommodate the proposed development.

8.0 **Assessment**

8.1. **Introduction**

8.1.1. Under the provisions of Article 120 (3)(cc) of the Planning and Development Regulations 2001 (as amended), the Commission is required to provide a screening determination as to whether the proposed development comprising 6 no. one bedroom residential units and all associated works on a site comprising 0.06 hectares (600sqm), would be likely to have significant effects on the environment.

The following matters are considered relevant in the assessment of whether the proposed development would be likely to have significant effects on the environment:

- Has the applicant complied with the legislative requirements
- Project type/class of development under Schedule 5 of the Regulations,
- Relevant thresholds under Part 2 of Schedule 5 of the Regulations,
- Assessment of the development under the criteria set out in Schedule 7 of the Regulations
- Criteria set out in Schedule 7 of the Regulations,
 - Characteristics of the proposed development
 - Location of the proposed development

- Types and characteristics of the potential impact
- Other Relevant Information,
- Measures to avoid significant adverse effects on the environment.

An assessment of the proposed development against the above is carried out in the sections that follow.

8.2. **Has the applicant complied with the legislative requirements**

8.2.1. Having assessed the submitted documents, I consider that the first matter to be considered is whether or not the referrer has complied with the legislative requirements and whether or not the applicant has made a valid request for a determination.

8.2.2. As previously referenced in paragraph 6.3.3 above, Article 120(3)(c) of the Planning and Development Regulations states that:

‘An application for a screening determination under paragraph (b) shall, in order to be considered by the Commission, state the reasons for the forming of the view that the development would be likely to have significant effects on the environment and shall indicate the class in Schedule 5 within which the development is considered to fall’. (underlined emphasis added)

8.2.3. Article 120(3)(c) clearly sets out steps that shall be taken by Jean Gardiner the requester seeking a screening determination. Implicit in that is if the steps set out above have not been taken, then the Commission cannot consider the request.

8.2.4. In its letter dated the 2nd of July 2025, seeking further information, which I have set out in section 7.3 above, the Commission clearly referenced Article 120(3)(c) of the Planning and Development Regulations 2001, as amended.

8.2.5. In their response to the Commission’s letter of the 2nd of July 2025, Jean Gardiner stated in full in the response dated the 25th of July 2025 and received by the Commission on the 28th to July 2025, that ‘the proposed development does not fall under the class of development set out in schedule 5 to the Planning and Development Regulations 2001 (as amended). Scheduled 5 refers to large scale infrastructure developments such as more than 500 dwelling units for example’. The underlined word in the above paragraph was added by the referrer, Jean Gardiner.

8.2.6. On the basis of the submissions received by Jean Gardiner, I consider that it would be reasonable for the Commission to conclude that Jean Gardiner has not identified a class in Schedule 5 of the Planning and Development Regulations, 2001, as amended, within which the proposed development would be considered to fall and for that reason the application would not be consistent with Article 120(3)(c) of the Planning and Development Regulations and the Commission could not consider the matter further. On that basis, I would also consider that it would therefore be reasonable for the Commission to dismiss this application for a screening determination.

8.2.7. Notwithstanding the above considerations, to give the Commission the opportunity to consider the full extent of the proposed development, in the following paragraphs I will set out the nature and extent of the proposed development against the relevant provision of the Planning and Development Regulations 2001 (as amended).

8.3. Relevant Project Types/Class of Development under Schedule 5 of the Regulations that is a class for the purposes of Environmental Impact Assessment

- Class 10(b)(i) in the Regulations is the 'Construction of more than 500 dwelling units'.
- Class 10(b)(iv) in the Regulations is 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'.
- Class 14 in the Regulations is 'Works of Demolition' which are 'Works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7'.

8.4. Relevant thresholds under Part 2 of Schedule 5 of Regulations

8.4.1. The threshold for development in Class 10(b)(i) in the Regulations is the 'Construction of more than 500 dwelling units'. The proposed development would comprise the construction of 6 no. 1 bed apartments (dwelling units). Although the

proposed development is a class of development listed in Part 2 of the Fifth Schedule to the Planning and Development Regulations 2001 (as amended), it would be sub-threshold the threshold where a mandatory EIA would be required.

8.4.2. The threshold for development in Class 10(b)(iv) of the Planning and Development Regulations 2001 (as amended) refers to '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'. The site of the proposed development has a stated area of 600sqm or 0.06 hectares. It is not located in a residentially zoned area outside of the town centre of Youghal and could not be considered to be a business district as it would not meet the definition of "business district" which means a district within a city or town in which the predominant land use is retail or commercial use. Therefore, the higher threshold of 10 hectares in a built-up area is relevant. Therefore, whilst the proposed development would a development type listed in Part 2 of the Fifth Schedule, it is sub-threshold for the purposes of mandatory EIA.

8.4.3. The demolition element of the proposed development is confined to the removal of a number of small walls and kerbing as illustrated in the 'Demolition Plan' Drg. No. DR-CCC-A-PL-102.

8.4.4. An assessment as to whether the sub-threshold project should be subject to EIA having regard to the criteria set out in Schedule 7 of the Regulations, is set out below.

8.5. **Assessment of the development under the criteria set out in Schedule 7 of the Regulations**

The criteria for determining whether a development would or would not be likely to have significant effects on the environment are assessed under the following headings:

1. Characteristics of Proposed Development
2. Location of Proposed Development
3. Types and characteristics of potential impacts

Each of these criteria is assessed below under the subheadings set out in Schedule 7 to the Planning and Development Regulations 2001 (as amended).

8.5.1. Characteristics of the Proposed Development

- **Size & Design of the whole of the proposed development**

- 8.5.1.1. The proposed development of 6 No. 1 bed apartments (dwellings) is significantly below the 500-unit threshold that would require a mandatory EIAR, as per Part 2 to Schedule 5 to the regulations. The site of the proposed development has a stated area of 0.06 hectares (although it is stated to be 0.559ha in the AA screening Report), which is significantly below the 10-hectare threshold for urban development in built up areas that require mandatory EIAR. The site area would represent 0.6% of 10 hectares, based on the site being 0.06ha in area.
- 8.5.1.2. With the exception of works to install new piped services and to connect to existing piped services, as well as planned upgrades to the existing path, that runs along the southern boundary of the site and is known as Porters Lane, the proposed structure would be confined to c50% of the site area.
- 8.5.1.3. In regard to design and layout, the proposed development comprises a combination of one, three and two storey elements as it moves westwards and uphill across the site. The stepped heights reflect the change in elevation across the site. The two storey units would have direct access from Porters Lane at levels of 8.2m and 9.4m, while the four no 2 storey apartments would gain access from a shared terrace accessing directly onto Porters Lane at an elevation of 12.5m. The building would have a flat roof to reduce its impact when viewed directly from the houses located directly opposite on South Cross Road and this is illustrated on the submitted drawings and in the Architectural Design Report. The ground to the west of the site continues to rise steeply uphill.
- 8.5.1.4. Having regard to the nature and size/scale of the proposed development, which is significantly below the thresholds set out in Part 2 of the Fifth Schedule of the Regulations, as well as to its urban infill character and to the absence of any impact on highly sensitive landscapes or scenic routes, I do not consider that significant

effects on the environment would arise as a result of size or design of the proposed development.

- **Potential for Cumulative Impacts with other Existing and/or Approved Projects**

8.5.1.5. The Part 8 application documentation includes a Preliminary Examination on the nature, size and location of the proposed development. It is dated the 7th of May 2025. It concluded that there is no real likelihood of significant effects on the Environment and that EIA is not required. It does not reference any other existing or approved projects in the vicinity of the site.

8.5.1.6. The response received by the Commission from Cork County Council on the 29th of September 2025 includes an 'Environmental Impact Assessment Schedule 7A – Sub Threshold Screening' dated the 23rd of September 20215. It too does not refer to any other existing or approved projects.

8.5.1.7. A review of the online planning register of Cork County Council and a review of the Commission's appeals do not indicate that there are any existing or approved projects in the immediate vicinity that would act cumulatively with the proposed development of six apartments, to result in significant effects on the environment. The referrer did not refer to any projects that they considered would give rise to potential significant effects. The proposed development would connect to the public sewer, the public surface water network and public mains water supply. On that basis, I do not consider that there is potential for significant cumulative effects to occur on the environment.

- **Nature of any associated demolition works**

8.5.1.8. While historic mapping indicates that several different buildings were previously built on the site, they were substantially removed at some time in the past, and the site is now in a derelict condition. It is proposed to incorporate a number of surviving retaining walls into the proposal, to maintain a sense of place in keeping with the sites heritage, however, it is proposed to remove a section of low level kerbing on Porters Lane, as well as the remains of a stone wall along the proposed front

building line onto Porters Lane and a small section of stone wall in the north eastern corner of the site. The elements of demolition are illustrated in the Demolition Plan (DRG No. DR-CCC-A-PL-102).

8.5.1.9. The preparation for foundations would also require excavations and I note in Section 2 of the Sub Threshold Screening submitted to the Commission, by Cork County Council, on the 29th of September, states that 'Remaining vegetation to be cleared. Excavation materials and wastes generated to be managed by CEMP/ WMP.' No CEMP or WMP have been provide to the Commission as part of the application package. Notwithstanding that neither a CEMP (Construction Environmental Management Plan) nor a WMP (Waste Management Plan) have been provided, taking into account the limited extent of demolition that is proposed, I do not consider that the nature of the proposed demolition or excavation works would generate significant effects on the environment.

- **Use of Natural Resources, in particular land, soil, water and biodiversity**

8.5.1.10. The referrer raised concerns in respect to biodiversity, which are addressed below.

8.5.1.11. The nature and scale of the development, which would comprise the construction of a single building containing six No 1-bedroom apartments and associated facilities, would not result in a significant use of natural resources during construction, while resources used would be used for the purpose for which they were produced. It is not anticipated that large quantities of rare or unusual materials would be utilised on such a development, with the main products to be used consisting of concrete and associated products such as timber, aluminium and steel. The proposed external finishes are set out in the 'Proposed Contiguous Elevation' Drg No DR-CCC-A-PL-330.

8.5.1.12. With respect to land use, the site itself is brownfield in nature, and the proposed residential use would be consistent with the sites 'Existing Residential' zoning in the County Development Plan.

8.5.1.13. The site was subject to a supervised archaeological vegetation site clearance in November and December 2020 and has been the subject of an ecological survey in

September 2025, which paid particular attention to the issues raised in respect of Pygmy Shrew in the referrer's submissions to the Commission. The ecological survey included placing two movement activated camera traps and 4 print traps at 3 locations within the site, for 10 days. While no traces of Pygmy Shrew were recorded, photographs were provided by neighbours and were examined by a Pygmy Shrew specialist, who determined that the photos were of non-native Greater white-toothed shrew which has been invading and displacing native Pygmy Shrew in Ireland over the last 20 years. The survey concluded that the site is of low ecological value and that it was not deemed feasible that ecological enhancements may be made, which would aid the establishment or survival of the native Pygmy shrew, given the established population of Greater white-toothed shrew in the area.

8.5.1.14. Landscape and biodiversity mitigation has been proposed in the form of planting the embankment along Porters Lane and a strip immediately in front of the building line also fronting onto Porters Lane, as well as providing a resident's garden at first floor area. The total planted area is stated to be 82 square metres, which is c13.66% of the total site area of c600square metres. There would be no Annex I or Annex II habitat loss as a result of the proposed development.

8.5.1.15. The proposed development would connect to existing piped public services that are located immediately adjacent to the southeastern corner of the site, at the meeting point of Porters Lane and Marys Street. The connections would require the laying of new sewage, surface water and potable water pipes in Porters Lane. There is no reference in the application to water usage during construction or to the location of or proposals for welfare facilities for construction workers. However, given the size of the site and the scale of the development, it would not generate a high volume of water usage, and I am satisfied that there is adequate capacity on Porters Lane to accommodate such temporary facilities. The operational development will provide a standard water supply to each residence. Residential dwellings do not have a high-water demand and should not generate significant quantities of wastewater and a confirmation of feasibility for supply of both a sewerage and potable water connection has been received from Uisce Éireann for the proposed development of six apartments.

8.5.1.16. I do not consider that the Use of Natural Resources, in particular land, soil, water and biodiversity would generate significant effects on the environment, to such an extent that it would be necessary to prepare an EIAR.

- **The Production of Waste**

8.5.1.17. The referrer did not raise any concerns in this regard.

8.5.1.18. Section 2 of the Schedule 7A – Sub Threshold Screening report, referring to likely significant effects, states that ‘remaining vegetation be cleared. Excavation materials and wastes generated to be managed by CEMP/WMP’. I have previously noted that the referred to CEMP/WMP did not form part of the application documentation.

8.5.1.19. During the operational phase of the development, the domestic waste generated from the residential units would be stored in an uncovered bin store, that is proposed to be located in the northeastern corner of the site and is c30square metres in area. It would have capacity for 18 wheelie bins, or three for each apartment. Schedule 7A – Sub Threshold Screening also states ‘no significant waste envisaged. Will be managed in accordance with CEMP/WMP’. I have already set out that no CEMP/WMP have been provided. Notwithstanding the absence of information in the application in respect of the production of waste, I do not consider that the production and management of waste materials or by-products attributable to either the construction or operational phases of the proposed development would result in significant environmental effects, such that it would be necessary to prepare an EIAR.

- **Pollution and Nuisances**

8.5.1.20. The referrer did not raise any concerns in this regard.

8.5.1.21. The initial site set up, site clearance, earthworks phase as well as the construction phased have the potential to result in some local nuisance to local residence as a result of increased traffic volumes, noise and dust. However, these effects would be of a temporary nature and short lived.

8.5.1.22. Having regard to the scale of the proposed development along with design and mitigation measures proposed, I do not consider that there is potential for significant environmental effects as a result of pollution or nuisances.

- **Risk of Major Accidents and/or Disasters which are relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge**

8.5.1.23. The site is not located in the vicinity of any Seveso / COMAH sites, and the referrer did not raise any concerns in this regard.

8.5.1.24. Having regard to the nature, scale, location and characteristics of the proposed development, it is considered unlikely that there is a risk of major accidents and/or disasters including those caused by climate change and would not generate a requirement for environmental impact assessment.

- **The risks to human health (for example, due to water contamination or air pollution)**

8.5.1.25. The main potential for risk to human health is during the construction phase. The referrer did not raise any concerns regarding potential impacts on human health and Cork County Council stated that no significant risk was likely, due to the scale and extent of the development.

8.5.1.26. The Engineering Services Report outlines that the proposed development would connect to the public sewerage system, the public surface water system, and the public water supply, which are all available in the public road directly adjacent to the development. The construction phase would generate noise typical of a small development.

8.5.1.27. Potential risks to human health arising from water contamination, air pollution, noise etc, are considered to be unlikely and not of a magnitude that would generate a requirement for environmental impact assessment.

8.5.2. Location of the Proposed Development

- **The existing and approved land Use**

8.5.2.1. The site of the proposed development is an urban brownfield site that is zoned 'ER' 'Existing Residential/Mixed Residential and Other Uses' within the Youghal development boundary in the Cork County Development Plan 2022 – 2028.

8.5.2.2. The proposed residential development has been designed to fit into the design character of the Architectural Conservation area, where it is located, would complement the existing pattern of residential development in the area and would not result in any significant adverse impacts on land use in the area or generate significant impacts on the environmental sensitivities of the area.

- **The relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground**

8.5.2.3. It has been demonstrated in the reports accompanying the application, in particular the Ecological Survey from September 2025, that the site does not contain any sensitive habitats, while it was also demonstrated that the native pygmy shrew has been replaced on the site by the non-native Greater white-toothed shrew.

8.5.2.4. While there would be some loss of wildlife value associated with the loss of habitat, this would be compensated to a degree by the proposal to landscape part of Porters Lane, which would be upgraded as part of the development.

8.5.2.5. There would be minimal use of natural resources associated with the development of the site or its ongoing use for residential purposes

8.5.2.6. The site is underlain by the Glenville Groundwater Body (IE_SW_G_037) which is designated as having 'Good' status under the Water Framework Directive (WFD) assessment (2019-2024). It is also considered 'Not At risk' of meeting the objectives of the WFD to achieve "good" quantitative status by 2027. The underlying aquifer is classified as Poorly Productive Bedrock.

8.5.2.7. Any potential impacts arising from the proposed development would be minor and would not be considered significant.

- **The absorption capacity of the existing natural environment**

8.5.2.8. The site of the proposed development is a brownfield site from which buildings have been cleared for many years. The natural environment at the site is examined under the following headings:

- **Wetlands, riparian areas, river mouths, Coastal Zones and the marine environment, Areas classified or protected under legislation, including Natura 2000 areas designated pursuant to the Habitats Directive and the Birds Directive**

8.5.2.9. There are no wetlands or watercourses on the site. The nearest watercourse is found in Youghal Harbour, c128m to the east of the site, where the Atlantic ocean meets the mouth of the River Blackwater. These boundaries of both the Blackwater River (Cork/Waterford) SAC (Site Code SAC: 002170) and the Blackwater River and Estuary pNHA are both c128m to the east of the site. The Blackwater Estuary SPA (Site Code SPA: 004028) c650m northeast of the site.

8.5.2.10. There are no direct hydrological links between the site and any protected sites. Given the setback of the site from the nearest watercourse, and the fact that the development would connect to the public sewer and surface water drainage systems, there is no likely potential for impact on this watercourse as a result of construction works or the future occupation of the completed development and any deterioration in water quality and thus an impact on wetlands, riparian areas, river mouths, coastal zones and the marine environment is considered to be unlikely. This conclusion is consistent with the conclusion of the Appropriate Assessment Screening Report prepared as part of the Part 8 application which examined potential impacts on these three designated sites and on several other more distant sites. It concluded beyond reasonable scientific doubt that the proposed works individually or in combination with other plans/ projects are not likely to have a significant effect on a European site (Natura 2000 site).

- Mountain and Forest Areas

8.5.2.11. The site of the proposed development is not located in a mountain or forest area.

- **Nature Reserves and Parks**

8.5.2.12. The site is not located within or within immediate proximity of a nature reserve or park.

- **Areas in which there has already been a failure to meet the environmental quality standards laid down in legislation of the European Union and relevant to the project, or in which it is considered that there is such a failure**

8.5.2.13. The referrer did not raise any concerns in this regard. There are no other projects permitted or ongoing in the area and there are no known failures to meet environmental quality standards.

8.5.2.14. The proposed development, as with any construction project would be expected to comply with the relevant Statutory Legislation, including the Local Government (Water Pollution) Act, 1977 (revised). The contractor appointed, to carry out the development would be required to be consistent with the Act and other relevant legislation and thereby ensure that there are no significant effects on the environment.

- **Densely Populated Areas**

8.5.2.15. The Cork County Development Plan has a population target of 8,902 in Youghal by 2028 and to achieve this target requires an additional 359 residential units. The proposed development would comprise of a small infill development of 6 no 1-bedroom apartments on a 0.06ha site which would facilitate a small increase in the population of Youghal. The density would equate to 100 units per hectare, which would be consistent with Table 3.5 - Areas and Density Ranges Key Towns and Large Towns (5,000+ population) of the Compact Settlement Guidelines, which state that it is the policy and objective of the Guidelines that residential densities in the range 40 dph-100 dph (net) shall generally be applied in the centres and urban neighbourhoods. The construction phase would generate local employment would be positive in terms economic benefits to the town. I considered that any effects on the

existing population in the area would not be significant and would not warrant the preparation of an EIAR.

- **Landscapes and sites of historical, cultural or archaeological significance**

- 8.5.2.16. The site is located in the urban area of Youghal where the land rises quickly from the sea to the east in a westward direction and the design the development with a flat roof would mean that it would be lower than the houses located to the immediate east across South Cross Road and would not have a significant landscape impact.
- 8.5.2.17. The site is located within Youghal Architectural Conservation Area. While the site is located between two separate zones of archaeological potential within the town, there are no sites on the Sites and Monuments Record, the Record of Monuments and Places or the National Inventory of Architectural Heritage located within the site boundary or adjacent thereto. Therefore, architectural or archaeological sites would not be affected by the construction and operational phases of the proposed development. This is reflected in the report of the conservation officer which forms part of the Part 8 planning report dated the 7th of May 2025.
- 8.5.2.18. The referrer has outlined in their concerns that the proposed upgrade works to the Porters Lane would negatively affect the existing cobblestone surface on the lane which they say likely dates back to the 18th Century and may be the last cobbled laneway in the town of Youghal. The referrer also considered that the removal, destruction and replacement or covering of the cobbles would have a significant effect on the environment and in particular to the cultural heritage aspect of same.
- 8.5.2.19. While the Cork County Development Plan refer to cobbles forming elements of protected structures in four instances throughout the county, none of these references are to the application site. In addition, neither the site nor any of the immediately adjacent buildings are recorded on the record of protected structures.
- 8.5.2.20. Section 3.4.6 of Volume 4 to the County Development Plan states that a heritage-led regeneration strategy for Youghal was published in 2005 suggesting ways in which the physical and non-physical heritage resources could be used as a catalyst in

urban regeneration and tourism growth. It also states that a number of excellent public realm improvements have been undertaken in recent years and plans are in place for others. It does not refer to Porters Lane being upgraded or having any special features or heritage status.

- 8.5.2.21. I have visited the site, and I note that while Porters Lane is extremely overgrown, those parts of the path that were visible do not indicate that the lane is cobbled. There is evidence of stone in places on the path, but I am not satisfied that the path is as described by the referrer.
- 8.5.2.22. I am satisfied that the proposed residential development in this built-up urban location would not result in significant effects or effects of a magnitude that would generate a requirement for environmental impact assessment by reasons of impacts on cultural heritage.

8.5.3. **Types and Characteristics of the Potential Impact**

- 8.5.3.1. This section examines the likely significant effects on the environment of the proposed development in relation to criteria set out under paragraph 1 (Characteristics of the Proposed Development – see Section 8.5.1 above) and paragraph 2 (Location of the Proposed Development - see Section 8.5.2 above) with regard to the impact of the project on the factors specified in paragraph (b)(i)(I) to (V) of the definition of ‘environmental impact assessment report’ in section 171A of the Act, taking into account—

- **The nature, magnitude and spatial extent of impact (for example, geographical area and size of the population likely to be affected)**
 - Population & Human Health

- 8.5.3.2. While there would be a temporary impact on the residential receptors in the area in proximity to the proposed development, these impact but these will be short term, and no significant effects are anticipated for population and human health. The operational phase of the project would generally result in positive impacts associated with the provision of housing for people on Cork County Council's housing list, while

the houses would not be heated using solid fuel so would not result in a deterioration of air quality.

- Biodiversity

8.5.3.3. The proposed development would result in the permanent loss of a small area of habitat, which is of low ecological importance (recolonising bare ground, scrub and grassland habitat). No Annex I habitats would be directly impacted by the proposed development, while it was noted that the native pygmy shrew that is protected under the Wildlife Acts has been displaced by the non-native Greater white-toothed shrew and this was confirmed by way of a 10-day survey carried out by ecologists and confirmed by a pygmy shrew expert.

8.5.3.4. The proposed landscaping and planting schemes proposed for the site would compensate for the loss of the habitat on what is an unmaintained brownfield site.

8.5.3.5. The Habitats Directive Appropriate Assessment Screening Report and Screening Determination concluded beyond reasonable scientific doubt that the proposed works, individually or in combination with other plans/projects are not likely to have a significant effect on a European Site.

- Land, Soil, Water, Air and Climate

8.5.3.6. It is considered unlikely that significant effects would arise on land and soil during either the construction or operational phases. Material excavated from the site would be required to be exported off site to either a licensed waste receiving facility or reclassification as a by-product under Article 27 of the European Communities (Waste Directive) Regulations 2011 and transported to an appropriate location. However, based on the submitted site sections, the quantity of material to be excavated would be minimal.

8.5.3.7. Subject to best practice construction methodologies and environmental controls, there is no significant risk to ground or surface water quality, and no watercourses were identified within the site.

8.5.3.8. The site is underlain by the Glenville Groundwater Body (IE_SW_G_037) which is designated as having 'Good' status under the Water Framework Directive (WFD) assessment (2019-2024). It is also considered 'Not At risk' of meeting the objectives of the WFD to achieve "good" quantitative status by 2027. The underlying aquifer is classified as 'Poorly Productive Bedrock'. There are no proposals for groundwater abstraction or any other direct interaction with the groundwater body. The location of and proximity to the nearest watercourse has been discussed earlier and I am satisfied that there is sufficient distance between the site and the nearest waterbody at 1228m to the east and separated by urban development, that the likelihood of significant impacts on watercourse can be excluded during the construction phase. The potential of impacts on water during the operational phase is unlikely due to the design proposals for wastewater and surface water management which would both connect to the public piped systems directly adjacent to the site. Therefore, it is considered unlikely that significant effects would arise on water during the construction or operational phases.

8.5.3.9. It is expected that during the construction phase of the proposed development, plant and equipment which primarily operate on fossil fuels and are known emitters of greenhouse gases would be used. It is not anticipated that that would result in significant effects to climate due to the scale of the development and the short-term duration of the works.

8.5.3.10. Based on the submitted plans and elevations, there is no proposal for the use of use of fossil fuels within the project design. It is not anticipated that the development would result in significant effects on climate and would not warrant the preparation of an EIAR.

- Material Assets, Cultural Heritage and the Landscape

8.5.3.11. The proposed development would connect to existing piped services and utilities which are located immediately adjacent to the site at the junction of Porter's Lane and Mary's Street. Uisce Éireann has confirmed that water and wastewater connections are available without the need for infrastructure upgrades. The works associated with access and connection to such services would result in some level of disruption for other local users, but this would be short term and would not result in a

significant effect. An existing Eir line running along the sites western boundary with South Cross Road would be diverted as part of the development. During the operational phase, the proposed development would utilise material assets such as services and utilities already mentioned. Whilst the proposed development would generate a small increase in the demand for such services in the area, the demand from the proposed development will not result in significant effects on the environment.

- 8.5.3.12. Neither the site nor any of the adjacent buildings are designated as protected structures in the County Development Plan and no buildings are listed on the National Inventory of Architectural Heritage (NIAH). The site lies outside of and c200m to the south of the medieval walled town of Youghal and is located between the Zone of Archaeological Potential (ZAP) for the Medieval town and the ZAP for the Franciscan Friary, which is located c50m to the south of the entrance to Porters Lane. Porters Lane is a historic lane that would have connected the two ZAP's.
- 8.5.3.13. While the site is located in the historic town of Youghal, it has previously been cleared of vegetation under archaeological supervision. The report on the vegetation clearance states that while the remains of buildings were evident, they were deemed to be of later 18th or early 19th century origin. No apparent surface or upstanding features of medieval origin were noted and what was on site was not deemed to be of sufficient heritage interest so that they would warrant retention, should their removal be necessary. It did recommend that a more detailed archaeological desktop assessment be prepared when a development scheme has been prepared and potential impacts can be assessed. Based on the information submitted with the application, I do not consider that there is a likelihood of significant effects on archaeological sites from the construction or operation of the proposed development.
- 8.5.3.14. In regard to potential landscape impacts, the construction phase would result in a limited degree of change on the visual environment, which would be moderate and short-term. The proposed development, when complete, would sit lower in the landscape than the existing buildings to the west due to the steep rise in the land to the west, meaning that the building would fit into the stepped buildingscape that exists in Youghal. Considering also that there are no features of specific visual

sensitivity on the site or its surrounding area, significant effects on landscape or visual amenity are not anticipated.

- Traffic and Transport

8.5.3.15. The construction phase of the development would bring increased traffic to the area associated with the site clearance and the delivery of materials to the site. Whilst this may result in some localised disruption to road users, it would be short term and would not result in significant effects. No onsite parking would be available for workers accessing the site, but parking would be available on street within a short walk. The operational phase of the development would have no provision for car parking spaces but would be served by pedestrian access as well as onsite bicycle parking. Due to the nature of the local road and street network there would be limited opportunities for parking close to the site which would necessitate and encourage a move away from private car use to shared car use, public transport and active travel. Residents are likely to be reliant on public transport services. Due to the small scale of the development, I do not consider that it would have a negative effect on the functionality of the local road network either during the construction or operational phases of development.

- Noise

8.5.3.16. Noise impacts associated with the construction phase would be expected to be similar to any other standard small scale construction project. Whilst the application is not accompanied by a noise impact assessment, any potential for nuisance associated with noise emanating from the construction site would be short-term and should be addressed by way of a CEMP, which was not part of the Part 8 application. The operational phase of what would be a small residential development and would not be expected to generate excessive noise levels.

- Major Accidents or Disasters

8.5.3.17. It is considered that the proposed development would not present significant risks to human health or risk of major accidents or disasters including those related to climate change. Having regard to the characteristics and location of the proposed development, it is considered unlikely that significant effects would arise.

- Interaction between the factors

8.5.3.18. While there is potential for interactions to occur between the various environmental factors, taking into account the nature, scale and urban location of the proposed development, along with the intensity or significance of the predicted impacts within each respective environmental factor being not significant, I consider that it would be unlikely that significant effects would arise from the interaction between the factors.

- **The transboundary nature of the impact**

8.5.3.19. There would be no transboundary impacts associated with the proposed development.

- **The probability, intensity and complexity of the impact**

8.5.3.20. Having regard to the limited footprint of the proposed building on a site of 0.06ha and the scale of the proposal, which would consist of 6 No. 1 bedroom apartments in a part 1, part 3 and part 2 storey building, and all associated site works, it is considered that the nature of the environmental impacts during the construction and operation phase would not be particularly complex or intense. The effects from the predicted impacts on each environmental factor is not considered to be significant, while the probability of significant impacts is considered to be low.

- **Expected onset, duration, frequency and reversibility of the impact**

8.5.3.21. Having regard to the nature of the proposed residential development, the scale of the construction works with a footprint of less than 300square metres, construction phase impacts would be short term and temporary. The operational impacts will be on-going, long term and only reversible if in the unlikely event that the proposed development is removed, and the site is reinstated to its pre-development state which is a brownfield site, and that is unlikely to happen.

- **The cumulation of impact with the impact of other existing and/or development the subject of a consent for proposed development for the purposes of section 172(1A)(b) of the Act and/or development the subject of any development consent for the purposes of the**

Environmental Impact Assessment Directive by or under any other enactment

8.5.3.22. No significant impacts are predicted as a result of the proposed development. There are no records of any other existing and/or development the subject of a consent for proposed development for the purposes of section 172(1A)(b) of the Act and/or development the subject of any development consent for the purposes of the Environmental Impact Assessment Directive by or under any other enactment, that would cumulatively act with the proposed development to result in significant impacts on the environment.

- **The possibility of effectively reducing Impact**

8.5.3.23. I am satisfied that the implementation of standard best practice construction methodologies, which would be expected to be implemented in respect of this proposed development, would result in a reasonable probability of effectively reducing potential impacts, although I am satisfied and already stated that I do not consider that any significant impacts would arise as a result of the proposed development.

8.5.4. Other Relevant Information

8.5.4.1. Article 120(3)(cb)(i) of the Planning and Development Regulations 2001 (as amended) provides that where a local authority is submitting Schedule 7A Information to the Commission, it shall be accompanied by any further relevant information on the characteristics of the proposed development and its likely significant effects on the environment, including, how the results of other relevant assessments of effects on the environment carried out pursuant to European Union Legislation (other than the EIA Directive), have been taken into account.

8.5.4.2. The Schedule 7A submission did not identify any significant impacts that would arise as a result of the proposed development or to any other relevant assessments carried out. Reference is made in several instances to a CEMP (Construction Environmental Management Plan) and to a WMP (Waste Management Plan) but neither document was submitted to the Commission. Notwithstanding their omission,

I am satisfied that due to the scale and extent of the development, which would have a footprint of less than 300square metres, that the proposed development on this infill brownfield urban site would not give rise to significant impacts on the environment.

- 8.5.4.3. Several references are made to Cork City Council instead of Cork County Council in the submitted documentation, but they are not material to the matters under consideration.

8.5.5. Measures to Avoid Significant Adverse Effects on the Environment

- 8.5.5.1. Article 120(3)(cb)(ii) of the Regulations provides that where a local authority is submitting Schedule 7A information to the Board it may describe the features, if any, of the proposed development and the measures, if any, envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment of the development.
- 8.5.5.2. No significant effects were identified, so it was not necessary to set out mitigation measures which would be implemented during construction of the proposed development, to avoid such significant effects.

9.0 Conclusion

- 9.1.1. Having carried out the assessment, including addressing the specific matters raised in the two submissions made by the referrer, I am satisfied that the proposed development is unlikely to have significant effects on the environment, and accordingly, an Environmental Impact Assessment is not required.

10.0 Recommendation

- 10.1.1. Having regard to the above assessment, it is considered that the proposed development is unlikely to have significant effects on the environment, and accordingly, an Environmental Impact Assessment is not required.
- 10.1.2. It is therefore recommended that Cork County Council be advised that the preparation and submission of an Environmental Impact Assessment Report is not required in respect of the proposed development.

11.0 Reasons and Considerations

Having regard to the following:

- (i) The provisions of Section 179 of the Planning and Development Act 2000, as amended by Article 120(3)(b) of the Planning and Development Regulations 2001
- (ii) Annex III of the EU EIA Directive 2014/52/Eu
- (iii) The nature and scale of the proposed development of six no 1 bedroom apartments, which is significantly under the threshold in respect of Class 10 (b)(i) (Infrastructure – 500 Dwelling Units) and (Class 10 (b)(iv) (Infrastructure – 10ha of Urban Development) of Part 2 of Schedule 5 of the Planning and Development Regulations, 2001 (as amended),
- (iv) The limited scale and extent of the proposed works of demolition required to facilitate the proposed project.
- (v) The location of the site on lands that are zoned ‘Existing Residential’ in the Cork County Development Plan, 2022-2028, and the results of the strategic environmental assessment of this Plan undertaken in accordance with the SEA Directive (2001/42/EC) and the Strategic Flood Risk Assessment (SFRA) undertaken in accordance with the European Union (EU) Floods Directive (2007/60/EC).
- (vi) The location of the site in an established residential area served by public infrastructure including a stated available capacity in the wastewater treatment plant and the location of the site outside of any sensitive location,
- (vii) The submissions made as part of the request for a determination including the further information received by the Commission, from Cork County Council on the 29th of September 2025,
- (viii) The submission made by the local authority,
- (ix) the criteria set out in Schedule 7 and 7A of the Planning and Development Regulations 2001, as amended,
- (x) the report and recommendation of the reporting inspector,

It is considered that the proposed development would not be likely to have significant effects on the environment and accordingly, that the preparation and submission of an Environmental Impact Assessment Report is therefore, not required.

I confirm that this report represents my professional 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.

Joe Bonner
Senior Planning Inspector

7th of January 2026