



An
Coimisiún
Pleanála

Inspector's Report

ACP-323904-25

Development	Large-scale residential development (LRD): Construction of a residential development of 102 residential units, a creche facility and all ancillary site development works. A Natura Impact Statement (NIS) was submitted to the Planning Authority with the application. LRD Website: www.AnnabellaLRD.ie
Location	Annabella, Mallow, Co. Cork,
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	255124
Applicant(s)	Sayvale 18 Limited.
Type of Application	Large-scale Residential Development.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellants	(1) Dominic and Margaret McEntee (2) Finbarr J ODwyer.

Observer(s)

Uisce Eireann.

Date of Site Inspection

20th February 2026.

Inspector

Lucy Roche

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1.0 Site Location and Description

- 1.1. The proposed development site is located to the north of the L1203 local road known Kennel Hill on the northwestern edge of the built-up-area of Mallow, approximately 1.5km from Town Centre. Both Mallow Train and Bus Station are located in the town and within 2km of the site. The proposed development is c.938m to the west of Mallow train station (12 min walk) and approximately a 25-minute walk to the nearest bus stop, at Mallow Town Park.
- 1.2. Existing development in the immediate vicinity of the site is characterised by low to medium density residential. The Paddocks and Annabelle Park to the south of the site comprise single storey detached houses while Woodview Drive to the east is comprised of mainly two-storey terraced houses. The SHD currently under construction to the southwest and west of the site (known as Rose Hill) will, once completed, comprise a mix of houses, apartments and duplex units with building heights ranging from 2 to 4 storeys and with the higher, mixed occupancy buildings located to the rear (north) of the site. The Rose Hill development also includes for a new Creche facility which is to be accessed directly off Kennel Road to the south. Additionally, as part of the SHD (Rose Hill), a new pedestrian / cycle route to the Railway Lane, west of the railway line is to be delivered. This route will traverse the northern section of the proposed development site and once completed will provide an alternative route to the train station and town centre beyond.
- 1.3. The site itself has a stated area of 4.23ha, the main body of which comprises a grassed field that slopes steadily downwards in a northeasterly direction (fall of approx. 30m) and towards the Leaselands Stream which borders the site to the north. The Leaselands stream forms part of a wider woodland corridor, referred to in the CCDP as the Annabella Woods Amenity Corridor and described as an important ecological corridor connecting the urban area and wider countryside. The site also incorporates a section of the existing access road / residential cul-de-sac (L-9002-0) that currently serves the residential developments of The Paddocks, Annabella Park and Woodview Drive. The cul-de-sac leading to the proposed development site culminates at a farm gate. This cul-de-sac currently serves four bungalows – each with its own separate driveway. It has the benefit of a footpath on its western side,

adjacent to the houses while a row of mature Leyland Cyprus trees extends along its eastern side.

- 1.4. The southern boundary with Annabella Park comprises part concrete block wall, part concrete post and chain link fencing and part hedge. The western boundary with the under construction SHD comprises a mature hedgerow / treeline. It was noted during site inspection that a gap in this boundary has been created to facilitate the permitted pedestrian / cycle route at the northern end of the site. The northern boundary is defined by the Leaselands Stream and mature deciduous woodland. To the east, the boundary with Woodview Drive comprises a high concrete block wall which is capped but not plastered.

2.0 Proposed Development

- 2.1. Permission is sought for large-scale residential development (LRD), comprising a total of 102 no. residential units in the form of 36 no. dwelling houses and 66 no. apartments. The proposal also includes for a two storey creche facility providing 57no. childcare spaces and all ancillary site development works.
- 2.2. The proposed 36 no. dwelling houses are all 3-bedroom mid and end terrace units. The 66 no. apartments are proposed in the form of duplex and maisonette units and comprise 17 no. 3 bedroom units, 33 no. 2 bedroom units and 16 no. 1 bedroom units. 32 no. of the proposed apartment units are to be accommodated in 8 no. 2 storey buildings in southern and central areas of the site, with the remaining 34 no. apartment units being accommodated in a 1-3 storey apartment building to the north of the site.
- 2.3. The proposed development facilitates pedestrian and cycle connections to the existing Woodview Drive residential development to the east and the partially constructed strategic housing development to the west permitted by An Bord Pleanála under reference ABP-312640-22 and referred to as 'Rose Hill'. Access to the proposed development will be provided from Kennel Hill via the existing residential cul-de-sac serving Annabella Park and the adjacent estates of The Paddocks and Woodview Drive. The proposed development provides for upgrades to the existing internal road network and public realm of the Annabella Park residential development including new footpaths, public lighting and traffic calming

measures. Other ancillary site development works include landscape and amenity areas, public open spaces, servicing and drainage proposals (including SuDs measures), bicycling parking, bin storage facilities and an ESB substation.

- 2.4.** The planning authority in their assessment of the application raised various issues relating to the adequacy of the existing foul water network to accommodate the proposed LRD; the tree survey and landscaping plan, potential impact on an existing bat roost, lighting (for ecology), road layout and junction design. These issues were raised by way of a further information request issued on the 21st of July 2025. The final layout was submitted to the planning authority on the 10th of September 2025 with only minor alterations to the design and layout of the scheme. Notably, the layout of the scheme was amended to facilitate direct rear access to mid-terraced houses for bicycle and bin storage.
- 2.5.** The following table presents a summary of the principal characteristics, features, and floor areas of the components of the proposed scheme, which are extrapolated from the application forms, and plans and particulars (Architectural Design Statement (ADS), Housing Quality Assessment).

Table 2.1: Development Statistics	
Gross Site Area	4.23ha
Net Site Area	2.3ha
Gross Floor Space	9,807.38sq.m
Residential Floor Space	9,347.10 sq. m
Creche	417.58 sq. m creche (57.no. children)
Density	44uph
No. Residential Units	102no. residential units
Unit Type / Mix	See Tables 2.2 and 2.3 below
Housing	36no. houses

Apartment (Duplexes/Maisonettes)	66no. apartment duplexes
Dual Aspect units	100% dual aspect
Building Height	1-3 storeys
Car Parking	131 no. car parking spaces comprising 122no. car parking spaces for the residential development and 9no. car parking spaces for the creche
Cycle Parking	254no. cycle parking spaces comprising 203 long stay parking spaces and 51 short stay spaces
Public Open Space	9.95ha, c2.78ha of which is to be provided within the net developable area.
Communal Open Space	c. 490 sq. m (estimate)

2.6. The following Tables provide a breakdown of unit type and mix:

Table 2.2 – House type				
Accommodation Type	No. of Units Provided			% (approx.)
3 Bed Mid-Terrace	16			16
3 Bed end-of-terrace	20			19.5
1 Bed Apartment	16			16
2 Bed Apartment	33			32
3 Bed Apartment	17			16.5
Total	102			100
Table 2.3 – Housing Mix				
Housing Mix	1 Bed	2 Bed	3 Bed	Total
Total Units	16	33	53	102

2.7. Construction is to be carried out in two phases as follows:

Table 2.4 Proposed Phasing	
<i>See Proposed Site Layout (Phasing) or ADS page 60</i>	
Phase 1	<ul style="list-style-type: none"> • 46no. residential units and Creche and associated roads, parking and open space • Road improvement works • Pedestrian access / link to permitted footpath and cycleway under SHD
Phase 2	56no. residential units and associated roads, parking and open space

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

- Planning Statement and Response to Cork County Council's (CCC) Opinion Statement
- Statement of Consistency with Planning Policy
- Childcare Needs Assessment
- School Place Demand Assessment
- EIA Screening Statement
- Statement of Housing Mix
- Architecture Design Statement (ADS)
- Building Lifecycle Report
- Landscape Design Report (updated at RFI Stage)
- Green and Blue Infrastructure Report (updated at RFI Stage)
- Tree Quality Assessment (updated at RFI Stage)
- Townscape and Visual Impact Assessment (TVIA) and Photomontages
- Traffic and Transport Impact Assessment (TTA)
- Stage 1/2 Road Safety Audit
- Mobility Management Plan (MMP)
- Infrastructure Report
- Preliminary Operational Waste Management Plan (pOWMP)

- Construction and Environmental Management Plan (CEMP)
- Construction Resource and Waste Management Plan (RWMP)
- Construction Traffic Management Plan (CTMP)
- Pipe Capacity Report
- Site Specific Flood Risk Assessment (SSFRA)
- DMURS Statement of Compliance
- EV Charging Infrastructure Analysis Report
- Watercourse Protection Plan
- Surface Water Management Plan
- Ecological Impact Assessment Report (EclA)
- Natura Impact Assessment (NIA)
- Water Framework Directive Assessment Report
- Daylight and Sunlight Assessment
- External Public Lighting Analysis Report (updated at RFI Stage)
- Climate Action and Energy Analysis Report
- Archaeological Impact Assessment (AIA)
- Material Report
- Pollinator Friendly Planting Code (Submitted at RFI stage).

3.0 Planning Authority Pre-Application Opinion

3.1. In accordance with the information on file, an LRD meeting under section 32C of the Planning and Development Act 2000, as amended (2000 Act) took place on 22nd of April 2024 between the applicant and the planning authority regarding the proposed development. The planning authority issued its formal LRD Opinion on 11th of April 2025 and advised that the documentation submitted, did not constitute a reasonable basis on which to make an application and required further consideration and amendment to constitute a reasonable basis for an application for a Large-Scale Residential Development. In its LRD opinion the Council identified 15no. items that required further consideration and amendments, the issues identified fall under the following headings:

- Ecology
- Design and Layout

- Building Lifecycle
- Open space
- Public Lighting
- Phasing
- Surface Water Management Plan:
- Sustainable Travel
- Roads and Transport
- Traffic and Transport Assessment
- Outline Construction Management Plan
- Landscaping
- Services
- Creche

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

4.0 Planning Authority Decision

4.1. Decision

4.1.1. Following an initial request for further information, Cork County Council (CCC) decided, by Order dated the 4th of November 2025, to grant permission for the proposed LRD subject to 53 no. conditions.

4.1.2. Cork County Council attached 53no. conditions to the grant of permission. Most of these conditions are standard construction and planning conditions. Conditions of note include:

Condition 5 Relates to Phasing, Part (a) requires that the development be phased in accordance with the phasing scheme submitted with the application. Part (b) requires the pedestrian and cycle connection permitted under

SHD ABP 312640-22 be completed prior to occupation of Phase 2 of the development.

Condition 49 Requires adherence to the Landscaping Plan submitted to the PA on 10/09/2025

Condition 51 Notes that a Badger sett was identified in close proximity to the site. While no recent evidence of the presences of badgers was identified, Condition 51 requires a pre-commencement Badger survey and the submission of a mitigation plan in the event that Badgers are identified.

4.2. Planning Authority Reports

4.2.1. Planning Reports

Initial Report (July 2025)

- The initial report of the Local Authority Case Planner dated 18th of July 2025, considers the locational context and planning history of the site; relevant local, regional and national planning policy, the third-party submissions and the reports received from internal consultees and from prescribed bodies. It also includes commentary on the site notices (with supporting photographs). The development is then assessed under various headings, the following points are of note:
- Following a detailed assessment of the main planning issues pertinent to the case, the report recommended that further information be sought on 5no. items, summarised below:
- *Services:* - Regard was had to the report of the CCC's Estates Engineer and previous identified deficiencies in the foul water network serving the area. The applicant was requested to liaise further with Uisce Eireann (UE) to establish if these deficiencies have been addressed or if there is a strategy / timeline in place for the completion of necessary upgrade works. The applicant was also requested to assess potential for adverse effects on the Blackwater River SAC of the necessary upgrade works. The applicant was made aware that any development that is reliant on upgrade works should be committed to and consented to (as required) or the Planning Authority may deem the development

premature with any upgrade works to the wastewater system associated with the development.

- *Ecology*: Regard was had to the report of the Ecologist. The applicant was requested to submit a scaled layout drawing which identifies tree numbers and which correspond to the submitted Tree Survey and a revised landscape plan for the scheme ensuring that all species listed are native or in line with the All-Ireland Pollinator Plan. The applicants were also requested to submit proposals to reinstate a gab in the hedgerow along the western site boundary created to facilitate the adjoining development (pedestrian / cycle link at the northern end of the development) given the high level of bat activity recorded on the site and due a potential Bat Roost in the vicinity. The applicants were also requested to include measures to prevent disturbance and light spill during both the construction and operation phases of the development.
- *Sustainable Transport*: - The applicant was requested to review the layout of the junctions within the development to ensure that pedestrian and cycle priority is provided across these junctions and to review the layouts for the 3 no. junctions to be upgraded on the existing estate road from the site to Kennel Road so that crossing points are located closer to corners on the key pedestrian desire lines. The applicants were also requested to submit site-specific proposals for signing, lining and lighting for all pedestrian crossings
- *Bicycle Parking*: - The applicants were requested to review the provision of bike parking having regard to the minimum standards provided in the CDP 2022. The applicants were also made aware of following issues (1) Cycle parking should be provided within the footprint of the dwelling but should not require the bike to be brought through the house. (2) It is not confirmed that all the ground floor duplex units have provision for the two spaces required as per the CDP 2022, and (3) the applicant has not differentiated between long term and short-term provisions.
- *Design and Layout*: In relation to the design and layout of the scheme and the comments of the Council Architect the following items were raised: (1) concerns were raised regarding the design/layout of 2 no. Maisonette types, units 33 and 38, and their impact in terms of dominance/ overshadowing on adjoining units 34 and 37. The applicants were requested to demonstrate the level of impact and

whether mitigation measures could be provided. (2) the applicant was requested to examine the use of solid masonry walls as a front boundary treatment in lieu of low-level hedging due to maintenance concerns. (3) the applicants were requested to relocating the proposed bin/bike stores away from the front elevation of the dwellings and (4) the applicants were requested to address the use of undersized windows in the lower-level apartment units to the bedrooms that face onto the small entrance courtyard areas due to concerns of restricted access to natural day light. The Case Planner was satisfied with the extent of cut and fill proposed and that given the separation distances available, it would not have a significant negative impact on the amenity of neighbouring properties.

Report on Further Information (November 2025)

- The second and final report of the Local Authority Case Planner has regard to the further information received by the planning authority on 10th of September 2025 and to the reports received from internal consultees.
- The Case Planner is satisfied that all items raised in the further information request were adequately addressed in the applicant's submission and that any outstanding issues could be addressed by way of condition. The following points are noted:
- Regard was had to the Primary report of the Council Architect which states that to achieve an acceptable level of quality, there needs to be some quality control measures that samples / mock up's various external materials should be inspected for approval before work commences on site which should be dealt with by way planning condition. (Condition 42 of the planning authority's grant of permission relates).
- Regard is had to the report from the Sustainable Travel Unit (STU) which states that there is no clarity provided by the applicant as to who will extend the new pedestrian and cycle connection along the Northern Boundary from the site as far as Mallow Train Station and town centre, as well as a timeframe for same. The Case Planner agrees that the provision of this link to Mallow Train Station and town centre is a key mitigation measure to reduce car-based trips. To address the concerns of the STU, the Case Planner recommends a condition that the pedestrian and cycle connection permitted under SHD permission ABP 312640-

22 be completed prior to the occupation of Phase 2 of the LRD. (Condition 5(b) of the planning authority's grant of permission relates).

- Regard is had to the report of the Area Engineer report which states that with regard to Traffic and Transportation and the provision of Junction Improvements at Junction No. 3, a Special Contribution of €1,000 per unit shall be applied to the proposed development. €1,000 x 102 Units = €102,000. Within this context, the Case Planner reconsiders the recommendation of the Area Engineer that Phase 2 of the proposed development should not be permitted to be occupied in advance of the work to Junction 3 being completed. The Case Planner notes that the Development Plan does not provide any restriction on zoned lands in Mallow that requires development of this junction prior to occupation (or otherwise) and that the applicant has proposed mitigation measures to encourage sustainable transportation which will be either delivered by him or through a Special Contribution and that these will assist behavioural change.
- The report concludes with a recommendation to grant permission subject to 53no. conditions.

4.2.2. Other Technical Reports

- **Area Engineer – (AE)**

Primary Report July 2025 provides detailed commentary on several issues relating to roads and transportation, the TTA, water services and flood risk. The report concludes with a recommendation that permission be granted subject to condition. The AE recommends a total of 19no. conditions including the payment of a special development contribution towards the signalization of the Kennel Hill Junction with National Secondary Route, N72 and towards the re-surfacing of L 9002-0 Access Route to the site. The AE also recommends the phasing of the development such that Phase 2 not be occupied in advance of the completion of the signalization works to the Kennel Hill Junction with National Secondary Route, N72.

Report of October 2025 - The AE's report on the further information raises no objection subject to compliance with conditions of the previous report.

- **Traffic and Transport - Sustainable Travel Unit (STU):**

Primary Report June 2025 recommends that further information be sought on four items (1) clarity on who will extend the new pedestrian and cycle connection along the northern boundary to Mallow Train Station. (2) review the layout of internal junctions to ensure pedestrian / cycle priority; (3) review the layout of the 3no. junctions to be upgraded on the existing estate so that crossing points are located closer to corners on key pedestrian desire lines. (4) site specific proposals for signing, lining and lighting for all pedestrian crossings.

Report of October 2025 cites no objection subject to conditions

- **Estates Engineer:**

Primary report of July 2025 - Recommends further information in respect of the Confirmation of Feasibility from Uisce Eireann. The report cites previous commentary from UE which recommended the phased deliver of housing in the area in line with planned upgrades. Conditions have been provided in the event permission is granted.

Report October 2025 – cites no objection subject to condition.

- **Public Lighting** - recommends conditions in the event of a grant permission. The report states that on the Southwest side of Unit 25 & 68 the applicant shall ensure that the footpath achieves minimum required lighting.
- **Environment (water)** Primary report July 2025 recommends conditions in the event of a grant permission.
- **Environment (waste):** – Primary report July 2025 recommends conditions in the event of a grant permission.

Report of October 2025 notes the lack of RWMP, OWMP and Surface Water Management Plan but includes recommended conditions in the event of a grant of permission.

- **Ecology Office:**

Primary report of July 2025 -requests further information on 4no. items: (1) the applicant is requested to assess the potential impact on the Blackwater River SAC associated with any upgrade works to the wastewater system associated with the development. (2) to submit a scale layout drawing to correspond with the

Tree Survey, (3) to submit a landscaping plan and (4) additional measures to ensure the protection of Bats during construction and operational phases include proposals for lighting.

Report of October 2025 – cites no objection subject to condition.

- **County Archaeologist:**

Primary Report of July 2025 - Concurs with the recommendations of the Archaeologic Impact Assessment (AIA) submitted with the application in that no further mitigation measures are required and is satisfied with the level of archaeological intervention undertaken.

- **Architect** – The County Architect is generally satisfied with the overall design, layout and density of development proposed and considers that the design responds well to the topography and infill nature of the site. Some concerns are raised in the report regarding the extent of cut and fill proposed and the impact of same, visually, on neighbouring houses in Woodview Drive to the east. The report also identifies some minor design issues relating to potential overbearing / overshadowing from maisonette units 33 and 38 on adjoining units 34 and 37 respectively to a protecting element in the design; the use undersized windows, the choice of boundary treatment to the front of houses, the location of bin/bike stores for the maisonette units. The report recommends conditions to address these issues in the event of a grant of permission. The report also raises concerns regarding the robustness of both construction methods and external facing materials to be used in the development and requests samples / mocks of all external facing materials to all units, boundary wall, railings, paved areas etc be submitted for agreement prior to the commencement of development.

4.3. Prescribed Bodies

Uisce Eireann:

- Requests further information to access the feasibility of build over and / or diversion of the existing water main and wastewater pipe on site.

Inland Fisheries Ireland

- As the footprint of the proposed development is bounding a watercourse, the design and completion of any required riparian landscaping or new crossing structures should be considered accordingly.
- IFI emphasise the need for good site practices with regard the protection of fisheries from pollution or habitat loss arising from construction activity.
- Silt traps where appropriate should be constructed to intercept run-off
- Fuel oil etc should be stored on a sheltered dry elevated site well removed from aquatic zones. Refuelling of vehicles should take place in a designated area also removed from the aquatic zone.
- Any discharges to neighbouring watercourses should consist of clean water only.
- Surface water run-off may require attenuation to mimic the present natural drainage regime of the undeveloped greenfield site.

Transport Infrastructure Ireland (TII)

- TII is of the opinion that insufficient data has been submitted with the planning application to demonstrate that the proposed development will not have a detrimental impact on the capacity, safety or operational efficiency of the national road network.
- In the interests of protecting the N72, TII advises that no further development shall commence until the Preliminary Design Report and Safety Audit for the N72/Kennel Hill junction upgrade has been submitted and approved in accordance with TII publications.
- The N72/Kennel Hill junction upgrade shall ensure that the N72/Kennel Hill junction as a signalised junction will not cause queuing on the already congested Annabella Roundabout.

An Taisce

- The submission notes the proximity of the subject site to the woodland to the north and the importance of same in terms of cultural and natural heritage. It lists a number of factors that should be accounted for in the applicants Ecological Impact Assessment

- The submission recommends close consideration of potential construction phase impacts on the Leaslands stream which is designated as good water quality status under the WFD.
- A riparian buffer zone is recommended including a biodiversity management plan.
- The application should be assessed with reference to the 'Design Manual for Urban Roads and Streets'.
- The applicant should demonstrate how the location, design and layout of the development will delivery on climate action. A Building Life Cycling report and a commitment to energy efficiency measures are sought.
- The lighting report should be assessed with regard to the 'Environmentally Friendly Lighting Guide' compiled by Dark Sky Ireland.
- Nature based solutions including permeable surfacing should be applied across the site.
- Social and community infrastructure should be provided in tandem with the housing development as proposed.

Iarnród Eireann

The following observation were made:

- Lights in-situ during construction stages, from the proposed development, should not cause glare or in any way impar the vision of train drivers or personnel operating on track machines should the railway reopen.
- No liquid, either surface water or effluent, shall be discharged onto railway property
- Any proposed services that are required to cross along, over or under the railway property must be the subject of a licence agreement with Iarnród Eireann

4.4. Third Party Observations

The planning authority received two third-party submissions from residents of Annabella Park, the appellants in this case. The issues raised are similar to those raised in the grounds of appeal which are set out in Section 7 of this report.

5.0 Planning History:

5.1. Application site:

CCC Ref: 22/6197

Permission sought in 2022 for 92no. dwellings.
Application withdrawn.

ABP Ref: PL04.247607

Permission **granted** April 2017 for 85no Houses. In 2022, the applicant applied to CCC for an extension of duration (CCC Ref: 22/4752), which was refused by the planning authority on grounds that Appropriate Assessment was required.

ABP Ref: PL04.244097

Planning Permission **refused** (March 2015) for a mixed housing development of 102 units (revised to 86 units) and crèche on 3.15 ha of the subject site. three refusal reasons cited, in brief: (1) Contrary Ministerial Guidelines due to poor open space, dominance of roads, ineffective use of lands and limited connectivity with surrounding lands; (2) May compromise the development potential of residential zoned land to the east and (3) Poor residential amenity afforded to future residents – overlooking due to limited garden depth and level differences.

ABP-PL70.220734 :

Planning permission **granted** (April 2007) for a mixed-use housing development of 104 units on this site. No development was carried out on foot of this permission. It

is of relevance to note, in light of the issues raised in the grounds of appeal, that the Planner Inspector for this case recommended that planning permission be refused for the following reason:

1. *The scale, form and density of the proposed residential development would result in an overdevelopment of the site and increase traffic generation, which would seriously injure the residential amenities of existing properties in the area and would be contrary to the proper planning and sustainable development of the area.*

By Order dated October 2012, Mallow Town Council refused to extend the duration of permission due to the need for Appropriate Assessment.

5.2. Lands to the west / southwest - Rose Hill

ABP-312640-22

Permission **granted** (May 2022) for the construction of SHD of 299 no. residential units (185 no. houses, 114 no. apartments) creche and associated site works. The permitted works include upgrade works along Kennel Hill and a cycle/pedestrian connection to the L-9000-0 via the proposed development site and Woodview Drive, including a bicycle and pedestrian bridge over the Leaselands Stream.

Condition 2 attached to the grant of permission requires that proposed footpath, road and public realm improvement works to Kennel Hill Road and Annabella Park Road be completed prior to making available for occupation of any residential unit.

Condition 26. requires the payment of a Special Development Contribution towards the upgrade of the Kennel Hill Road and N72 Junction to a signalised junction.

Note: Currently under construction

ABP-317015-23

Refers to the inclusion of the lands on the RZLT Map. ABP confirmed the local authority determination

ABP PL 04.247607

Permission **granted** in 2017 for the construction of 58 no. houses on lands to the southwest of the subject site. An extension of duration of permission was granted in 2021 under Reg. Ref. 21/6970. The scheme was amended in 2022 under CCC Ref. No:22/4819 which allowed for the construction of 35no dwelling units in lieu of 20no units previously permitted. (Total no. of units – 73)

5.3. Other – Lands further west along Kennell Hill.

ABP- 316136-23

Permission **refused** for 88no. residential units, creche etc. two refusal reasons cited as follows (in brief): 1. The proposal would materially contravene the zoning objectives for the site (Residential Reserve - MW-RR-04 and Green Infrastructure MW-GC-16). 2. The failure of the applicant to demonstrate adequate arrangements for wastewater disposal.

6.0 Policy Context

5.1 Development Plan

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

6.1.2. Volume 1 – Written Statement:

Chapter 4 Housing:

As set out in Chapter 4, the CCDP adopts a tiered approach to density with the new residential zoned lands within the application site allocated for Medium Density 'A', which is described in section 4.8 and Objective 4-7, as follows:

HOU 4-6: Housing Mix:

- a) Secure the development of a mix of house types and sizes throughout the County as a whole to meet the needs of the likely future population across all age groups in accordance with the guidance set out in the Joint Housing Strategy and the Guidelines on Sustainable Residential Development in Urban Areas.
- b) Require the submission of a Statement of Housing Mix with all applications for multi-unit residential development in order to facilitate the proper evaluation of the proposal relative to this objective. The Statement of Housing Mix should include proposals for the provision of suitable housing for older people and the disabled in the area.

Medium Density 'A': An increased minimum threshold is proposed for the Medium A Density category to 30 units/ha as per the Guidelines. The category allows for the provision of apartments within the unit typology mix but it is not a requirement. This category is generally applicable to suburban and greenfield sites in larger towns >5,000 population and those planned to grow >5,000 population over the lifetime of the Plan.

HOU 4-7: Housing Density on Residentially Zoned Land:

	Min Net Density	Max Net Density	Comment
Medium A	30	50	<ul style="list-style-type: none"> • Applicable to suburban/greenfield lands of the larger settlements with a population > 5,000 and those planned to grow >5,000 population. • In towns with an existing/ planned high quality public transport service a minimum density of 35 units/ ha is recommended. • On former Institutional lands which may require concentration of development in certain areas.

			<p>A minimum of 20% public open space is required at these locations.</p> <ul style="list-style-type: none"> • This category would be the highest density category applicable to the smaller settlements (< 5,000 in population) and would generally apply to central sites within the core of such settlements, unless otherwise stated or where a higher density approach accords with the existing pattern of development. • Must include a broad range of unit typologies and normally involves a combination of unit formats including a higher proportion of terraced units and/or apartment type units.
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Chapter 12 Zoning and Land Use

The zoning objectives and maps for all the settlements in the County are set out in the Volumes 3,4 and 5 and in Volume 6 Maps CDP Map Browser of the CCDP. Volume 3 is relevant to Mallow. The objectives and general principles that should be followed in these plans are set out in Volume 1 Chapter 12. The following is of note:

Section 18.3 Land Use Zoning Categories:

There are three land use zoning categories applicable to the proposed development site, these are as follows:

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

The objective for this zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities. The following objective relates:

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

The scale of new residential and mixed residential developments within the Existing Residential/Mixed Residential and Other Uses within the settlement network should normally respect the pattern and grain of existing urban development in the surrounding area. Overall increased

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

Land uses in New Areas: (Including new Residential Areas):

ZU 18-11: Residential Areas (including Residential Additional Provision, / Residential Further Additional Provision (Long Term Strategic and Sustainable Development Sites) and Residential Reserve)

Promote development mainly for housing, associated open space, community uses and, only where an acceptable standard of amenity can be maintained, a limited range of other uses that support the overall residential function of the area. Normally discourage the expansion or intensification of existing uses that are incompatible with residential amenity.

Appropriate Uses in Residential Areas (including Residential Additional Provision, / Residential Further Additional Provision (Long Term Strategic and Sustainable Development Sites) and Residential Reserve) Residential development, residential care, sheltered housing, specialised housing, childcare facilities, education facilities, occasional retail, local centres/neighbourhood centres, places of worship, local medical/healthcare services, open space, recreation and amenity uses, community uses.

Green Infrastructure (GI): Subcategories:

Within this category there are 3 subcategories which have been identified. These are:

- Green Recreational (GR)-Open Spaces/Park where the purpose is to retain and provide for open space and recreational amenities.
- Green Conservation (GC) - Landscape Amenity/Conservation where the purpose is to generally retain appropriate areas for their landscape, amenity or nature conservation value.
- Green Active (GA) - Active Open Space where the purpose is to retain and provide for active recreational facilities.

Within these subcategories there are different requirements for each type of open space depending on their accessibility and level of usage envisaged by the public. Where applicable, further clarification of the function and future requirements of a particular area designated as GR (Green Recreational), GC (Green Conservation) and GA (Green Active) is set out in a corresponding settlement objective for that area.

ZU 18-13: *Green Infrastructure*

Three subcategories of Green Infrastructure zonings have been identified to:

- a) Retain and provide for open space and recreational amenities within Green Recreational (Open Spaces/ Park) areas.
- b) Retain and generally protect appropriate areas for their landscape, amenity or nature conservation value or their current or future flood management role, within Green Conservation (Landscape amenity/ nature conservation) area; and,
- c) Retain and provide for active recreational facilities within Green Active (Active Open Space) areas.

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

Chapter 14 Green Infrastructure and Recreation:

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

- a) Public Open Space within Residential Development shall be provided in accordance with the standards contained in Cork County Council's Interim Recreation & Amenity Policy (2019) and any successor policy, the "Guidelines on Sustainable Residential Development in Urban Areas" and "Making Places : a design guide for residential estate development. Cork County Council Planning Guidance and Standards Series Number 2".
- b) Promote the provision of high quality, accessible and suitably proportioned areas of public open space and promote linking of new open spaces with existing spaces to form a green infrastructure network.
- c) Apply the standards for private open space provision contained in the Guidelines on Sustainable Residential Development in Urban Areas and the Urban Design Manual (DoEHLG 2009) and Cork County Council's Design Guidelines for Residential Estate Development. With regard to apartment developments, the guidelines on Sustainable Urban Housing: Design Standards for New Apartments will apply.

6.1.3. Volume 3 – North Cork:

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

Movement – Section 2.4.82

The N20 and the N72 national routes traverse and bisect the town causing congestion which adversely impacts on the amenity of the town, the capacity of the local 'internal' road network and the

convenience and accessibility of local trips within the town to access shops and services. In the short-term the provision of a Relief Road is critical to take N72 traffic away from the centre of Mallow and continues to be a priority in the Government's Infrastructure and Capital Investment Plan 2016-2021 (due to commence subject to planning). A corridor for the planned N72/N73 Mallow Relief Road has been selected to the north of the town and is included as objective MW-U-01 while an Active Travel Corridor is also included as objective MW-U-04. An option selection exercise for the N/M20 motorway is also continuing in parallel.

General Objective MW-GO-03:

The green infrastructure, biodiversity and landscape assets of Mallow include its river corridors, mature trees, wetlands, woodlands and the River Blackwater Special Area of Conservation. New development should be sensitively designed and planned to provide for the protection of these features and will only be permitted where it is shown that it is compatible with the requirements of nature conservation directives and with environmental, biodiversity and landscape protection policies as set out in Volume One Main Policy Material and Volume Two Heritage and Amenity.

Specific Objective MW-R-05: - Medium 'A' Density Residential Development.

Any proposals should seek to strengthen existing riparian woodland corridor and seek to provide for a future pedestrian/cycle connection from residential area with the potential to ultimately connect with the train station.

Specific Objective MW-GC-03: - Annabella Woods Amenity Corridor.

Area of linear open space connecting into a wider riparian woodland corridor. Open space to include amenity walkway

6.2. Regional Plans / Policies:

Regional Spatial and Economic Strategy for the Southern Region 2020-2032

(RSES): - This strategy provides a framework for development at regional level. The RSES promotes the regeneration of our cities, towns, and villages by making better use of under-used land and buildings within the existing built-up urban footprint.

Chapter 3 People and Places of the RSES includes a settlement hierarchy with different urban typologies. Mallow is designated as Key Town. There are 14 Key Town in the Southern Region, and each play a critical role in underpinning the RSES and ensuring a consolidated spread of growth beyond the cities to the subregional level. The RSES envisages that the Key Towns will be a focus for significant growth.

6.3. National/Regional Plans/Policies:

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

The National Planning Framework (NPF), initially published in 2018 and revised in 2025, sets out a high-level strategy for the planning and development of Ireland to 2040. The strategy to accommodate this growth in a sustainable way focuses on 10 National Strategic Outcomes (NSOs) that include: Compact Growth (NSO1), Sustainable Mobility (NSO4), Enhanced Amenity and Heritage (NSO7), a Low Carbon and Climate Resilient Society (NSO8) and the Sustainable Management of Water, Waste and Environmental Resources (NSO9).

National Strategic Outcome No. 1 of the NPF relates to Compact Growth. The aim is to deliver a greater proportion of residential development within existing built-up areas of cities, towns, and villages; to facilitate infill development and enable greater densities to be achieved, whilst achieving high quality and design standards. This is supported by National Planning Objectives that target 50% of new housing growth that take place in the five cities and 30% within other settlements, to be delivered within the existing built-up footprint, respectively.

National Strategic Outcome No. 10 of the NPF relates to Access to Quality Childcare, Education and Health Services. National Planning Objective 41 seeks to prioritise the alignment of targeted and planned population and employment growth

with investment in the provision and timely delivery of childcare facilities that meet the diverse needs of local populations and act as a key enabler for housing development, thereby contributing to the development of sustainable communities.

Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness:

Aims to build on this recent progress to further accelerate the delivery of new homes, to deliver 300,000 by the end of 2030. The Plan is built around two pillars 'Activating Supply' and 'Supporting People', with four key priorities under each pillar.

Climate Action Plan (CAP) 2025: -

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

Climate Action Plan 2024 outlines measures and actions by which the national climate objective of transitioning to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy by 2050 is to be achieved. These include the delivery of carbon budgets and reduction of emissions across sectors of the economy. Of relevance to the proposed development, is that of the built environment sector. The Board / Commission must be consistent with the Plan in its decision making.

Ireland's 4th National Biodiversity Action Plan (NBAP) 2023-2030:

The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B (1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Board, as a public body, to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Board. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local level and is taken into account in our

decision-making having regard to the Habitats and Birds Directives, Environmental Impact Assessment Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable.

6.4. National Guidance:

Having considered the nature of the proposed development sought under this application, its location, the receiving environment, the documentation contained on file, including the submission from the Planning Authority, I consider that the following guidelines are relevant:

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) (the Compact Settlement 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. Applicable policy for the proposed development includes:

- Section 3.3: requires that densities in the range of 30dph-50dph should be applied for sites in 'Key Town – Suburban/ Urban Extension' locations.
- Section 3.4: outlines a two-step density refining process, based firstly on a determination of accessibility to public transport options and secondly on five site-specific criteria (impacts on character, historic environment, protected habitats and species, daylight/ sunlight of residential properties, and water services capacity).
- Policy and Objective 3.1 requires that the recommended density ranges are applied and that, where appropriate, these density ranges are refined further using the site-specific criteria.
- Policy and Objective 4.1 require the implementation of principles, approaches and standards in the Design Manual for Urban Roads and Streets, 2013, including updates (DMURS).
- Section 5.3: requires the achievement of residential standards:
 - SPPR 1 – Separation Distances requires a minimum of 16m between

opposing windows serving habitable rooms at the rear or side of houses and duplexes above ground floor level.

- SPPR 2 – Minimum Private Open Space specifies new standards for houses (3 bed 40sqm, 4 bed+ 50sqm), and private open space for duplexes remains as per the Apartment Guidelines.
- Policy and Objective 5.1 recommend a public open space provision of between 10%-15% of net site area.
- SPPR 3 – Car Parking specifies the maximum allowable rate of car parking provision based on types of locations (e.g., 2 no. spaces per dwelling for intermediate and peripheral locations).
- SPPR 4 – Cycle Parking and Storage requires a general minimum standard of 1 no. cycle storage space per bedroom (plus visitor spaces), a mix of cycle parking types, and cycle storage facilities in a dedicated facility of permanent construction (within or adjoining the residences).
- Section 5.3.7 – Daylight indicates that a detailed technical assessment is not required in all cases, regard should be had to standards in the BRE 209 2022, a balance is required between poor performance and wider planning gains, and compensatory design solutions are not required.

The Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities (2025) (the ‘Apartment Guidelines’) set out national policy and standards for apartment development, in order to ensure greater consistency of national policy across local authority areas.

6.5. Also of note:

- Appropriate Assessment of Plans and Projects in Ireland - Guidelines for Planning Authorities (2009, updated 2010).
- Quality Housing for Sustainable Communities (DoEHLG, 2007).
- Childcare Facilities – Guidelines for Planning Authorities (2001).
- Design Manual for Urban Roads and Streets (DMURS) 2019.
- The Planning System and Flood Risk Management Guidelines (including the associated Technical Appendices) (2009).

6.6. Natural Heritage Designations

The subject site is not located within any designated site. The closest designated site, the Blackwater River (Cork/Waterford) SAC (site code 002170) is located c400m to the south of the site. The Blackwater River provides a hydrological pathway between the proposed development site and the Blackwater Valley (Killavullen) pNHA (Site code 1080) and the Blackwater Valley (Ballincurrig Wood) pNHA (Site code: 001793)), c8km and c10km downstream, respectively.

7.0 The Appeal

7.1. Two third-party appeals have been lodged against the decision of Cork County Council to grant permission for this LRD at Annabella, Mallow, Co. Cork. The appeals were lodged by Dominic and Margaret McEntee (first named appellant) and Finbarr J O'Dwyer (second named appellant), as residents of Annabella Park, the existing residential estate to the south of the proposed development site. The appeal submission of Finbarr J O'Dwyer includes supporting plans (extracts) and photographs. The issues raised in the grounds of appeal (GOP) are grouped and summarised below.

7.2. Grounds of Appeal

Legal and Preliminary Issues:

- *Land Ownership:* - Concerns are raised regarding the ownership of the land and the failure of the applicant to show lands within a blue line boundary.
- *Public Notices:* - It is alleged that the Site Notice was removed after one day, undermining public participation.
- *GDPR / Data protection Breach* - It is alleged that personal data (photographs of property / car registration) was presented as part of the application documentation without the consent of the appellants and that this represents an invasion of privacy and personal security.

- *Public Consultation:* - Concerns raised regarding the lack of consultation with existing residents regarding the proposed development and the removal of existing trees and in relation to the lack of clarity afforded to residents on the conditions attached to the grant of permission.

Inappropriate Development:

- The density of development is considered high and inappropriate for this constrained suburban edge of town location. The proposal would represent overdevelopment of the site.
- The proposed scheme, which includes two storey houses, duplexes and apartment, will alter the character of the area. Houses in Annabella Park are predominantly single storey bungalows.
- It is alleged that the zoning objective requires boundary screening with trees and shrubs. The plans do not provide this and condition 49 fails to enforce it.
- Concerns/ objections to the proposed removal of trees, planted by residents of Annabella Park, without consent.

Impact on Residential Amenity:

- The main concern of the second named appellant (Mr. O'Dwyer) relates to the security of his home. His garage is located adjacent to the southern boundary of the proposed development site and includes a window that looks directly onto the application site. He requests that a boundary wall or fence be erected in lieu of the proposed planting. His concerns have not been addressed by the applicants or by Council in their assessment of the application or decision.

Impacts During Construction:

- The sloped nature of the site increases erosion and runoff risks yet specific mitigation measures (silt fences, settlement ponds, etc) are not proposed.
- The CEMP conditions are generic and do not address the particulars risks on the site.
- The narrow access road increases risk of mud and dirt during construction. Lack of wheelwash facilities at the entrance.

Traffic and Transportation:

- Road infrastructure in the area is not suitable to cater for an additional 102 residential units.
- Reference is made to a previous appeal on this site (2006) under which it is stated that the Planning Inspector recommended refusal of a similar access arrangement due to the unsafe nature of the Kennel Hill /N72 junction, restricted visibility and the inability of the road network to safely accommodate additional traffic. It is alleged that none of these issues have been addressed and that since the time of the decision the road layout has become more constrained as new retaining walls, footpaths and traffic ramps have further narrowed the junction and restricted sightlines.
- Condition 9 attached to the PA report addresses only sightlines at internal junctions and not the N72 / Kennel Hill Junction.
- Concerns raised regarding the suitability of the existing cul-de-sac estate road (with a stated width of 4.7m) to cater for construction and operational traffic.
- The proposed LRD will contribute to congestion in the area. Condition 52 of the PA decision merely refers to possible future signalisation but does not require any junction upgrade before occupation.
- Concerns raised regarding the adequacy of pedestrian infrastructure in the area to cater for increased population. It is alleged that footpaths within Annabella and approaching Kennel Hill are narrow, uneven and unsafe for children, older residents and vulnerable road users. Particular concerns are raised regarding the width of the footpath under the railway bridge at the N20/N72 junction. It is alleged that the development fails to provide safe pedestrian connectivity and is contrary to DMURS, the development plan and the Sustainable Residential Development Guidelines.

Infrastructure Deficiencies:

- Concerns raised regarding the capacity of existing water services, particularly foul water (sewerage) infrastructure in the area to cater for the development. No Irish Water capacity analysis is referenced in the decision.

- Annabella already experiences low water pressure, and it is alleged that since recent developments in the area, limescale has increased significantly, damaging housing appliances.
- It is alleged that the applicants' drawings incorrectly depict foul and storm water drainage serving the property of the first named appellant (D&M McEntee). Stormwater drains to the front and not the rear. This poses a risk of damaging, severing or obstructing existing drains.
- The Council's decision only deals with connection agreements and does not address water pressure, supply capacity or quality concerns.
- It is alleged that ESB infrastructure is not suitable to cater for the proposed development.

Ecology:

- Concerns are raised regarding the removal of trees to facilitate the development. It is stated that these trees which provide privacy, screening and local amenity, were planted by residents of Annabella who were not consulted and who have not consented to their removal.
- The first named appellant, who holds an MSc in Ecological Assessment, alleges that the tree line identified for removal functions as a wildlife corridor for bats (Common and Soprano Pipistrelle) and that these trees are critical for biodiversity.
- The conditions attached to the grant of permission are generic and fail to require the retention of the specific tree line / wildlife corridor, its replacement, low-spill lighting or consideration of the appellants' bat survey findings.

7.3. Applicant Response

- 7.3.1. The applicant's response to the issues raised in the grounds of appeal can be summarised as follows:

Legal and Procedural Issues:

- *Land Ownership:* - As per the submitted application form, the eastern section of the development site is in the ownership of Cork County Council who have consented to the inclusion of these lands in the application.
- *Public Notices:* - It is acknowledged that the site notice was removed by a third party as per the letter placed on the public file. It was re-erected as soon as its removal was noticed. CCC, as the competent authority, validated the application and were satisfied that statutory provisions were met.
- *Public Consultation:* - The issued notification to grant permission included 53 no. conditions which are available on the hard and digital copies of the public file. All conditions will be adhered to.
- *GDPR / Data Protection:* Regarding the use of personal data, the applicants acknowledged that car numberplates were visible in one of the baseline photomontage views in the LVIA. Following receipt of complaint, the number plate was blurred out and replaced on file as quickly as possible.

Inappropriate Development:

- While the density of development proposed is higher than that of the older estates in the vicinity, it is appropriate having regard to national and local policy, will address unmet housing needs in the area and will provide for efficient and effective use of zoned residential lands.
- The design of the development has had full regard to the existing context including adjoining properties and level differences. The applicants are of the opinion that, through sensitive and considered design, landscaping and pedestrian / cycle linkages, the proposed development will be successfully assimilated into the local environment and once constructed will function as a successful and integrated part of the local community. It is contended that there will be no negative impact on existing private amenities of the character of the area.
- None of the zoning objective pertaining to the subject site required boundary screening and suggested by the First Named Appellant (D&M McEntee). Notwithstanding, the application includes detailed landscaping and boundary treatment including significant planting of trees and shrubs.

Impact on Residential Amenity

- The property of the second named appellant (Mr. O'Dwyer) is positioned c.63m from the nearest proposed dwelling. The site layout in this location has had full regard to the site constraints, including interactions with adjoining properties. No excavation or earthworks are proposed at this location and existing vegetation along the boundary will be maintained and reinforced. The applicants state that they received no direct contact from the appellant on this matter and that the appellant is free to improve the boundary on his side of the property.

Impacts During Construction:

- Regarding the protection of the existing watercourse from pollution etc, mitigation measures outlined in the NIA have been integrated into the prepared Site-Specific CEMP and dedicated Watercourse Protection Plan. These measures, which include a silt trap, will ensure that there is no potential for watercourse pollution.
- The application is supported by a Construction Resource Waste Management Plan and Preliminary Construction Traffic Management Plan. All construction management measures will be agreed in discussion with the Council, and the construction phase will be shaped by close liaison with local residents for its temporary duration.

Traffic, Transportation and Pedestrian Connectivity

- The proposed development includes a detailed and up-to-date Traffic and Transport Assessment (TTA), the scope and findings of which have been accepted by CCC.
- Upgrades to the N72/Kennell Hill junction are planned, designed and being delivered as part of the permitted SHD (ABP-312640-22). As per ABP-312640-22 upgrade works to the junction are to be carried out by CCC and covered by way of a special development contribution. Condition 52 as attached to the grant of permission requires the payment of a condition

towards the cost of these works.

- It is contended that any perceived issues in relation to the capacity of the junction should also be framed in the strategic involving context of the area including cycle network improvements, the future M20 motorway (which will displace strategic true traffic to the eastern side of Mallow) and the Mallow Relief Road project which will result in a significant reduction in traffic volumes and congestion on the modelled junctions in the TTA.
- As per the site layout drawings submitted with the application, the width of the access road to the site is 6m with 2m footpath east and west. This is achieved by means of removing the existing overgrown Layland Cyprus treeline.
- The application is accompanied by a DMURS compliance Statement and a separate Road Safety Audit.
- The proposed development provides for upgrades to the existing internal road network and public realm of Annabelle Park, including new footpaths, public lighting and traffic calming measures. This will tie in with public footpath improvements along Kennel Hill, permitted under the neighbouring SHD scheme (Rose Hill).
- The permitted SHD development will also deliver a new amenity walkway that will traverses the northern end of the application site providing pedestrian access to Mallow Train Station will also benefit local residents.

Supporting Infrastructure:

- Regarding the inaccuracies in the drawings, it is stated that there are no proposals to alter drainage on lands outside the subject development site in the vicinity of the property of the first named appellant. As a result, there is no potential for 'damaging' or obstructing exiting drains.
- Regarding the capacity of water services, the application included a

Confirmation of Feasibility from Uisce Eireann confirming that water and foul connections could be facilitated as well as a Statement of Design Acceptance for same.

Ecology:

- The treeline identified for removal, comprises Leyland Cypress ('fir') trees, these are non-native trees, are of poor quality and low biodiversity value. They have become overgrown and are a focus for dumping and anti-social behaviour. These trees are on CCC owned land and their removal to facilitate a wider access to the subject site is supported by CCC and previously deemed acceptable under, ABP PI04.247607.
- It is alleged that no evidence has been presented to support the claims of the first named appellant that the treeline identified for removal will have ecological impact.
- The trees in question and the wider site were subject to significant ecological assessments as part of the Ecological Impact Assessment (EclA) and Natura Impact Assessment (NIA) submitted with the application. None of the trees were identified as suitable for roosting bats. Bat activity occurs principally on the western boundary which is to be retained and where provision has been made for sensitive lighting and the provision of artificial bat roosts. The reports on file indicate that the potential impacts on bats will be 'low-negligible' and that the replacement of trees with native species will give rise to increased biodiversity benefits locally.

7.4. Planning Authority Response

The planning authority is of the opinion that all the relevant issues have been covered in the technical reports included as part of the appeal documentation and has no further comment to make.

7.5. Observations

One observation was received from Uisce Eireann on the 19th of December 2025.

The submission included the following observations:

To ensure adequate provision and protection of water and wastewater facilities Uisce Eireann recommends the following:

- Where the applicant proposes to build over or divert existing water or waste water services the applicant shall have received written confirmation of feasibility of diversions from Uisce Eireann prior to any works commencing.
- There shall be no build-over of public infrastructure from these proposals. Separation distances as per Uisce Eireann Standards, Codes and Practices shall be achieved where public infrastructure is instituted within and or adjacent to site boundaries.
- All development shall be carried out in compliance with Uisce Eireann Standard Details and Codes of Practice. Uisce Eireann does not permit build over of its assets.
- Where the applicant seeks a connection to the public network the applicant shall enter into a connection agreement with Uisce Eireann prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.
- The development shall not impact public drinking water sources and / or abstraction points and /or abstraction infrastructure.
- The design and construction of the Water and Wastewater pipes and related infrastructure to be installed in this development shall comply with Uisce Eireann Connections and Developer Services Standard Details and Code of Practice.

8.0 Assessment

- 8.1. Having examined the application details and all other documentation on file, including all the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant

local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Legal and Preliminary Issues
- Principle of Development (incl. Zoning, Density and Unit Mix)
- Design Strategy
- Impact on Existing Residential Amenity:
- Traffic and Transport
- Supporting Infrastructure
- Ecology
- Other

8.1.1. In respect of the proposed development, I have carried out screening determinations for Appropriate Assessment (AA), Water Framework Directive (WFD) and Environmental Impact Assessment (EIA). These are presented in sections 9.0, 10.0 and 11.0 below and are to be read in conjunction with Appendices of this report.

8.2. Legal and Preliminary Issues

8.2.1. The grounds of appeal raise various perceived legal and procedural issues in respect of the proposed LRD. It is alleged that the [*application*] process was procedurally flawed and contrary to principles of natural justice. I will address the issues raised under separate headings below. However, at the outset, I would note that it is my opinion that procedural matters, such as to the adequacy (or otherwise) of the public notices and the validation (or not) of a planning application, are generally the responsibility of the planning authority which in this instance took the view that the submitted documentation satisfied the regulatory requirements.

Land Ownership:

8.2.2. The first named appellants (D&M McEntees), raise concerns regarding the ownership of the land. It is contended, with reference to the Land Registry, that not

all of the land within the subject site is owned by the applicants, Sayvale 18 Ltd, and that the site is partially owned by Mallow Urban District Council. It is further contended that there is an error in the location and layout plans submitted as part of the application, as the site layout is highlighted in red but the ownership in blue is not shown and that this error should in itself invalidate the application.

- 8.2.3. The applicants, as set out in their response to the grounds of appeal, do not dispute the fact that part of the site is owned by Cork Council (CCC). In this regard I note that Mallow Urban District Council and Cork County Council form part of the same entity. The application documentation includes a letter from CCC giving consent to the applicants, Sayvale 18 Ltd, to make an application for planning permission on their lands. This letter of consent is accompanied by a map which clearly delineates the lands in CCC ownership that are included in the application. These lands include the existing access road serving Annabella Park (L-9002-0) and its associated junctions as well as lands in the eastern section of the main development area.
- 8.2.4. The Commission will note that CCC's ownership includes the narrow strip of land to the east of the (L-9002-0) which currently contains a band of mature Leyland Cypress which are to be removed as part of the proposed scheme to facilitate road widening and pedestrian access to the development site. It is contended in the appeal that these trees are in the ownership of the residents of Annabella Park. Concerns raised regarding the removal of these trees will be considered later in this assessment.
- 8.2.5. Regarding the alleged error in the red and blue line boundaries as detailed on the site location and layout plans. I refer the Commission to Article 23(1)(a) of the Planning and Development Regulations 2001 (as amended), which states that *plans, drawings and maps accompanying a planning application in accordance with article 22 shall all be in metric scale and comply with the following requirements (a)the site boundary shall be clearly delineated in red, and buildings, roads, boundaries, septic tanks and percolation areas, bored wells, significant tree stands and other features on, adjoining or in the vicinity of the land or structure to which the application relates shall be shown, land which adjoins, abuts or is adjacent to the land to be developed and which is under the control of the applicant or the person*

who owns the land which is the subject of the application shall be outlined in blue and wayleaves shall be shown in yellow.

- 8.2.6. I have reviewed the plans submitted in support of the application and I note that the site location and layout plan clearly detail the application site in red as required. No blue line boundary is shown; however, there is no information to suggest that the applicant as primary landowner has control of any land which adjoins, abuts or is adjacent to the land to be developed. In this regard, I have reviewed land direct (19th March 2026) and I note that the folio relevant to the application site (CK58640) does not extend beyond the site boundary. CCC do own land which adjoins, abuts or is adjacent to the land to be developed; however, it is not standard practice for such lands to be included in the blue line boundary, and I do not see any significant benefit to do so.
- 8.2.7. Notwithstanding, I am satisfied that all works proposed under this application have been included in the redline site boundary and that the applicants have provided sufficient evidence of their legal interest to make an application. In my opinion the information / documentation submitted in support of the application regarding the ownership of the land is sufficient to permit, at least, a valid planning application and that any perceived deficiency in the application documentation did not impinge upon or prejudice third party rights in respect of submitting observations or appealing the planning application. In the event, that the Commission decide to grant planning permission for the proposed development they may consider it appropriate to attach a note to the Commission Order advising the parties in relation to the statutory provision *Section 34(13)* of the Planning and Development Act, 2000 which makes it clear that a person 'shall not be entitled solely by reason of permission under this section to carry out any development'.

Site Notice:

- 8.2.8. It is alleged in the grounds of appeal of the first named appellant, that the site notice erected on the 5th of June 2025 was removed the following day, undermining public participation. It is further alleged that the Council did not address or remedy this matter.

- 8.2.9. The Site Location Map submitted with the application indicates that five site notices were erected around the perimeter of the site. I note that the application documentation includes a letter from the applicant's agent to the planning authority dated the 27th of June 2025. This letter informs the planning authority that the site notice erected at the entrance to the site was removed 'maliciously'. It goes on to state that the site notice was re-erected and that the applicants are monitoring the site notice and will endeavour to ensure that all site notices stay in place for the remainder of the submission period.
- 8.2.10. This matter was addressed by the Local Authority Case Planner in their report of July 2025. The Case Planner has regard to the applicant's letter of the 27th of June and confirms that the site notice was not present on the initial date of inspection, which occurred on the 25th of June 2025. However, the site notice was present when the site was inspected again on the 1st of July 2025 (still within the five-week period for submissions which ran until the 14th of July 2025).
- 8.2.11. On consideration of the matter the Case Planner refers to the 2007 "*Development Management Guidelines*" which state in respect of site notices that '*In some instances, there will be an issue over retaining the site notice on site. While the onus is on the applicant to maintain the notice on the site for the required period, the application will not be deemed invalid if other persons remove it maliciously, provided that the planning authority is satisfied that the applicant has made a bona fide effort to maintain it*'. The Case Planner took the view that the applicant had made a bona fide effort to maintain the site notice and did not invalidate the application.
- 8.2.12. On the basis of the information on file, I would agree with the approach taken by the Local Authority Case Planner, as in my opinion, the rights of third parties to make a submission and to subsequently lodge an appeal, have not been prejudiced to any significant degree as a result of the temporary removal of the site notice.

GDPR / Data Protection

8.2.13. Both appellants have raised concerns regarding the display of personal data in the form of photographs of their properties, vehicles and vehicle registration in the application documentation, without their consent and in breach of GDPR. While I note the concerns raised, it is my opinion that such matters fall outside of the remit of the Commission. I consider it appropriate that the Commission confine its considerations to the substantive planning issues that this appeal case gives rise to and that other avenues are sought by the appellants to deal with these non-planning and non-site related concerns. In this instance, I note from the appeal of the first named appellant, that they raised their concerns with CCC, the applicants and their agents and with the Data Protection Commission and that the images of concerns were removed.

Lack of Public Consultation and Clarity on Conditions.

8.2.14. The failure of the applicants and the Council to consult / engage with residents regarding the proposed development and the planned removal of trees at the entrance to the development site is raised as a concern by the second named appellant. While I note the concerns raised, I also note that there is no statutory requirement for the applicant or the planning authority to engage directly with members of public on a planning application outside of the normal planning process.

8.2.15. It is also the contention of the second named appellant that the Council approved planning with conditions but that no clarity was provided to residents on what those conditions are. In response, I note that, as per the documentation on file, parties to the application were notified of the decision of the planning authority to grant permission and that the conditions attached to the grant of permission are available on the Council's website. Notwithstanding, as this issue relates to the planning authority's handling of the application, it is I consider an issue between the planning authority and the third-party appellants in the first instance. In my opinion the issues raised are not a matter for the Commission whose function and responsibilities do not extend to the role of Ombudsman.

Conclusion on Legal and Procedural Issues:

8.2.16. I have considered the legal and procedural issues raised in the grounds appeal. I am satisfied that the information / documentation submitted with the application is sufficient to permit, at least, the making of a valid application and that no substantial legal / procedural issues arise that would preclude the Commission from deciding this appeal.

8.3. Principle of Development – Zoning, Density and Unit Mix

8.3.1. The proposed LRD is situated in Mallow, Co. Cork. Mallow is characterised as a ‘Key Town’ in both the RSES and CCDP. It is envisaged that the ‘Key Towns’ will be a focus for significant growth (more than 30%). The nature, scale and phasing of this growth will be determined by local authorities depending on a capacity analysis of each town. Table 2.9 of the CCDP sets out the Core Strategy for Cork. In accordance with the details provided, Mallow had a recorded population of 12,459 in 2016 and a 2028 population target of 15,3517. The Core Strategy allocates a housing target of 1,105 no. units to Mallow for the period 2022- 2028, this is based on a 5% share of the overall target for the county (22,611). The proposed scheme incorporating 102 no residential units would account for approximately 9% of the total housing allocation for the settlement over the plan period.

Zoning

8.3.2. As set out in the Cork County Development Plan 2022-2028 (CCDP), the proposed development site incorporates three land use zonings, as follows:

- **‘MW-GC-03’:** The northern end of the site forms part of the Annabella Woods Amenity Corridor, an area of linear open space connecting into a wider riparian woodland corridor. This area is described in the CCDP as an important ecological corridor connecting the urban area and wider countryside and is zoned *MW-GC-03* Green Infrastructure, sub-category ‘GC- *Green Conservation*’. The stated purpose of which is to generally retain appropriate areas for their landscape, amenity or nature conservation value. It is an

objective of the *MW-GC-03* zone that this area of open space include an amenity walkway.

- **'MW-R-05'**: - The main development area is zoned *MW-R-05: Medium A Density Residential Development*. As per the provisions of the CCDP, (Volume 3, section 2.3.104) development proposals in this zone should seek to strengthen existing riparian woodland corridor and seek to provide for a future pedestrian/cycle connection from residential area with the potential to ultimately connect with the train station. *Table D3 'Residential Lands NPF Tiering'* of the CCDP (Volume 1, Appendix D) classifies MW-R-05 lands as Tier 1 confirming that they are serviced with no impediment their delivery.
- **'ER'** - Access to the site is proposed via lands zoned '*Existing Residential/Mixed Residential and Other Uses (ER)*' The objective for this zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities.

8.3.3. As detailed on the submitted layout plans the *MW-GC-03 Green Infrastructure* lands within the proposed development site are to be maintained / enhanced as an amenity space incorporating a riparian / green infrastructure corridor as envisaged in the CCDP. Regarding the requirement for an amenity walkway, I refer the Commission to the permitted SHD (ABP-312640-22), currently under construction to the immediate west of the proposed development site. This SHD includes for the delivery of a new cycle/pedestrian route linking the SHD site to Railway Lane to the west of the railway line. This route traverses the *MW-GC-03* zoned lands within the proposed development site. In my opinion, the delivery of this permeability link would, due to its location and design, satisfy the requirement for an amenity walkway under *MW-GC-03*.

8.3.4. Following consideration of the plans submitted with the application, I am satisfied that all proposed residential units and the crèche are located within the *MW-R05* zoning. The CCDP (*Volume 1 section 18.3.26*) lists residential development and childcare facilities as appropriate uses within residential areas and on this basis, I am satisfied that the development of these lands for residential and childcare uses as proposed is acceptable in principle. MW-R-05 stipulates Medium 'A' Density development, the requirements for this density category are set out in Objective

HOU 4-7 and Table 4.1 of the CCDP. I will consider adherence to these requirements under the separate sub-headings of 'Density' and 'Housing Mix' below.

- 8.3.5. In terms of the requirement under 'MW-R-05' to strengthen the existing riparian woodland corridor, I note that the proposed scheme includes for the provision of a 10m buffer zone along the riparian corridor where no works are proposed (on lands within the *MW-GC-03 Green Infrastructure* lands). Lands adjacent to this buffer zone and extending into *MW-R-05*, are proposed as public open space. This area is to be landscaped with native planting and enhanced with biodiversity measures including the provision of bat and bird boxes and pollinator friendly planting. This arrangement also allows for a greater separation distance between the woodland corridor and proposed residential units, reducing the risk of disturbance. The layout of the residential development includes a row of duplex/apartment units running west-east across the site towards the northern end of the *MW-R-05* zoned lands. This residential block will provide a degree of passive surveillance over the woodland corridor to the north which in turn will help to discourage anti-social behaviour in the area. These measures are I consider sufficient to satisfy the requirement under *MW-R-05* to strengthen existing riparian woodland corridor.
- 8.3.6. Regarding the requirement under *MW-R-05* for the provision of a future pedestrian/cycle connection from residential area with the potential to ultimately connect with the train station, I note that the proposed pedestrian network is designed to connect with the permitted cycle/pedestrian route under SHD (ABP-312640-22) and that this route will, ultimately, connect with the train station. I consider this permitted and proposed permeability arrangement sufficient to meet the requirements of *MW-R-05*.
- 8.3.7. Access to the site is proposed via lands zoned '*Existing Residential/Mixed Residential and Other Uses (ER)*' The objective for this zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities.
- 8.3.8. The proposed development will utilise existing road infrastructure within the 'ER' zone which is to be upgraded (road widening, new footpaths etc) to facilitate the

proposed scheme. Said upgrade works will necessitate the removal of an existing c.178m row of Leyland Cypress trees that extends along the eastern side of the access road serving Annabella Park, north of its junction with Woodview Drive to the development site entrance. It is contended in the grounds of appeal that the removal of these trees will impact on privacy, screening and local amenity which would be contrary to the 'ER' zoning objective.

8.3.9. The treeline in question is described in the applicants Ecological Impact Assessment (EclA), as degraded along the majority of its length and with an abundance of litter present throughout. In my opinion this treeline, due to its location to the front of existing houses in Annabella Park and The Paddocks and due to the separation distances (+30m) and intervening lands uses (roads / open space) between these houses and opposing houses in Woodview Drive to the east, are not significant in terms of privacy or screening. The proposed works will improve vehicular and pedestrian access for the benefit of both existing and future residents of the area. The application documentation includes a detailed landscaping plan which includes proposals for replacement hedgerow and tree planting along the eastern boundary of the widened access road which should provide for a pleasing aspect. While I accept that the removal of this treeline will alter the character of the street and the outlook from existing houses, it is my opinion that the works proposed within the 'ER' zoning would enhance the quality and character of established residential communities and protect their amenities. I am therefore satisfied that these works would accord with the 'ER' zoning objective for the area.

8.3.10. On the issue of compliance with the zoning objectives for the area as set out in the CCDP, it is the contention of the first named appellant that the zoning objective requires boundary screening with trees and shrubs, that the proposed plans do not provide this and that Condition 49 as attached to the grant of permission does not enforce this. I have reviewed the zoning objectives pertaining to the proposed development site and I am not aware of any objective / requirement under same for boundary screening with trees and shrubs. Notwithstanding, I note that the landscaping plan for the site (Drawing D2E-ARM-06-03- updated at RFI stage) includes for the retention of existing trees and hedgerow along the western and northern site boundaries and for new planting along all site boundaries and

throughout the site. Condition 49 as attached to the planning authority's grant of permission, requires adherence to this landscaping plan. I would recommend that the Commission include a similar condition should they be of mind to grant permission.

Density:

- 8.3.11. The density of development proposed is stated at c.44uph (units per hectare). This figure is based on the number of residential units proposed (102) and a stated net developable area of 2.3 hectares. The 'net developable area' is identified on Page 76 of the applicants Architectural Design Statement (ADS). In accordance with the details provided by the applicant, the net developable area was determined based on the guidance set out in the 2024 Compact Settlement Guidelines and excludes lands within the site that are (1) associated with the proposed crèche facility (non-residential floor space); (2) that are zoned for MW-GC-03 Green Infrastructure, (3) that are associated with existing road and service infrastructure and (4) that have been deemed unsuitable for development due to their steep topography.
- 8.3.12. It is contended in the grounds of appeal of the first named appellant that the density of development proposed for the site is excessive and inappropriate for a constrained suburban edge-of town location.
- 8.3.13. Zoning objective 'MW-R-05' pertaining to the site specifies 'Medium A Density Residential Development'. As set out in Objective HOU 4-7 and Table 4.1 of the CCDP, Medium A Density ranges between 30 and 50uph, with a minimum density of 35no. units recommended in towns with an existing / planned high quality public transport service. It is further stated that Medium A density areas must include a broad range of unit typologies, normally involving a combination of unit formats including a higher proportion of terraced units and/or apartment type units.
- 8.3.14. I note that Mallow is served by public transport in the form of a heavy rail network that connects the settlement to Cork, Cobh and Midleton. Significant investment in this line is planned under the Cork Area Commuter Rail programme which is expected to deliver increased train capacity and frequency (a key part of the Cork

Metropolitan Area Transport Strategy), providing a 10-minute services between Mallow and Cork during the peak AM & PM hours. The proposed works include (in phase 2) the upgrading of Mallow Train Station which is appropriately 12-minutes' walk from the application site. In my opinion these planned network upgrade works support a minimum density of 35upd at the site. The density of the proposed LRD, at c44uph would therefore accord with the density of development envisaged for 'MW-R-05' lands in the CCDP.

- 8.3.15. The density policy of the CCDP broadly aligns with the provisions of the Sustainable Residential Development and Compact Settlements Guidelines, 2024 (Compact Settlement Guidelines) which supports residential densities in the range 30 to 50 dph (net) at suburban and urban extension locations of Key Towns, with densities of up to 80 dph (net) open for consideration at 'accessible' suburban / urban extension locations. In addition to the density ranges outlined in section 3.3 of the Guidelines, section 3.4 recommends that the ranges should be refined having regard to: (Step 1) Proximity and Accessibility to Services and Public Transport; and (Step 2) Considerations of Character, Amenity and the Natural Environment.
- 8.3.16. Regarding 'Step 1', the Guidelines outline that while densities within the recommended ranges will be acceptable, planning authorities should encourage densities at or above the mid-density range at the most central and accessible locations in each area, densities closer to the mid-range at intermediate locations and densities below the mid-density range at peripheral locations.
- 8.3.17. Having regard to the guidance on 'Accessibility' outlined in Table 3.8 of the 2024 Compact Settlement Guidelines and the location of the subject lands within 1km walking distance of Mallow Train Station which as previously noted is to be upgraded to accommodate high frequency Commuter Rail, I am satisfied that the site can support densities at or above the mid-density range (+40uph).
- 8.3.18. Step 2 of the refining process requires an assessment of whether the quantum and scale of development can integrate successfully into the receiving environment. It goes on to state that new development should respond to the receiving environment

in a positive way and should not result in a significant negative impact on character, amenity or the natural environment.

8.3.19. I have considered the plans and particulars submitted in support of the application and I have visited the area. I acknowledge that the density of development proposed would exceed that of existing residential development in the area, notably that of Annabella Park to the south of the proposed development site which in accordance with the applicants Planning Statement (pg.29) has a density of only c.12uph. However, in my opinion the proposed LRD, is not so dissimilar in character or scale to the existing / emerging pattern of development in the area so as to be deemed 'excessive' or 'inappropriate'. In this regard, I note that the SHD development currently under construction to the west of the application site includes for the construction of apartments and duplex / apartment units in buildings of up four storeys and at a density of c.35uph.

8.3.20. Furthermore, I am of the opinion that the design strategy presented and as discussed in section 8.4 below, has had due regard to the sloping topography of the site, to the visual amenities of the area, to the amenities of neighbouring properties and to the preservation of the natural environment. The proposed development once completed would read as part of the established built-up area at this location and would I consider contribute in a positive and proportionate way to the receiving environment.

8.3.21. In completing the two-step density refining process, it is my opinion, that the density of development proposed at c.44uph, is appropriate for this site and would accord with the provisions of National, Regional and Local Policy and current Ministerial Guidelines in terms of achieving compact growth and efficient use of zoned and serviced lands. I am also satisfied that the proposed LRD does not give rise to any issue of Material Contravention on the matter of density.

Unit Type and Mix:

8.3.22. As previously stated, it is a requirement of the CCDP that '*Medium A Density*' areas include a broad range of unit typologies, normally involving a combination of unit

formats including a higher proportion of terraced units and/or apartment type units. Additionally, in terms of housing mix, it is an objective of the CCDP (HOU 4.6) (a) to secure the development of a mix of house types and sizes throughout the County to meet the needs of the likely future population and (b) to require the submission of a Statement of Housing Mix with all applications for multi-unit residential development. the application documentation includes a Statement of Housing Mix, as per the requirements of Objective HOU 4-6 (b).

8.3.23. A breakdown of unit type and mix proposed within this LRD is provided in Tables 2.2 and 2.3 above. In brief, the proposed scheme comprises:

- 32 no. houses. all houses are three bed and are proposed in either terrace or end-of terrace (semi-detached) formats.
- 66no apartments / duplex / maisonette units consisting of 17no 3-bed units, 33no. 2-bed units and 16no.1 -bed units.

8.3.24. In my opinion the proposed scheme offers a broad and appropriate mix of housing type, size and tenure to meets the needs of the existing and future population of Mallow in line with that envisaged for '*Medium A Density*' areas in the CCDP.

Conclusion; - Principle of Development

8.3.25. In light of the above, I am satisfied that the proposed LRD would accord with the core strategy housing targets for Mallow and the zoning objectives (*MW-R-05; 'Existing Residential/Mixed Residential and Other Uses (ER) and MW-GC-03*) for the area as set out in the Cork County Development Plan 2022-28. Furthermore, I am satisfied that the application site can accommodate the density and form of development proposed and would not constitute an overdevelopment of the site. I am therefore satisfied that the development of these lands as proposed is acceptable in principle and that no issues of material contravention arise.

8.4. Design Strategy:

8.4.1. No specific issues have been raised in the grounds of appeal regarding the design strategy presented. Concerns raised by the Second Named Appellant regarding the

potential impact of the LRD on the security and privacy of his property are considered under separate heading below. The application documentation includes an Architectural Design Statement (ADS), a Material Report and a Townscape and Visual Impact Assessment (TVIA) with supporting photomontages, which I have considered and reviewed. The following is noted.

- 8.4.2. The proposed development site comprises approximately 4.23ha of predominantly greenfield land (stated net developable area of 2.3 ha) on the northwestern edge of the built-up-area of Mallow, approximately 1km from the edge of the Town Centre. Existing development in the immediate vicinity of the site is characterised by low to medium density residential. Of note are the residential developments of The Paddocks and Annabelle Park to the south of the site which comprise low density (c.12upd) single storey detached houses and Woodview Drive to the east which primarily comprises two-storey terraced houses. The partially constructed and under construction residential development to the southwest and west of the site (known as Rose Hill) will, once completed, comprise a mid-density scheme (c. 35uph) incorporating a mix of houses, apartments and duplex units with building heights ranging from 2 to 4 storeys and with the higher, mixed occupancy buildings located to the rear (north) of the site. The Rose Hill development also includes for a new Creche facility which is to be accessed directly off Kennel Road to the south.
- 8.4.3. In the wider area, Mallow Train Station is located c. 950m or 12 Minutes-walking distance to the southeast of the site. As part of the under construction SHD (Rose Hill), a new pedestrian / cycle route to the Railway Lane, west of the railway line is to be delivered. This route will traverse the northern section of the proposed development site and once completed will provide an alternative route to the train station and town centre beyond.
- 8.4.4. The proposed development is to be accessed off Kennel Hill (L1203) via the existing residential cul-de-sac (L-9002-0) serving the residential developments of The Paddocks, Annabella Park and Woodview Drive. This route is to be upgraded to accommodate the planned increase in vehicular and pedestrian traffic.

- 8.4.5. The site itself is characterised by its peripheral location and sloping topography. The lands slope downwards in a northeasterly direction and towards the Leaselands Stream which borders the site to the north. The Leaselands stream forms part of a wider woodland corridor, referred to in the CCDP as the Annabella Woods Amenity Corridor and described as an important ecological corridor connecting the urban area and wider countryside. The proposed scheme would see the existing agricultural lands on site developed for residential, childcare and amenity use, incorporating a Riparian / Green Infrastructure Corridor along the stream. In my opinion the development of this site as proposed, would help to consolidate the established built-up area at this location, occupying existing underutilised zoned and services lands between existing and under-construction residential estates and within the natural boundary of the Leaselands Stream / Annabella Woodland Corridor.
- 8.4.6. The proposal comprises a mid-density, mid-scaled residential scheme of 102no. residential units (36no. houses and 66no. apartments) and a childcare facility (creche) with capacity for 57no. children. The proposed development varies in height from 2-4 storeys. As previously established, the density and mix of units proposed is acceptable for this location.
- 8.4.7. All proposed houses are two-storey terrace. The apartments are proposed in the form of duplexes and maisonettes. 32no. units are arranged in eight, two-story buildings in south and central areas of the site, with each two-story block containing four maisonettes (two at ground floor level and two at upper floor level). The remaining 34no. units (17no. two-story unit over 17no. ground floor apartments) are to be accommodated in a single three-story block that runs west-east at the northern end of the site.
- 8.4.8. The proposed scheme, to be developed over 2 no. phases (as per table 2.4 above), comprises 3 no. character areas, which are described in the ADS as follows:
- Character Area A is located to the north of the site. This area as described in the ADS provides a strong built edge to the open space/ green infrastructure corridor while also providing for extensive passive surveillance of the same.

- Character Area B is located centrally within the site and to the right of the entrance road, with all dwellings fronting onto the primary circulation route within the scheme. These units feature high-quality buff brick up to window head height, enhancing the architectural character of the streetscape.
- Character Area C is positioned to the left of the entrance road and is accessed via the main circulation route. In this area, the dwellings feature buff brick accents around the entrances, providing a distinctive architectural detail while maintaining a cohesive aesthetic across the development.

8.4.9. The three-character areas, defined by variances in building type and form, materials, landscaping, boundary treatment etc, provide for a degree of variation within the scheme that should help to create a 'sense of place' and as an aid in wayfinding. External finishes include a mix of render, buff, red and grey brick and black roof tiles. I note that concerns were raised by the County Architect regarding the robustness of both the construction methods and external facing materials to be used in the development (buildings, boundary treatment, hard landscaping etc). To address these concerns and on the advice of the County Architect, the planning authority included a condition (C.42) that requires pre-commencement agreement on all materials to be used in the external treatment of the development. I agree with the approach taken by the planning authority and would recommend a similar condition in the event that the Commission is of a mind to grant permission.

8.4.10. As set out in the ADS, a key consideration in the layout of the scheme was how it was to address the sloping topography of the site and integrate with the differing approaches taken by neighbouring developments in managing the level change within their respective development sites. In this regard, the ADS notes that the older neighbouring development of Woodview Drive to the east adopted a design strategy that followed natural contours of the land and that incorporated stepped access routes to accommodate the change in levels. It is noted that Part M Accessibility standards were not in effect at the time of construction. The SHD currently under construction to the west takes a different approach to managing levels with roads and dwellings positioned against the site's natural contours and with retaining structures used to create stepped terraces within the landscape.

- 8.4.11. In designing the proposed scheme, developers sought to reduce the extent of cut and fill whilst maintaining Part M compliance across the site. The resulting layout sees all buildings set back from site boundaries creating a 'zone' of undevelopable land around the perimeter of the site that is that is utilised to traverse the level differences between adjacent developments.
- 8.4.12. Proposed buildings are set around a curvilinear street pattern that is designed to follow the natural contours of the site. This street pattern is bounded and interlinked with pedestrian pathways and open spaces that should provide an attractive public realm for residents and visitors to the development.
- 8.4.13. The terraced houses are arranged in three blocks and are laid out in a traditional back-to-back formation, bookended on one or both sides by two-storey apartment buildings. These apartment buildings are designed with no windows serving habitable rooms in their rear elevation, thus avoiding unnecessary overlooking of adjacent private amenity areas. All buildings are designed / orientated to address public areas (roads and/or open spaces). The northern linear block of duplex/apartments provides a dual aspect overlooking the public open space / riparian corridor / amenity walkway to the north and public access road to the south. Therefore, the proposed scheme achieves a high degree of passive surveillance throughout.

Separation Distances:

- 8.4.14. In terms of separation distances, it is stated in the CCDP (section 4.10.8) that *all proposals for residential development, particularly apartment developments and those over three storeys high, shall provide for acceptable separation distances between blocks to avoid negative effects such as excessive overlooking, overbearing and overshadowing effects and provide sustainable residential amenity conditions and open spaces. A minimum clearance distance of 22 metres, in general, is required, between opposing windows in the case of apartments up to three storeys in height.*
- 8.4.15. As previously noted, all proposed residential units are set back from site boundaries and are orientated so that they are either face on or side on to opposing site boundaries. This arrangement allows for adequate separation between the proposed

units and existing units within neighbouring estates, sufficient to ensure that no significant issues of overlooking, overshadowing / loss of light or overbearing arise.

8.4.16. Internally within the scheme, separation distances between opposing windows serving habitable rooms at the rear or side of residential units above ground floor level are shown on the submitted plans to range from between 17m to 22.09m. As such, the minimum clearance distance of 22m set out in the CCDP is not achieved in all cases. I consider the extent of deviation from the standard identified in the CCDP sufficient to be deemed a material contravention.

8.4.17. The CCDP states that *in all instances where the minimum separation distances are not met, the applicant will submit a daylight availability analysis for the proposed development*. The application documentation includes a Daylight and Sunlight Analysis Report which assesses the daylight and sunlight performance of the proposed dwellings as well as any potential impacts of the development on existing neighbours. The results indicate that proposed scheme would provide for a good level of residential daylight amenity to future occupants with only a negligible impact on the existing amenities of neighbouring properties. I have reviewed this document, and I am satisfied that it has been prepared in accordance with recognised best practice guidelines and I have no objection to the methodology used. Furthermore, I am satisfied on the basis of the findings and conclusions of this document, which I consider reasonable and robust, that the proposed scheme is acceptable in terms of daylight and sunlight provision for both existing and future residents.

8.4.18. **Material Contravention:** - On the aforementioned issue of material contravention, I do not recommend that planning permission be refused on the basis that the proposed scheme does not accord with the CCDP prescribed standard for a minimum clearance distance of 22 metres *between opposing windows in the case of apartments up to three storeys in height*, instead I consider it reasonable in this instance to recommend that the Commission invoke its powers under section 37(2)(a) of the Planning and Development Act 2000 (as amended). My reasoning for this is based on the fact the proposed scheme in respect of separation distance accords with the 2024, Compact Settlement Guidelines under which it is a specific planning policy requirement (SPPR 1) that when considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex

units and apartment units, above ground floor level shall be maintained and, the fact that planning authorities and An Coimisiún Pleanála, are required under Section 28 of the Planning and Development Act 2000 (as amended) to apply specific planning policy requirements (SPPRs) stipulated under Section 28 Ministerial Guidelines.

Creche:

8.4.19. The proposed creche facility, to be delivered in Phase 1, comprises a two-storey structure with a stated GFA of 417.58 sq. m and capacity for 57 children. This structure is located towards the southern end of the development (Character Area C), to the west of the site entrance off the L-9002-0 where it would be easily accessible to residents of both existing and proposed dwellings in the area. The creche is to be served by a parking area to the side (south) and an amenity area of c218.10 sq. m to the rear (west). The building is of a contemporary design and material finish that I consider appropriate for its intended use.

8.4.20. On the size of the Crèche, regard is had to the provisions of the 2001 Childcare Facilities Guidelines and the Apartment Guidelines, which indicate that the proposed development (excluding 1-bed units) would generate a demand for c. 23 no. childcare places, the proposed facility is therefore adequately sized for the scheme. Overall, I have no objection to the location, scale or design of this structure.

Housing Quality

8.4.21. In terms of the quality of the residential units proposed, I have reviewed the plans and particulars submitted with the application including the applicant's Architectural Design Statement (ADS) and Housing Quality Assessment (HQA), in light of the development management standards and guidelines outlined in the CCDP and relevant Section 28 Guidelines, namely:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024)
- Sustainable Urban Housing-Design Standards for New Apartments (July 2025).

8.4.22. The plans and particulars indicate that all residential units meet or exceed the relevant minimum standards in terms of unit size, floor area and internal storage and I note that all proposed units are either dual or triple aspect ensuring that all units will achieve a good level of natural light as demonstrated by the applicants Daylight and

Sunlight Analysis Report. The layout of the proposed scheme as amended at RFI stage allows for direct access to the rear of the mid-terraced houses, facilitating in-curtilage bin and bike storage which each of the maisonette units benefit from individual bin and bicycle storage, located to either the front or rear of the unit. Two communal bike stores are proposed for the duplex units, one at either end of the block. These units are also served by individual bin stores to the front (south) of the building.

Outdoor Amenity Space:

- 8.4.23. The CCDP includes standards for public and private open space provision in Chapter 14 and Objective GI 14-6. The CCDP does not include standards for communal open space. The application documentation includes Landscaping Design Rationale and Landscape Masterplan (updated at RFI stage) and Blue and Green Infrastructure Report as well as various layouts detail public and communal open space.
- 8.4.24. The proposed scheme will deliver approximately 9.95ha of public open space, c2.78ha of which is to be provided within the net developable area. This equates to 12% of net site area, which would accord with the quantitative standard for public open space as set out in CCDP Objective *GI 14-6 and the Councils 'Interim Recreation and Amenity Policy (2019)*, which requires at least 12% - 18% of the site as usable open space. A further c7.17ha of public open space is to be provided in the form of a riparian/green infrastructure corridor within the MW-GC-3 zoned lands at the northern end of the site.
- 8.4.25. In my opinion, public open spaces areas proposed are adequately sized and designed to cater for a range of active and passive recreational needs, are well located in terms of accessibility and passive surveillance and would provide for an adequate level of amenity for future occupants while also contributing the overall visual amenity, character and ecological value of the area.
- 8.4.26. In terms of private amenity space, it is an objective of the CCDP, *GI 14-6 (c)* to apply the standards for private open space provision contained in the Guidelines on Sustainable Residential Development in Urban Areas and the Urban Design Manual (DoEHLG 2009) and Cork County Council's Design Guidelines for Residential Estate

Development. With regard to apartment developments, the guidelines on Sustainable Urban Housing: Design Standards for New Apartments will apply.

- 8.4.27. Within the proposed scheme, the proposed apartment units are to be served by private amenity area in the form of either a ground floor terrace or a recessed upper floor balcony access off the main living area. All such spaces exceed the minimum standard for private open space as set out in the Apartment Guidelines and therefore accord with CCDP *Objective GI 14-6 (c)*.
- 8.4.28. In accordance with the design standards referenced under CCDP Objective GI 14-6 (c), houses of three or more bedrooms should be provided with a rear private garden areas of at least 60 sq. m. Within the proposed scheme, the 3-bed terraced houses are to be provided with an area of private open space in the form of rear gardens, some of which have been tiered to accommodate level changes (see page 73 of the ADS for reference). These private amenity areas range in size from 57sq. m to 83 sq. m. I calculate that 8no of the 36no 3-bed houses proposed or 22% do not meet the minimum required standard of 60 sq. m. Taking a precautionary approach, I consider this to be a material contravention of the *Objective GI 14-6 (c)* of the CCDP.
- 8.4.29. On this issue of **Material Contravention**, I do not recommend that planning permission be refused, Instead, I consider it reasonable to recommend that the Commission invoke its powers under section 37(2)(a) of the Planning and Development Act 2000 (as amended). My reasoning for this is based on the fact the proposed scheme in respect of private open space provision for all 3-bed houses meets with the quantitative minimum standard of 40 sq. m set out under SPPR 2 of the *2024 Compact Settlement Guidelines* and the fact that planning authorities and An Coimisiún Pleanála, are required under Section 28 of the Planning and Development Act 2000 (as amended) to apply specific planning policy requirements (SPPRs) stipulated under Section 28 Ministerial Guidelines.
- 8.4.30. The CCDP does not include standards for communal open space provision. Notwithstanding, the proposed LRD allows for the provision of c490 sq. m of communal open space which equates to c7.5 / unit. This exceeds the minimum recommended standard for communal amenity space of 430 sq. m recommended under the 2025 Apartment Guidelines.

8.4.31. As detailed on page 72 of the applicants ADS, 16 areas of communal open space are proposed within this scheme. These areas, range in size from 22.5 sq. m to 41.44 sq. m and are to be utilised by residents the adjacent maisonette units. The 34no. duplex units at the northern end of development have not been afforded access to an area of communal open space; however, I do not consider this to be a significant issue in terms of residential amenity. In this regard I note that each of these units has access to an area of private open space that either meets or exceeds the relevant minimum standard and that these units directly overlook a large area of public open space to the north, with the ground floor units having direct access to same. In this context, I am satisfied that the proposed scheme would deliver an overall high standard of residential amenity for future occupants of all apartment units. As the CCDP does not include policy or standards for communal open space, no Material Contravention issues arise.

Conclusion: Design Strategy

8.4.32. Overall, having regard to the location of the proposed development and the prevailing and emerging pattern of residential development in the area, I am satisfied that the proposal represents an appropriate design response that is sympathetic to its setting and that would not detract from the amenities or character of the area. I am satisfied that the design of the proposed residential units adequately adheres to current development management standards as set out in the CCDP and in Section 28 Guidance and that the proposed scheme would provide a good standard of residential amenity for future occupants. Furthermore, having considered the plans and particulars submitted in support of the application, which includes a Daylight and Sunlight Assessment, and having visited the site and surrounding area, I am satisfied that the proposed scheme would not have a significant impact on the residential amenities of neighbouring properties. Specific concerns regarding the impact of the proposed development on the amenity of existing residential property to the southwest of the site (privacy / security) are considered below.

8.5. Impact on Existing Residential Amenity

- 8.5.1. The main concern of the second named appellant (Mr. O'Dwyer) relates to the security of his home, which borders the proposed development site to the south (directly adjacent to the boundary with Rose Hill (SHD development to the west). Mr. O'Dwyer's property includes a garage with a window in its northern elevation that looks onto the proposed development site. At present this boundary is defined by overgrown vegetation. Mr. O'Dwyer requests that a boundary wall or fence be erected to protect the privacy and security of his property.
- 8.5.2. In response, the applicants contend that the proposed site layout at this location has had full regard to the existing site constraints, including interactions with adjoining neighbouring properties. They consider the relationship between Mr. O'Dwyer's property and the nearest proposed dwelling, in terms of separation distance and level difference, together with submitted proposals for landscaping and boundary treatment (existing boundary vegetation to be retained and reinforced with native hedgerow planting), sufficient to ensure no impacts on the setting or residential amenity value of Mr O'Dwyer's property.
- 8.5.3. I have reviewed the plans and particulars submitted in support of the application and I have visited the site and I would agree with the contention of the applicants on this issue. I refer the Commission to the application drawings entitled *Proposed Site Layout Plan*, *Proposed Site Section A-A* and *Proposed Landscape Masterplan* which detail the relationship between the appellants property and the proposed development.
- 8.5.4. As illustrated, a separation distance of c. 48m is available between the rear boundary of Mr. O'Dwyer's property and the nearest proposed residential unit, the intervening land includes a proposed area of steeping sloping ground that is to be planted with native meadow interspersed with trees. The existing vegetation along the site boundary is to be retained and reinforced. In my opinion this arrangement is sufficient to ensure an acceptable level of amenity, privacy and security is maintained for neighbouring properties in Annabella Park, including that applicant's property. On this basis, I do not recommend that a boundary fence or wall be erected at this location. However, should the Commission be of the view that a boundary

fence or wall is required, this could be addressed by appropriate condition in the event of a grant of permission.

8.6. Traffic and Transportation:

8.6.1. As set out in section 7.2 above, the appellants are of the opinion that the local road network serving the development site, is inadequate in terms of design and capacity to cater for the additional vehicular and pedestrian traffic generated by the proposed LRD.

8.6.2. At the outset, I note that the first named appellant, in their grounds of the appeal and submission to the planning authority, refer to a previous report of an ABP Planning Inspector from 2006, which recommended that permission be refused for the development of this site, in part, for reasons of traffic safety. The appeal reference number is not stated in the submissions; however, following a review of the planning history associated with the site, I consider that the appeal in question is *ABP- PL 70.220734* under which permission was ultimately granted by the then An Bord Pleanála for the construction of 104 residential units at this site. A grant of permission in that case suggests to me that any traffic concerns raised in the assessment of that application were not deemed sufficient to warrant a refusal of permission at that time. Notwithstanding, I propose to address the issues raised in the grounds of appeal, along with other relevant traffic and transport related issues under the following headings:

- Access and Permeability
- Traffic Impact Assessment
- Construction Traffic
- Parking

Access and Permeability:

8.6.3. The proposed development site is served by and accessed from Kennell Hill (L1203), part of the local road network serving the northwestern environs of Mallow. Kennell Hill connects with the N72 / Navigation Road, c.450m southeast of the access to the site. Access to the site from Kennel Hill is proposed via the existing

estate road / residential cul-de-sac (L-9002-0) which currently serves the residential developments of The Paddocks and Annabella Park to the south and Woodview Drive to the west of the proposed development site.

- 8.6.4. The junction of the L-9002-0 and Kennell Hill is a priority junction located within the 50kph speed limit. The first party appellant in their grounds of the appeal and submission to the planning authority, have raised concerns regarding the adequacy of this junction to safely accommodate additional traffic movements. They refer to recently constructed retaining walls, new footpaths and a traffic ramp which they allege have narrowed the junction and reduced sightlines.
- 8.6.5. The junction in question is detailed on *Drawing No. 6334-4013-C Proposed Sightlines (Sheet 2 of 2)* and *RFI Drawing No. 6334-4044- C Proposed Upgrades to Existing Junction- 04 (Sheet 4 of 4)*. *Drawing No. 6334-4013-C* shows clear sight distances of 49m in both directions from a setback distance of 2.4m and indicates that this junction accords with current industry standards (DMURS), is free from visual obstructions over 1m in height, and does not interfere with third party boundaries or lands. Save for the reinstatement of the central white line, these drawings do not detail any proposed or necessary upgrade works at this junction and I note that no safety or design issues in respect of this junction were raised by the planning authority or by CCC's Area Engineer (AE) in their assessment of the application.
- 8.6.6. Additional concerns are raised in the grounds of appeal regarding the ability of the internal estate road (L-9002-0), in particular, the cul-de-sac to the east of House No's 44 to 47 Annabella Park and directly south of the proposed site entrance, to cater for increased traffic. It is contended that this cul-de-sac, at approximately 4.7m in width, is well below the DMURS requirements for two-way residential street and that it was not designed to cater for the volume and type of traffic (including construction traffic) proposed. It is further contended that existing footpaths within Annabella Park are substandard in width and structural condition to safely accommodate additional pedestrian movements from the development.

- 8.6.7. The proposed development includes for upgrades to the existing internal road network and public realm of Annabella Park. The proposed works include traffic calming measures at the Junction to Woodview Drive, pedestrian crossing points (dropped kerbs and un-controlled crossings) at all estate entrances / junction between subject site and Kennel Hill, upgrade/widening of the existing footpath to 2.0m and provision of a new 2.0m wide footpath between the Woodview Drive Junction and subject site entrance. I note that the layout of the 3no. junctions to be upgraded as part of the proposed scheme was reviewed at RFI stage to ensure the location of crossing points at key pedestrian desire lines.
- 8.6.8. The narrow section of the L-9002-0 to the east of House No's 44 to 47 Annabella Park is to be upgraded to accommodate development traffic. The road at this location is to be widen to 6m with 2m wide footpaths provided on both sides. These works are to be achieved by means of removing an existing band of evergreen trees (Layland Cypress) which currently extends along the eastern edge of the cul-de-sac. The existing road junction to the south of House No.47 Annabella Park is to be upgraded to facilitate the proposed development. The proposed works, as illustrated on RFI *Drawing No. 6334-4041- C - Proposed Upgrades to Existing Junction- 01 (Sheet 1 of 4)*, will alter the priority of the junction in favour of the new development. As previous noted in this assessment, the proposed upgrade works are located on lands within the control of Cork County Council (CCC) who have consented to the application and who have raised no concerns or objections to the proposed works.

Special Contribution.

- 8.6.9. In addition to the upgrade works proposed as part of the application, the planning authority seeks a Special Development Contribution of €42,675 (Condition 52) towards the resurfacing of the L-9002-0 between site entrance and the Kennel Hill junction. As per the report of the Area Engineer to the planning authority (July 2025), the figure of €42,675 is based on the number of dwellings proposed relative to the existing developments served by the L-9002-0. However, no details on the overall costings of the resurfacing works have been provided. I accept that such upgrade works would be of benefit to the development and future occupants of the scheme and I have no objection to the inclusion of a condition requiring the payment of a

Special Development Contribution towards the cost of these upgrade works should the Commission be of a mind to grant permission, however, the Commission may wish to seek specific costing details justifying the special development contribution of €42,675 as recommended by the Area Engineer.

Permeability and Connectivity

8.6.10. As previously noted, the proposed scheme includes for the provision of new and upgraded footpaths along the L-9002-0 linking the proposed development site to existing pedestrian facilities on Kennel Hill which in turn link the proposed development site to Mallow train station and Town Centre. At present, there are no on-road cycle facilities in the area; however, I note that a new pedestrian and cycle connection is planned through the northern end of the proposed development site. This shared surface facility is to be provided as part of the permitted SHD / Rose Hill to the west, which is currently under construction, and once completed will provide an alternative cycle/pedestrian link to the train station and Town Centre. The internal pedestrian network for this LRD has been designed to connect to the permitted permeability link in Phase 1, facilitating access to future residents of the scheme as well as existing residents of Annabella Park and The Paddocks. The layout of the proposed LRD also makes provision for additional pedestrian connections to the Woodview Drive to the east and to the permitted SHD development, the delivery of which would further enhance connectivity and permeability in the area.

8.6.11. Condition 5(b) of the planning authorities grant of permission relates to the Phasing of the development and requires that the permitted pedestrian/cycle link be completed prior to occupation of Phase 2 of the development. I believe that the intention of this condition is to ensure the timely delivery of permeability infrastructure at the site to support a modal shift towards more sustainable travel options for future occupants, consequently reducing reliance on the private car. I consider this proviso reasonable and I would recommend that the Commission include a similar condition should they be of a mind to grant permission.

8.6.12. The appeal of the First Named Appellant identifies an existing deficiency in the footpath under the railway bridge at the N20/N72 junction. The width of the footpath

at this point narrows to approximately 0.8m which the appellants consider too narrow to safely accommodate pedestrians or wheelchairs. I agree that the footpath at this point is sub-standard in terms of width; however, as this deficiency affects only a limited section (c.10m) of the pedestrian network in the area it should not, in my opinion, preclude new residential development in the area. Notwithstanding, I note that there are plans to upgrade the N20/N72 junction and that these upgrade works include for the widening of this restricted section footpath to 1.2m. I refer the Commission to Section 4 and Fig. 4.1 of the applicants Traffic and Transport Assessment and section 8.5.17 below for further detail.

Conclusion: Access and Permeability

8.6.13. In conclusion, I am satisfied that the proposed LRD in terms of access and permeability is, subject to proposed upgrade works, acceptable in terms of traffic safety and convenience. I note that the application is supported by a DMURS Statement of Compliance and a separate Stage 1 Road Safety Audit and that no significant issues or concerns in relation to the proposed access / permeability arrangements or upgrade works were raised in the assessment of the application by the planning authority.

Traffic Impact Assessment

8.6.14. The impact of the proposed LRD traffic on the local road network is assessed in the Traffic and Transport Assessment (TTA) submitted with the application. In accordance with the details provided, the TTA has been prepared in accordance with the TII's 2014 publication "Traffic and Transport Assessment Guidelines" and the "Guidelines for Traffic Impact Assessments" as published by the Institution of Highways & Transportation U.K. in 1994.

Network Improvement Works:

8.6.15. Section 4 of the TTA addresses various network improvement works which may impact on the proposed Development. These network improvement works were considered by the office of the Area Engineer (AE) in their report to the planning authority (July 2025). The following points are noted.

- Section 4.1 of the TTA addresses proposed improvements works at the Kennel Hill / N72 Junction (TTA analysed Junction 3) to increase the capacity of the junction. As detailed in the TTA, these works include at Phase 1 – the provision of a right turn lane on the N72 westbound carriageway, a pedestrian crossing and the widening of the footpath under the rail bridge and at Phase 2 - full Junction signalisation and pedestrian crossing. The TTA assumes that both phases will be completed in advance of the proposed development Opening Year (2027). Phase 1 and Phase 2 junction layouts are illustrated on Figs 4.1 and 4.2 of the TTA respectively. The AE in their report to the planning authority, clarifies that the layouts as presented in the TTA have not been developed by CCC but have been progressed to concept design stage as part of the permitted SHD (ABP 312640-22). The AE also notes that the progression of these Junction improvement works is subject to the approval of Transport Infrastructure Ireland (TII). These works have not commenced to date. The Commission will note that these works are to be financed by way of special development contributions, Condition 26 of permitted SHD ABP 312640-22 and PA recommended Condition 52 for this LRD are relevant in this regard.
- Section 4.2 addresses planned upgrades to Mallow Railway Station proposed as part of the Cork Area Commuter Rail programme which is expected to deliver increased train capacity and frequency, providing a 10-minute services between Mallow and Cork during the peak AM & PM hours. The upgrade works at Mallow Train Station involve the delivery of a western pedestrian/cyclist access point to the Train Station from Railway Lane. This access point together with the permitted cycle / pedestrian route at the northern end of the development site (permitted under SHD - ABP-312640-22), will ultimately provide a direct link from the proposed development site and neighbouring estates to the train station and, as noted by the AE, are anticipated to provide significant aid in the achievement of the CCDP Modal Split Targets. The TTA anticipates completion of the western pedestrian link for 2030, in advance of 2032 (Opening Year +5).
- Section 4.3 addresses plans for the Mallow Relief Road, which is at Phase 3 Design & Environmental Evaluation of TII's Project Management Guidelines.

The TTA includes the statement that *'the proposed preferred route will provide significant relief to traffic volumes at the N20 / Annabella Roundabout with significant volumes of N72 / N73 traffic linking to the N20 north no longer traversing the roundabout'*. The AE acknowledges that while north-bound N20 traffic will no longer be required to traverse the Annabella Roundabout (Junction 4), all east-west bound traffic on the N72 will still be required to traverse both Junction 3 and Junction 4 of the Study Area.

- Section 4.4 of the TTA addresses the N/M20 Cork to Limerick Project, which is at Phase 3, Design and Environmental Evaluation of the TII Project Management Guidelines. This Project is anticipated to provide substantial relief to traffic volumes at Junction 4 (Annabella Roundabout) on completion. However, as noted by the AE, this project is yet to receive Government Approval and as such the delivery of this project cannot be considered in the short / medium term as a possible mitigation to the additional traffic volumes associated with the subject site.

Junction Analysis:

8.6.16. The TTA considers the impact of the development the following four junctions:

J1	Development Entrance Junction with Woodview Drive.
J2	Woodview Drive / Development Junction with Kennel Hill.
J3	<p>Kennel Hill Junction with National Secondary Route, N72</p> <p>Note: J3 is modelled for two separate layouts due to planned phased upgrade works at the junction.</p> <p>These layouts are (1) as priority T-Junction with right turn lane onto Kennel Hill and (2) as a signalized T-Junction.</p>
J4	National Secondary Route, N72 and National Primary Route, N20 Annabella Roundabout

8.6.17. Notably, Junction 3 is modelled for two separate layouts due to planned, phased upgrades works at this junction. These layouts are (1) as priority T-Junction with right turn lane onto Kennel Hill and (2) as a signalized T-Junction.

- 8.6.18. The traffic generated by the proposed development was garnered from the TRICS database. The number of trips generated by the development has been calculated for the AM peak hour, between 08:00-09:00, and the PM peak hour, between 17:00-18:00. The TTA estimates a total of 91 trips during the AM peak and 118 trips in the PM Peak. Traffic counts were conducted on the 17th of April 2024 to establish the actual AM & PM Peak traffic hours for the local road network.
- 8.6.19. Section 5.3 Modal Choice of the TTA assumes that cars will dominate the developments traffic movements but that improvements to public rail services in the area will encourage a modal shift for those occupying the development. In terms of Modal Split, the TTA refers to targets set out in the Cork County Development Plan 2022-2028, which aim to reduce the modal share target for car travel from 77.47% in 2016 to 60% by 2040, with increases in walking (+4.43%), cycling (+3.29%) and public transport (10.22%). These targets were applied to the modelling scenarios for the subject site. I note that the AE deemed this a reasonable approach in the context of the planned public transport (Train service) improvements in the vicinity which are anticipated to be delivered advance of 2032 (Opening Year + 5).
- 8.6.20. A traffic analysis was undertaken for the survey year (2024) Opening Year (2027), Opening Year plus five years (2032) and Opening Year plus fifteen years (2042 for the following scenarios:
- Without Development
 - With (permitted) SHD and Without Development
 - With (permitted) SHD and With Development
 - With (permitted) SHD and with Development plus Modal Shift Target as per Cork County Development Plan, 2022.
- 8.6.21. The results are set out in section 7.1 of the TTA in table format with information on Ratio of Flow to Capacity (RFC) and delay. As outlined in the TTA, the RFC provides the basis for judging the acceptability of junction design and the capacity of existing junctions. Generally, an RFC of 0.85 or less is considered acceptable during the peak period. An RFC of this value indicates that at peak times the junction is at 85% of its operational capacity and therefore has a practical reserve capacity at a junction required to cater for periods of unusually high traffic flow, such as bank holiday weekends, etc. The degree of saturation of a junction is a measure of the capacity of

the junction. A junction with an RFC of 0.85 would be considered to be operating at a degree of saturation of 100%.

- 8.6.22. The results show that Junction 1 and Junction 2 are operating below capacity for all design years up to including the year 2042 for both AM and PM peaks.
- 8.6.23. Junction 3 (as a Priority T Junction) would operate above capacity in both the AM and PM peak in 2027, 2032 and 2042 with a maximum RFC of 130% in the AM peak and 302% in the PM peak in 2042. The RFC reduces to 99% in the 2042 AM and 85 in the PM Peak when the Modal Shift targets as set out on the CCDP applied to the development traffic.
- 8.6.24. Junction 3 (as a signalised T-Junction) would operate above capacity for the 2027, 2032 and 2042 '*With SHD & With Development*' scenario. The TTA notes that '*With the permitted SHD and Without Development*', this junction would operate above capacity for the PM in 2027, 2032 and 2042 and AM in 2042.
- 8.6.25. Junction 4 reaches a maximum RFC of 146% in the 2042 AM '*With SHD and Without Development*' scenario. When the development traffic is applied to the modal, the RFC at Junction 4 increases by 10%, reaching a maximum RFC of 156% in the 2042 AM '*With SHD and With Development*' scenario. It is noted that when the CCDP Modal Shift Targets are applied the '*With SHD and With Development*' scenario shows capacity exceeded models delays less than the currently permitted '*With SHD and Without Development*' scenario. It is also noted that the '*Without Development*' scenario (which also excludes the permitted SHD), shows Junction 4 exceeding the maximum desirable RFC of 85% for the AM Peak in 2032 plus the AM and PM Peaks in 2042.
- 8.6.26. It is contended in section 11 *Summary Conclusion* of the TTA that the impact of the traffic from proposed LRD is proportionally small in relation to both the adjoining SHD and the existing traffic already on the local road network and that due to the urban nature and proximity to the town centre of both this junction and the development, a certain level of congestion is to be expected during peak times and the proposed traffic volumes are considered within the norms of a busy urban environment. The TTA notes that the trip generation figures presented are a worst-case scenario and that the results presented are in line with the standards of an urban traffic setting.

- 8.6.27. I refer the Commission to the comments of the TII in their report to the planning authority (July 2025) in which they state their opinion that insufficient data has been submitted with the application to demonstrate that it will not have a detrimental impact on the capacity, safety or operational efficiency of the National road network in the vicinity of the site. They advised that no further development should commence until the preliminary Design Report and Safety Audit for the N72/Kennell Hill Junction upgrade has been submitted and approved in accordance with the requirements of TII publications.
- 8.6.28. The findings / conclusions of the TTA and the comments of the TII were considered by the AE in their initial report to the planning authority (July 2025). They considered it prudent to ensure that Phase 2 of the proposed development not be occupied in advance of the completion of the signalisation works to Junction 3. I note that this arrangement would allow for the construction and occupation of c. 46no. units with Junction 3 operating as a priority T-Junction. The AE also included a recommendation for the payment of a Special Contribution of €102,000 (€1000 per unit) towards the Signalization of Junction 3, Kennel Hill Junction with National Secondary Route, N72.
- 8.6.29. The Local Authority Case Planner in assessing the application agreed with the recommendation of the AE regarding the payment of a Special Contribution towards the cost of the upgrade works to Junction 3 and included same as a condition of the permission (C.52) However, the Case Planner did not ultimately support the recommendation for the phased delivery of the LRD in line with the upgrade works to Junction 3. In this regard, the Case Planner noted that there is no restriction in the CCDP that would prohibit the development of these zoned lands in advance of the junction upgrade. The case Planner considered the payment of a special contribution, and the applicants proposed mitigation measures to encourage sustainable transportation, sufficient to enable the proposed LRD.

Conclusions and Recommendations:

- 8.6.30. I have considered the TTA, and all related information on file including the concerns raised in the grounds of appeal and the comments of CCC and the TII. I have no objection to the methodology used in the TTA or assumptions made.

- 8.6.31. It is evident from the traffic analysis outlined in the TTA that both Junctions 3 and 4 are likely to operate at or over capacity in the various future design year scenarios at peak times. However, it would appear that congestion would occur for all the modelled scenarios, including those modelled without the development traffic. It would also appear that predicted RFC % at both junctions would be reduced significantly when CCDP Targets for Modal Split are applied. It is further evident that Network upgrade works, as outlined above, are required to ensure the future viability of these junctions and to support the achievement of the CCDP Modal Split Targets. In the absence of these network upgrades, the proposed development is likely to contribute to congestion at these junctions. Therefore, the question to my mind is whether the impact from the proposed LRD traffic is acceptable or if it can be managed until the transport network in the area is upgraded to an acceptable level.
- 8.6.32. With regard to the above, I note the findings and conclusions of the TTA, that the impact of the traffic from proposed LRD is proportionally small in relation to both the adjoining SHD and the existing traffic already on the local road network, that a certain level of congestion is to be expected during peak times and that the proposed traffic volumes are considered within the norms of a busy urban environment. However, given the uncertainty that exists regarding the timing and delivery of network upgrades and the recommendation of TII, I would support the recommendation of the AE for the phased delivery of the proposed LRD in line with planned Junction 3 upgrades, in addition to the recommended phasing under condition 5 of the planning authority's decision regarding the delivery of the permitted pedestrian and cycle connection under SHD ABP-312640-00. These works, in addition to the implementation of the applicants Mobility Management Plan for the scheme, should I consider, be sufficient to manage the impact of the proposed LRD on the local road network.
- 8.6.33. I would also support the inclusion of a condition requiring the payment of a Special Development Contribution towards the cost of the planned upgrade works to Junction 3, should the Commission be of a mind to grant permission and I note that such a stipulation was included as a Condition (Condition 26) of the permitted SHD ABP-312640-22. From the information on file, the amount of contribution requested by the planning authority, €102,000, appears to stem from a rate of €1000 / permitted unit; however, no breakdown of the cost of these works has been provided

and therefore the Commission may wish to seek specific costing details justifying the special development contribution of €102,000. Alternatively, the Commission may stipulate, by way of condition, that the contribution amount be agreed between the planning authority and the developer (or in default the Commission).

Parking

- 8.6.34. While no concerns were raised in the grounds of appeal on the issue of parking, I consider it appropriate to consider the proposed parking strategy for the LRD so as to ensure conformity with current standards, in the interests of proper planning and development.
- 8.6.35. In terms of cycle parking, I note that the application was amended at RFI stage to address an identified shortfall in the quantum of bicycle parking proposed. The scheme as amended, allows for the provision of 254 no. spaces in the form of 203 long term bicycle parking spaces and 51 short stay spaces. The quantum of parking proposed exceed CCDP minimum standard of 220 spaces (172 long stay and 48 short stay) outlined in the CCDP, which is acceptable.
- 8.6.36. In terms of car parking, the proposed scheme allows for the provision of 131no car parking spaces, comprising 117no. spaces for the residential units, 9no spaces for the crèche, 2no. visitor spaces and 3no. accessible spaces. I note that the parking scheme presented is based on a mixture of on and off-curtilage parking and that the applicants envisage that a larger quantity of visitor parking will be available at any given time.
- 8.6.37. The quantum of residential car parking proposed falls below the recommended (maximum) standard set out in Table 12.6 of the CCDP, which I calculate to be 154.5no. spaces. The CCDP states under Table 12.6 that a reduced car parking provision may be acceptable where the planning authority are satisfied that good public transport links are already available or planned and/or a Transport Mobility Plan for the development demonstrates that a high percentage of modal shift in favour of the sustainable modes will be achieved through the development.

- 8.6.38. With regard to the above, I note the proximity of the proposed development to Mallow Train Station and the planned upgrade works under the Cork Area Commuter Rail programme which are expected to deliver increased train capacity and frequency, providing a 10-minute services between Mallow and Cork during the peak AM & PM hours. I also note that the application documentation includes a Mobility Management Plan (MMP) which outlines various measures to support a modal shift in line with the targets set out in the CCDP. The measures outlined include for the appointment of a mobility manager to implement the recommendations of the MMP and to further develop the plan, on an ongoing basis.
- 8.6.39. In addition to the above, I note that the site is located appropriately 1km from the edge of Mallow Town Centre which provides a wide range of shopping facilities, restaurants, a library, banks, hotels and other services and leisure facilities, which will support the day-to-day needs of future occupants of the scheme. There are also a number of employment centres within a reasonable commuting (walking / cycling) distance from the site, including Dairygold Co-Op, c. 1km to the east of the site and the Mallow Business and Technology Park, c2km to the south.
- 8.6.40. Therefore, while the quantum of car parking proposed for this LRD is less than the maximum standard permitted in the CCDP, I am satisfied that the provision of car parking below the maximum permitted standard is adequately supported in the CCDP and that the proposed scheme meets the criteria for same. I am further satisfied, given the flexibility in the wording of the CCDP in respect of Car Parking provision, that the issue of material contravention does not arise in this instance. Furthermore, I note that the car parking strategy presented for this LRD was deemed to be acceptable by AE and by the Case Planner, subject to condition (C.7) on the provision of infrastructure to support the use of electric vehicles.
- 8.6.41. In conclusion, I have no objection to the level of cycle or car parking proposed for this LRD and I am satisfied that the proposal does not give rise to any issue of Material Contravention in respect of parking.

8.7. Service Infrastructure:

- 8.7.1. Concerns have been raised regarding alleged deficiencies in public infrastructure (water supply, foul water drainage and electricity supply (ESB infrastructure) to cater for the proposed LRD.
- 8.7.2. In relation to water services, it is contended in the grounds of appeal, that the water supply in the area is deficient in terms of pressure, supply capacity and quality with significant increases in limescale as a result of recent developments in the area cited as a concern. The capacity of the foul sewerage network to accommodate additional loading is also questioned.
- 8.7.3. The application documentation includes Confirmation of Feasibility (CoF) from Uisce Éireann (UÉ), issued for the proposed development on the 29th of August 2025 (at RFI stage). This document advises that both water and wastewater connections are feasible without upgrades. This document also includes commentary from UÉ regarding an UÉ funded upgrade that is planned to be carried out on the Wastewater Network in the area. UÉ have confirmed that this project is to be delivered without delay and without impact on the proposed LRD or other planned developments in the Kennel Hill locality. I note no deficiencies or supply issues were raised by UÉ in the submitted CoF, in their report to the planning authority or in their observation to this appeal.
- 8.7.4. On the issue of capacity, I have consulted Uisce Éireann's on-line capacity registers (12th March 2026) which indicate that capacity is available in the wastewater service network to facilitate the development. In respect of water supply, the register indicates that '*Potential Capacity Available*' to meet 2034 population targets and that a level of service (LoS) improvement is required. The Capacity Register clarifies that '*Potential Capacity Available*', means that capacity constraints exist and additional analysis of Pre-connection Enquiries and Connection Applications will be undertaken as required by UÉ on an individual basis considering their specific load requirements. Again, I note that the CoF issued by UÉ for this LRD confirms that a connection to the existing water supply network is feasible without upgrades.

- 8.7.5. In light of the above, I am satisfied that the applicants' proposals for water supply and foul water drainage are acceptable and feasible subject to connection agreements with Uisce Eireann.
- 8.7.6. It is alleged in the grounds of appeal of the second named appellant that ESB infrastructure in the area is not suitable. However, no information or evidence has been provided to support this claim and therefore I am unable to address this issue in any detail other than to state that the area is served by electricity infrastructure and that the applicants will, as a matter of course, be required to engage with ESB networks for connection to same.

Conclusion: Service Infrastructure.

- 8.7.7. Based on the information available and subject to condition / connection agreements with service providers, I am satisfied that the proposed LRD can be adequately serviced in terms of water supply, foul water drainage and electricity supply.

8.8. Ecology

- 8.8.1. As previously noted, the proposed scheme includes for the removal of an existing band of mature trees that extends along the eastern boundary of the site and to the front of existing houses in Annabella Park (House No's 44 to 47). It is alleged in the grounds of appeal that these trees, planted by residents of the estate, are critical for screening, biodiversity and amenity. It is further alleged, by the first named applicant, who as stated holds an MSc in Ecological Assessment, that this treeline functions as a wildlife corridor for commuting bats (Common and Soprano Pipistrell) and that this is supported by the appellants own ecological surveys. The Commission will note that no ecological surveys were submitted by the appellant in support of the appeal.
- 8.8.2. The application documentation includes an Ecological Impact Assessment (EclA) incorporating a Bat Report (Appendix b) and Landscaping Plan (Appendix C and updated at RFI stage) and, under separate cover, a Green and Blue Infrastructure Report.

- 8.8.3. The tree line in question comprises c.178m of Leyland Cypress. As previously established in sections 8.2 and 8.3 of this report, these trees are shown to be on lands under the control of CCC who have consented to the application and have raised no objections or concerns relation to the removal of these trees and, I am of the opinion that this treeline offers little in terms of amenity value or screening to existing residents.
- 8.8.4. In terms of their importance to biodiversity, I note that Leyland Cypress are a non-native species which, in accordance with the applicants Green and Blue Infrastructure Plan (pg.3), can have many negative impacts and can become unmanageable if not regularly pruned; their height and density can cast significant shade, potentially affecting the growth of nearby plants. The treeline in question is described in the EclA as degraded with an abundance of litter throughout. My observations during site inspection would support this claim. As proposed, this treeline is to be removed (outside of bird nesting season) and is to be disposed of locally as green waste. It is then to be replaced with a new native hedgerow (wild privet), which in my opinion would contribute positively to the amenity value and residential setting at this location.

Impact on Bats:

- 8.8.5. The EclA submitted with the application includes in Appendix B a Bat Report which considers the impact of the proposed development on bats. This report was informed by desk and field-based assessments. Two Dusk Emergence and Nighttime Bat Walkover (NBW) surveys were conducted at the site on the 26th of June 2024 and 10th of July 2024. Six bat species were recorded foraging and commuting on and over the Site i.e. Common pipistrelle, soprano pipistrelle, Leisler's bat, brown long-eared bat, Myotis species and Nathusius' pipistrelle. Leisler's bats were recorded soon after sunset, indicating the presence of a Leisler's bat roost within the vicinity of the site; However, no bats were identified to be roosting within the trees onsite, and no bat roosts were identified on the site. Notwithstanding, based on the levels of activity and movement of the bats recorded during the surveys, it is considered that the site is of high local value to foraging / commuting bats.

8.8.6. The EclA / Bat report include a number of measures to ensure that bats are not negatively affected by the construction onsite, ground clearance works or installation of lighting. Notably the landscaping plan (as amended at RFI stage) includes for the retention and reinforcement of the northern and western hedgerow/treelines which were identified as important linear habitats for commuting and foraging bats. This landscaping plan also includes proposals for new native tree and hedgerow planting to compensate for the loss of existing trees along the eastern boundary and to provide additional potential commuting and foraging habitat for bats. The mitigation measures proposed also include for the provision of sensitive bat lighting and artificial bat roosts. I have no objection to the mitigation measures outlined in the EclA for the protection of Bats.

Impact on Badgers.

8.8.7. No badgers were recorded at the site; however, the EclA notes that the woodland area to the north / west of the site and the western hedgerow provides suitable habitat for sett construction and that the grassland present on site is suitable for commuting and foraging. The EclA also notes that a badger sett, consisting of eight entrances, was previously identified c.160 meters West of the site, in the woodland area. During the initial site assessment these entrances were surveyed, and no evidence of activity was noted. All holes were covered by cobwebs and no digging was identified. While the EclA considers that the site is unlikely to be of value to badgers, due to high levels of human activity within the surrounding area, it takes a precautionary approach and includes mitigation measures to protect badgers and other non-volant terrestrial mammals during construction. In addition to the mitigation measures outlined in the EclA, the planning authority in their grant of permission included condition (condition 51) that requires a pre-commencement Badger survey and the submission of a mitigation plan in the event that Badgers return to the area prior to the commencement of development. I consider this a reasonable precautionary approach and would recommend that the Commission include a similar condition should they be of a mind to grant of permission.

Conclusion- Ecology:

8.8.8. I have considered the information submitted with the application and appeal including applicants EclA, Bat Report and landscaping plan and the grounds of appeal. I am satisfied, on the basis of the information available, desk top studies and field surveys were carried out by suitably qualified professionals in accordance with relevant legislation and best practice guidelines. It is evident from the information available that the site is utilised by foraging and commuting bats and is suitable for commuting and foraging mammals including badgers; however, I am satisfied that the applicants have demonstrated that the site is not currently utilised by roosting bats or for badger setts and that as such a derogation licence is not currently required. I am also satisfied that subject to mitigation as outlined in the EclA and supporting documents, the proposed scheme, including the removal of trees/hedgerow would not have a significant adverse impact on local bat or badger populations or on the overall ecological value of the area. Furthermore, I am satisfied that due regard has been had in the design of the proposed scheme to the protection and enhancement of biodiversity at the site.

8.9. Other Matters

Impacts During Construction:

8.9.1. Concerns have been raised regarding potential impacts during construction on water quality in the Leaslands Stream (as a result of soil erosion / runoff etc) and on the local road network in terms of mud / dust etc. The First Named Appellants contend that the CEMP conditions are generic and do not address the particular risks at the site. I disagree with the contention of the appellant in this regard. The application documentation includes a Natural Impact Statement (NIS) and a Watercourse Protection Plan (WPP) which include a variety of mitigation measures to protect the stream during both construction operational phases. The proposed mitigation includes standard best practice measures to minimise erosion and for the proper storage, disposal/reuse of topsoil etc. As detailed on the application drawing *Proposed Watercourse Protection Layout Drg. No. 6334-1015*, an extract from which is included in the applicants appeal response document, a slit trap is to be erected

along the course of the stream. The measures outlined in the NIS and WPP have been incorporated into a Construction and Environmental Management Plan for the site.

- 8.9.2. While I accept that construction phase of this development has the potential to give rise to nuisances (traffic, noise, vibration, dust and emissions etc), any such impact would be for a limited duration, and it is standard practice to impose conditions that seek to ensure that such nuisances are controlled / mitigated to lessen amenity impact. I consider this approach to be reasonable in this instance. I note that the planning authority in their grant of permission have included several conditions that are intended to protect the amenities of the area during construction, to protect water courses and to ensure proper and orderly development. These measures include (Condition 23) for the provision of a wheel wash at the site entrance. Should the Commission be of a mind to grant permission, I would recommend a condition requiring that submission of a final Construction and Environmental Management Plan for the site that would address all issues / requirements of the planning authority.

Impact on Drainage:

- 8.9.3. The first named appellant in their grounds of appeal and submission to the planning authority refer to alleged inaccuracies in the application drawing (*Proposed Drainage Layout Drg. No. 6334-4020*) which they state erroneously shows drainage from their house to the rear of their property instead of to the front.
- 8.9.4. It is confirmed in the applicant's appeal response document that there are existing drainage lines running to the rear of houses in Annabella Court (excluding the appellants property) and that these will be taken into the new drainage network for the LRD. It is further confirmed that there are no proposals to alter drainage on lands outside the subject development site in the vicinity of the appellants property and as such there is no potential for damaging or obstructing existing drains.
- 8.9.5. I have reviewed the plans and particulars submitted with the application and appeal and I am satisfied that the proposed scheme does not include works that would

directly interfere with the applicant's current drainage arrangements. Should any unforeseen damage to this drainage network occur during construction, this would be a matter for the applicants and the appellants / third parties.

9.0 Appropriate Assessment

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

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

9.3. My conclusion is based on the following:

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

10.0 Water Framework Directive

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

10.2. The application includes a Water Framework Directive Assessment Report prepared by Malone O'Regan Environmental. The stated aim of this Assessment is to ascertain whether the project has the potential to impact waterbodies in such a way

as to result in a deterioration in that waterbody's status under the Water Framework Directive. If such impacts are found to be possible, then mitigation must be put in place. The report concluded that:

- the Proposed Development will not result in a deterioration in water quality status Blackwater (MUNSTER)_130 River waterbody and the Rathmore West ground water body connected the proposed development.
- The operation of the proposed development under mitigation will not jeopardise the achievement of good surface water quality status or good ecological potential for any direct or indirect waterbody connected, or the achievement of good surface water chemical status; and,
- The operation of the proposed development will not degrade the ecological quality of the protected sites, associated with connected waterbodies nor jeopardise the goals and/or targets set out for these protected sites.

Therefore, the Proposed Development will not compromise the objectives and requirements of the WFD within the local area and within the river basin

10.3. The proposed development comprises a largescale residential development of 102no residential units and ancillary creche on predominantly greenfield lands (refer to section 2 for details). Concerns were raised in the appeal regarding the potential impact of the LRD on the Leaselands stream at the northern site boundary from erosion / runoff during the construction phase and the lack of adequate mitigation to address same. In addition to the Water Framework Directive Assessment Report the application documentation includes a Watercourse Protection Plan and Natura Impact Statement (which include mitigation measures) and a CEMP.

10.4. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where necessary, restore surface & ground 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 significant risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

10.5. The reason for this conclusion is as follows:

- The location of the development within the development boundary of Mallow
- The nature and design of the proposed development which includes the provision of Sustainable Urban Drainage Systems
- The effectiveness of the mitigation measures proposed and adoption of a CEMP and Watercourse Protection Plan

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Environmental Impact Assessment

Introduction

11.1. The application includes an Environmental Impact Assessment Screening Report prepared by HW Planning. The stated purpose of the EIA Screening Report is to determine whether an Environmental Impact Assessment Report (EIAR) is required for a Large-scale Residential Development at lands located at Annabella, Mallow Co. Cork. The report has had regard to the criteria set out in in Schedule 7 of the Planning and Development Regulations 2001, as amended (the 2001 Regs).

11.2. This section outlines my assessment of the need for an Environmental Impact Assessment Report (EIAR), which will enable the Commission to make a determination on the matter.

Mandatory Thresholds

11.3. There are no activities listed within Part 1 of Schedule 5 of the Planning Regulations (as amended) which relate to the proposed development. It does not fall within the scope of activities listed in Part 1 of Schedule 5 and a mandatory EIA, as classified under Annex 1 is not required.

11.4. Item (10) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for various Infrastructure

Projects. Class 10 (b)(i) relates to the construction of more than 500 dwelling units. The proposed development involves the construction of 102 units and therefore does not exceed the mandatory threshold. Class 10(b)(iv) relates to 'Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use)'. I do not consider that the application site is within a 'business district'. I consider that the site is within part of a 'built-up area' where the 10ha threshold applies. The application site has a total area of 4.23ha and is therefore significantly below the applicable threshold.

Sub-Threshold Development

- 11.5.** Class 15, Part 2, Schedule 5 of the Regulations provides that EIA will be required for 'Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7'.
- 11.6.** EIA is required for development proposals of a class specified in Part 1 or 2 of Schedule 5 that are sub-threshold where the Commission determines that the proposed development is likely to have a significant effect on the environment.
- 11.7.** Schedule 7 of the Planning and Development Regulations 2001 (as amended) sets out the criteria for assessing whether or not a project will have 'likely' and 'significant' effects on the environment, in which case an EIA is also required. The criteria include, characteristics and location of proposed development, and characteristics of potential impacts. These criteria were considered for the proposed development under the topics recommended in EIAR guidance documents and concludes that the proposed development does not meet the criteria where a subthreshold EIA would be warranted.
- 11.8.** I am therefore satisfied, having regard to:
- (a) the criteria set out in Schedule 7, in particular
 - a. the nature and scale of the proposed housing development, in an established residential area served by public infrastructure

- b. the absence of any significant environmental sensitivity in the vicinity
 - c. the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended).
- (b) the results of other relevant assessments of the effects on the environment submitted by the applicant and the results of the Strategic Environmental Assessment of the Cork County Development Plan 2022-2028 under the SEA Directive
- (c) the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, including those identified in the Construction Environmental Management Plan, Ecological Impact Assessment, Natura Impact Assessment, Water Framework Directive Assessment, Watercourse Protection Plan, Operational Waste Management Plan, and Archaeological Impact Assessment.

that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report is not required. (See EIA Screening Determination Form 3)

12.0 Recommendation

- 12.1. Having regard to the foregoing assessments, I recommend that permission be granted for the proposed LRD, subject to conditions, and for the reasons and considerations set out in the following Draft Order.

13.0 Reasons and Considerations

Having regard to the following:

- a) the location of the site within the development boundary of Mallow, designated as a 'Key Town' in the Regional Spatial & Economic Strategy for the Southern Region 2020-2032 and the Cork County Development Plan 2022-2028.
- b) The zoning for the site and the policies and objectives for the area as set out in

the Cork County Development Plan 2022-2028

- c) Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness
- d) The provisions of Project Ireland 2040 - National Planning Framework, First Revision (April 2025), which identifies the importance of compact growth.
- e) The provisions of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031, which supports compact sustainable growth and accelerated housing delivery integrated with enabling infrastructure.
- f) The provisions of Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, issued by the Department of Housing, Local Government and Heritage in January 2024.
- g) The provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in July 2025.
- h) The provisions of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government in 2013.
- i) The Climate Action Plan 2025 issued by the Department of Climate, Energy and the Environment.
- j) Ireland's 4th National Biodiversity Action Plan 2023–2030, issued by the Department of Housing, Local Government and Heritage in 2024
- k) The nature, scale and design of the proposed development.
- l) The existing pattern of development in the area.
- m) The proximity of the site to Mallow Train Station and Mallow Town Centre
- n) The proposed infrastructure upgrade works that will improve the sites accessibility and connectivity.
- o) The submissions received.
- p) The reports from the Planning Authority.

it is considered that, subject to compliance with the conditions set out below, the

proposed development would constitute an acceptable density of development in this urban location, would not seriously injure the residential or visual amenities of the area or properties in the vicinity, would be acceptable in terms of layout, urban design, height and unit mix and would be acceptable in terms of traffic, pedestrian safety and convenience.

The proposed development would be in accordance with the relevant provisions of the Cork County Development Plan 2022-2028, save for the provisions of the plan relating to separation distances between opposing windows (section 4.10.8) and the quantitative standard for private open space for three-bedroom houses (Objective GI 14-6 (c)) where a material contravention can be considered to arise.

Nevertheless, having regard to the quality of the proposed scheme, to the relevant provisions of the Compact Settlement Guidelines 2024, including the consistency of the proposed development with the relevant Specific Planning Policy Requirements therein (SPPRs 1 and 2), and noting the legislative obligation under Section 34 of the Planning and Development Act 2000, as amended, for both a planning authority and The Commission to apply SPPRs instead of the provisions of the development plan where the SPPRs differ from those provisions and having regard to the clear, reasoned assessment of the overall scheme by the planning authority, it is considered that having regard to the provisions of 37(2)(a) of the Planning and Development Act 2000 (as amended), the proposed development would be in accordance with the proper planning and sustainable development of the area, and that a grant of permission is therefore warranted in this instance, notwithstanding the above. The proposed development would, therefore, be in accordance the proper planning and sustainable development.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area and consistent with the Climate Action Plan, 2025 and the Climate Action and Low Carbon Development (Amendment) Act 2021.

14.0 Recommended Draft Order

14.1. Appeal by: Dominic and Margaret McEntee and Finbarr J O'Dwyer against the decision made on the 4th day of November 2025 by Cork County Council to grant permission to Sayvale 18 Limited.

14.2. Proposed Development:

The development will comprise the following: the construction of a Large-Scale residential development of 102 no. residential units comprising of 36 no. dwelling houses and 66 no. apartment/duplex/maisonette units, a two storey creche facility and all ancillary site development works. The proposed 36 no. dwelling houses will all be 3 bedroom mid and end terrace units. The proposed 66 no. apartment/duplex/maisonette units consist of 17 no. 3 bedroom units, 33 no. 2 bedroom units and 16 no. 1 bedroom units. 32 no. of the proposed apartment/duplex/maisonette units will be accommodated in 8 no. 2 storey buildings in southern and central areas of the site, with the remaining 34 no. apartment/duplex/maisonette units being accommodated in a 1-3 storey apartment building to the north of the site. The proposed development facilitates pedestrian and cycle connections to the existing Woodview Drive residential development to the east and the residential development to the west permitted by An Bord Pleanála reference 312640-22, which is currently under construction. Access to the proposed development will be provided via the internal road network of the Annabella Park residential development. The proposed development provides for upgrades to the existing internal road network and public realm of the Annabella Park residential development including new footpaths, public lighting and traffic calming measures. Other ancillary site development works include landscape and amenity areas, public open spaces, servicing and drainage proposals (including SuDs measures), bicycling parking, bin storage facilities and an ESB substation.

14.3. Decision:

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

14.4. Reasons and Considerations:

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

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

- a) The location of the site within the development boundary of Mallow, designated as a 'Key Town' in the Regional Spatial & Economic Strategy for the Southern Region 2020-2032 and the Cork County Development Plan 2022-2028.
- b) The zoning for the site and the policies and objectives for the area as set out in the Cork County Development Plan 2022-2028
- c) Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness
- d) The provisions of Project Ireland 2040 - National Planning Framework, First Revision (April 2025), which identifies the importance of compact growth.
- e) The provisions of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031, which supports compact sustainable growth and accelerated housing delivery integrated with enabling infrastructure.
- f) The provisions of Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, issued by the Department of Housing, Local Government and Heritage in January 2024.
- g) The provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in July 2025.
- h) The provisions of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government in 2013.
- i) The Climate Action Plan 2025 issued by the Department of Climate, Energy

and the Environment.

- j) Ireland's 4th National Biodiversity Action Plan 2023–2030, issued by the Department of Housing, Local Government and Heritage in 2024
- k) The nature, scale and design of the proposed development.
- l) The existing pattern of development in the area.
- m) The proximity of the site to Mallow Train Station and Mallow Town Centre
- n) The proposed infrastructure upgrade works that will improve the sites accessibility and connectivity.
- o) The submissions received.
- p) The reports from the Planning Authority
- q) The report of the Planning Inspector

14.5. Appropriate Assessment (AA): Stage 1

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

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

14.6. Appropriate Assessment (AA): Stage 2

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

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

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

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

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

14.7. Environmental Impact Assessment Screening:

The Commission completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report and other documents and drawings submitted by the applicant identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Having regard to:

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- (a) the criteria set out in Schedule 7, in particular
 - a. the nature and scale of the proposed housing development, in an established residential area served by public infrastructure
 - b. the absence of any significant environmental sensitivity in the vicinity
 - c. the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended).
- (b) the results of other relevant assessments of the effects on the environment submitted by the applicant and the results of the Strategic Environmental Assessment of the Cork County Development Plan 2022-2028 under the SEA Directive
- (c) the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, including those identified in the Construction Environmental Management Plan, Ecological Impact Assessment, Natura Impact Assessment, Water Framework Directive Assessment, Watercourse Protection Plan, Operational Waste Management Plan, and Archaeological Impact Assessment.

It considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report is not required.

14.8. Conclusions on Proper Planning and Sustainable Development:

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

The proposed development would be in accordance with the relevant provisions of the Cork County Development Plan 2022-2028, save for the provisions of the plan

relating to separation distances between opposing windows (section 4.10.8) and the quantitative standard for private open space for three-bedroom houses (Objective GI 14-6 (c)) where a material contravention can be considered to arise.

Nevertheless, having regard to the quality of the proposed scheme, to the relevant provisions of the Compact Settlement Guidelines 2024, including the consistency of the proposed development with the relevant Specific Planning Policy Requirements therein (SPPRs 1 and 2), and noting the legislative obligation under Section 34 of the Planning and Development Act 2000, as amended, for both a planning authority and The Commission to apply SPPRs instead of the provisions of the development plan where the SPPRs differ from those provisions and having regard to the clear, reasoned assessment of the overall scheme by the planning authority, it is considered that having regard to the provisions of 37(2)(a) of the Planning and Development Act 2000 (as amended), the proposed development would be in accordance with the proper planning and sustainable development of the area, and that a grant of permission is therefore warranted in this instance, notwithstanding the above. The proposed development would, therefore, be in accordance with proper planning and sustainable development.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area and consistent with the Climate Action Plan, 2025 and the Climate Action and Low Carbon Development (Amendment) Act 2021.

15.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 10th day of September 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 Natura Impact Statement (NIS), shall be implemented.

Reason: To protect the integrity of European Sites.

3. The mitigation measures contained in the submitted Watercourse Protection Plan and Ecological Impact Assessment (EclA), and associated appendices shall be fully implemented, except as may be otherwise required or specified by way of planning condition.

Reason: In the interests of clarity, environmental protection and the proper planning and sustainable development of the area.

4. A pre-construction check of the activity status of all known badger setts will be required within 12 months of any constructions works commencing within the zone of influence of the setts. This survey shall be carried out by an Ecologist who is appropriately qualified and experienced in undertaking badger surveys and in line with best practice at the appropriate time of year. The applicant shall ensure that the development is in compliance with the relevant legislation on the protection of badgers. The applicant shall ensure that the following specific mitigation measures are implemented in order to prevent any disturbance to badger setts not directly affected by the proposed development:

- No heavy machinery shall be used within 30m of badger setts at any time.
- No works shall be undertaken within 50m of active setts during the breeding season (December to June inclusive).
- Lighter machinery (generally wheeled vehicles) shall not be used within 20m of a sett entrance.

- Neither blasting nor pile driving shall be undertaken within 150m of active setts during the breeding season (December to June inclusive) .
- The results of the pre-construction survey and any proposed mitigation measures shall be submitted prior to the commencement of works for the written approval of the Planning Authority.

Reason: To ensure the protection of Badger

5. All works shall be supervised by an on-site Ecological Clerk of Works who will report on compliance with the relevant mitigation measures. The Ecological Clerk of Works shall be empowered to halt works where they consider that the continuation of the works is likely to result in a significant pollution or siltation incident or impact on protected habitats or species, and on-site works will cease until authorised to continue by the planning authority. A compliance monitoring report shall be prepared by the Ecological Clerk of Works and shall be submitted to the planning authority at the end of the main construction period.

Reason: To ensure compliance with mitigation measures and to protect biodiversity.

6. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.
 - a. Prior to commencement of any development on the overall site, details of the first phase shall be submitted to, and agreed in writing with, the planning authority. The first phase shall consist of not more than 46no. dwelling units.
 - b. Prior to occupation of any unit in Phase 2
 - i. The pedestrian and cycle connection permitted as part of the Strategic Housing Development ABP – 312640-22 shall be completed to the written satisfaction of the Planning Authority

- ii. The junction of Kennel Hill with the National Secondary Route, N72 shall be upgraded to a signalised Junction.

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

7. The developer shall be solely responsible for the delivery and installation of all upgraded and new footpath and speed control / traffic calming infrastructure between the subject site and Kennel Hill junction as per Proposed Speed Control Measures (Sheet 1 of 2 and Sheet 2 of 2), Drawing Ref. Nos. 6334_4014_D and 6334_4015_C. Delivery of this infrastructure to be completed in conjunction with Phase 1 of the development.

Reason : In the interests of orderly development

8. No dwelling shall be occupied until all services (drainage, water supply, electricity and /or other energy supply, public lighting and roads) for each dwelling unit have been completed and are operational

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

9. Details of the materials, colours and textures of all external finishes to the proposed dwellings, ancillary structures and hard landscaping shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. [

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

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

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

11. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements, in writing where necessary, of the planning authority for such works and services.

Reason: In the interest of public health.

12. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and [residential] amenity.

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 the commencement of development.

Reason: In the interest of amenity and public safety.

14. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).

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

15. A road marking and traffic signs drawing shall be submitted and agreed with the local office in advance of the works commencing. Double Yellow Lining to be provided at all internal Junctions and Raised Tables / Pedestrian Crossing Locations to prohibit Car Parking within Sightline Triangles. (All signs and road markings shall be in accordance with the current Traffic Signs Manual).

Reason: In the interest of orderly development

16. All roads and 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 and Development Regulations 2001, as amended. These areas shall be shown in a drawing [a revised taking in charge 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.

17. 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 developer shall undertake an annual monitoring exercise to the satisfaction of the planning authority for the first five years following the completion and occupation of Phase 1 and shall submit the results to the planning authority for consideration and placement on the public file.

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

18. All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points.

Reason: In the interest of sustainable transportation

19. Proposals for an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to

the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility [and to ensure the use of locally appropriate placenames for new residential areas].

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

Reason: In order to safeguard the [residential] amenities of property in the vicinity.

21. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. This plan shall provide details of intended construction practice for the development with measures to reflect mitigation described in the submitted Ecological Impact Assessment, Watercourse Management Plan and Natura Impact Statement. 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 residential amenities, public health and safety and environmental protection

22. A wheel washing facility shall be provided for the duration of the construction period, adjacent to the site exit, the location and details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic safety and biosecurity.

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

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

24. 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 [within each house plot and/or for each apartment unit] shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained, and waste shall be managed in accordance with the agreed plan.

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

25. The landscaping masterplan, as submitted to the planning authority on the 10th day of September 2025 shall be carried out within 6 months of the date of commencement of each phase of the development.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of [five] years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the

sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

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

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

27. 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 transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and 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 and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

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

29. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains,

drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

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

30. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

31. The developer shall pay a financial contribution to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of works proposed to be carried out, for the provision of Contribution to Signalization of Junction 3 , Kennel Hill Junction with National Secondary Route, N72 & Proportional Contribution for Re-

Surfacing of L-9002-0 Access Route to Site, which benefits the proposed development. The amount of the contribution shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

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

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

Lucy Roche
Planning Inspector

20th March 2026

Appendix 1(a) - Form 1 - EIA Pre-Screening

An Bord Pleanála Case Reference	323904-25		
Proposed Development Summary	LRD – construction of 102 residential units		
Development Address	Annabella, Mallow, Co. Cork		
1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes	X	
	No		
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Class 10(b):	Proceed to Q3.
No			Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No	X		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	Relevant thresholds arising from Class 10(b): - Class 10(b)(i) – more than 500 dwelling units. - Class 10(b)(iv) – urban development in an area greater than 10ha	Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			

No		Screening determination remains as above (Q1 to Q4)
Yes	X	Screening Determination required

Inspector: _____ **Date:** _____

Appendix 1(b) – Copy of Form 2 - EIA Screening Determination (Note: Signed Copy (26/01/26), included under separate cover).

A. CASE DETAILS

An Bord Pleanála Case Reference	323904-25	
Development Summary	LRD comprising the construction of 102 residential units, a childcare facility, and all other site and development works	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	The planning authority concluded ‘...that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact report is not therefore required’
2. Has Schedule 7A information been submitted?	Yes	An Environmental Impact Assessment Screening Report (EIASR) has been submitted with the application and considers the EIA Directive (2011/92/EU, as amended by 2014/52/EU).
3. Has an AA screening report or NIS been submitted?	Yes	NIS submitted
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
5. Have any other relevant assessments of the effects on the environment which	Yes	<ul style="list-style-type: none"> - Ecological Impact Assessment - Water Framework Directive Assessment

<p>have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</p>		<ul style="list-style-type: none"> - Site Specific Flood Risk Assessment - Archaeological Impact Assessment - Construction Environmental Management Plan (CEMP) - Construction Resource Waste Management Plan (CRWP) - Preliminary Construction Traffic Management Plan - Preliminary Operational Waste Management Plan (pOWMP) - Watercourse protection plan - SEA was undertaken by the planning authority in respect of the Cork County Development Plan 2022-2028 	
<p>B. EXAMINATION</p>	<p>Yes/ No/ Uncertain</p>	<p>Briefly describe the nature and extent and Mitigation Measures (where relevant)</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	<p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p>
<p>This screening examination should be read with, and in light of, the rest of the Inspector’s Report attached herewith</p>			
<p>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</p>			
<p>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p>No</p>	<p>The project comprises the construction of a mid-scaled, low-medium-density residential scheme on zoned lands, contiguous to the established</p>	<p>No</p>

		<p>built-up-area that is characterised by residential development.</p> <p>The project does not differ significantly from the surrounding area in terms of character or scale.</p>	
<p>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	<p>Yes</p>	<p>The site is predominantly agricultural greenfield. The Leaselands Stream extends along the northern boundary of the site. The proposed scheme includes for an undeveloped 10m riparian buffer along the development side of the stream.</p> <p>The proposed residential land use would result in physical changes to the built environment at the site. The architectural approach taken for the design and layout of the scheme is consistent with the character of the existing and emerging pattern of development in the area).</p> <p>Accordingly, I do not consider that the physical changes arising from the project are likely to result in significant effects on the environment in terms of topography, land use, and hydrology/ hydrogeology.</p>	<p>No</p>
<p>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or</p>	<p>Yes</p>	<p>The project uses standard construction methods, materials and equipment, and the process would be managed through the implementation of the Construction Environmental Management Plan.</p>	<p>No</p>

<p>energy, especially resources which are non-renewable or in short supply?</p>		<p>Waste arising from the demolition and construction phase would be managed through the implementation of the Resource Waste Management Plan. There is no significant use of natural resources anticipated.</p> <p>While the project uses land, the lands are zoned for development and serviced. In this regard, the project would use land more efficiently and sustainably than at present (agricultural lands intensified through provision of mid-scaled, medium-density residential scheme). Otherwise, the operational phase of the project would not use natural resources in short supply.</p>	
<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>Construction phase activities require the use of potentially harmful materials, such as fuels and create waste for disposal. The use of such substances is typical of construction sites. Noise and dust emissions during the construction phase of the project would be likely. These works would be managed through implementation of the CEMP.</p> <p>The operational phase of the project would not involve the use, storage, or production of any harmful substance. Conventional waste produced from residential and childcare activity would be</p>	<p>No</p>

		<p>managed through the implementation of the OWMP.</p> <p>Accordingly, I do not consider this aspect of the project likely to result in significant effects on the environment in terms of human health or biodiversity</p>	
<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>Conventional waste would be produced from site preparation and construction activities, which would be managed through the implementation of the CEMP / RWMP.</p> <p>Operational phase of the project (i.e., the occupation of the residential units) would not produce or release any pollutant or hazardous material. Conventional operational waste would be managed through the implementation of the OWMP to obviate potential environmental impacts.</p>	<p>No</p>
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>Yes</p>	<p>The project involves groundworks etc to facilitate buildings, roads/ paths, open spaces, and site services.</p> <p>Standard construction methods, materials and equipment are to be used, and the process would be managed through the implementation of the CEMP and a RWMP.</p> <p>I direct the Commission to the response to Q: 2.1 below in respect of protected water bodies/ ecological designations, and to that of Q: 2.5 in</p>	<p>No</p>

		<p>respect of water resources including watercourses, waterbodies and flood risk.</p> <p>Accordingly, as risks of contamination to ground or water bodies are mitigated and managed, I do not consider this aspect of the project likely to result in a significant effect on the environment</p>	
<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes</p>	<p>Noise and vibration impact during the site development works are likely. These works are short term in duration, and impacts arising would be temporary, localised, and be managed through implementation of the CEMP.</p> <p>The operational phase of the project would likely result in noise and light impacts associated with the residential use and childcare service (increased traffic generation, use of open spaces, operation of the childcare facility) which are considered to be typical of such mid-scaled, medium-density schemes as proposed.</p> <p>Accordingly, I do not consider this aspect of the project likely to result in significant effects on the environment in terms of air quality (noise, vibration, light pollution).</p>	<p>No</p>
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>		<p>There is potential for water contamination, noise and dust emissions during the construction phase.</p>	<p>No</p>

		<p>Construction phase works would be managed through implementation of the CEMP. Site development works are short term in duration, and impacts arising would be temporary, localised, addressed by the mitigation measures. Operational phase of the project would not likely cause risks to human health through water contamination or air pollution due to the nature (residential, childcare uses) and design (SuDS features) of the scheme, connection to public water services systems, and scale of residential use/ activities arising.</p> <p>Accordingly, in terms of risks to human health, I do not consider this aspect of the project likely to result in a significant effect on the environment.</p>	
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	There is no risk of major accidents given nature of the project.	No
1.10 Will the project affect the social environment (population, employment)	Yes	The project would increase localised temporary employment activity at the site during site development works (i.e. site enabling and construction phases). The site development works are short term in duration and negative impacts arising would be temporary, localised, addressed by the mitigation measures in the CEMP.	No

		<p>The operational phase of the project (i.e. the occupation of the residential units) would result in increase in the population of Mallow. Such an increase is considered to constitute a slight impact in scale of effect. The childcare facility would cater for c.57 children.</p> <p>The receiving area is a developing suburban location, in relative proximity to wider education, amenities, services, public transport, and has the capacity to accommodate the impacts associated with the population increase.</p> <p>Accordingly, I do not consider this aspect of the project likely to result in a significant effect on the social environment of the area</p>	
<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>Yes</p>	<p>The site is zoned for residential development in the CDP. The zonings at the site and in the vicinity (i.e., existing and proposed residential) support the planed sustainable development of Mallow.</p> <p>As such, the site is part of a wider large-scale change in the area as envisaged by the planning authority in the CDP for the plan period.</p> <p>Notwithstanding, the site is serviced, and the project is standalone and not dependent on other development or services being provided.</p>	<p>No</p>

		<p>I direct the Commission to the response to Q: 3.1 below in respect of considerations of cumulative effects of the project.</p> <p>Within this planned context, I do not consider that cumulative significant effects on the area could be reasonably anticipated.</p>	
2. Location of proposed development			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> - European site (SAC/ SPA/ pSAC/ pSPA) - NHA/ pNHA - Designated Nature Reserve - Designated refuge for flora or fauna - Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 	Yes	<p>The project is not located in, on, or directly adjoining any European site, any designated or proposed NHA, or any other listed area of ecological interest or protection. A hydrological connection between the Blackwater River (Cork/Waterford) SAC and the sites exists via the Leaslands Stream and East Baltydaniel River.</p> <p>The EclA and NIS has considered the proximity and potential connections to designated/ecological sites. in the wider surrounding area. I am satisfied that there would be no significant effects on same.</p>	No
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging,</p>	Yes	<p>The site is not under any wildlife or conservation designation.</p> <p>An EclA has been submitted in support of the application.</p>	No

<p>resting, over-wintering, or migration, be affected by the project?</p>		<p>Field surveys were undertaken for the site on the 11th April 2024 to identify habitat types, plant species, and bat, mammal and bird species at the site.</p> <p>The dominant habitat is improved grassland. An area of wetland is present in the northern section of the site. other features identified during the site survey were hedgerows/treelines, scrub, spoil and bare ground, earth banks / spoil heaps, stonewall and other stonework; eroding upland river.</p> <p>No plant species protected under the Flora Protection Order were recorded. Himalayan Balsam a highly invasive species was identified on the southern bank of the stream. An invasive species management plan has been prepared for the site and submitted as part of the application.</p> <p>No species of conservation interest or habitats of high conservation value were identified within the Site or within the surrounding area. However, the site or parts thereof are suitable for commuting and foraging badgers and hedgehogs and, amphibians during terrestrial phase of their life cycle. A small mammal path was identified in the southwest corner of the site that could be utilised by a number of species.</p>	
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		<p>Bat field survey work recorded the presence of six bat species (Common pipistrelle, soprano pipistrelle, Leisler's bat, Nathusius' pipistrelle, brown long-eared bat, and Myotis species bats) using the hedgerows/ treelines in the site for foraging and commuting, but no roosting sites were identified.</p> <p>23 bird species were recorded.</p> <p>The site is not considered to be of high suitability or a site of importance for any Annex a or Annex II species or Red-listed species. The proposed landscaping scheme has been designed to compensate for any vegetation removed during site clearance works. Subject to mitigation as outlined in the EcIA and CEMP, the proposed development would be unlikely to result in any significant impacts on the ecological receptors identified both onsite and in the surrounding area.</p>	
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No</p>	<p>There are no landscape designations or protected scenic views at the site. There are no protected structures, recorded monuments or architectural conservation area designations at the site.</p> <p>An Archaeological Impact Assessment (AIA) has been prepared for the project. No potential archaeological finds, features or deposits were uncovered in the test trenches.</p>	<p>No</p>

<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No</p>	<p>There are no such resources on or close to the site.</p>	<p>No</p>
<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>Yes</p>	<p>The Leaselands Stream extends along the northern boundary of the site.</p> <p>A range of mitigation measures are identified in the CEMP, Watercourse Protection Plan and WFDA during the construction phase of the project to protect water quality and prevent pollution events.</p> <p>Operation phase impacts are addressed primarily through design, with several natural SuDS features incorporated into the surface water management system, including tree pits, permeable paving, swale, infiltration basin and filter drains. The surface-water drainage network will include the installation of dedicated attenuation facilities upstream of proposed outfall to the public network, to attenuate discharges to the undeveloped Greenfield run-off rates with the operation of proprietary hydro-brake flow-control devices. The attenuation facility is sized on the basis of a design storm with a 100-year return</p>	<p>No</p>

		<p>period and an additional 20% allowance for the effect of climate change.</p> <p>A Site-Specific Flood Risk Assessment accompanies the application. The site including all proposed residential dwellings is in Flood Zone C.</p> <p>Accordingly, I do not consider this aspect of the project likely to result in a significant effect on the environment in terms of watercourses and waterbodies.</p>	
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	There is no evidence identified of these risks	No
2.7 Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	Yes	<p>The site is accessed from Kennel Hill, part of the local road network, which connects with the N20 via Navigation Road /N72, c550m to the southeast of the site.</p> <p>During the site development works, the project would result in an increase in traffic activity (HGVs, workers) as construction equipment, materials, and waste are delivered to/ removed from the site. Site development works would be short term in duration and impacts arising would</p>	No

		<p>be temporary, localised, and managed under in the CEMP.</p> <p>The Traffic and Transportation Assessment (TTA) considers operation phase impacts for the project, predicting total vehicle trips (combined arrivals and departures) of 91 trips during the AM peak hour, and 118 trips in the PM peak hour, assesses four junctions in the local road network. The traffic modelling has indicated that the modelled junctions are likely to operate at or over capacity in the various future design year scenarios in peak hour periods. But this will be the case for all the modelled scenarios, including those modelled without the development traffic. The impact of the traffic from this development is proportionally small in relation to both the adjoining development and the existing traffic already on the local road network. Due to the urban nature and proximity to the town centre, a certain level of congestion is to be expected during peak times and the proposed traffic volumes are considered within the norms of a busy urban environment.</p>	
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		<p>Accordingly, I consider the applicant has demonstrated that the key transport routes in the vicinity of the site will not be congested due to or otherwise affected by the project.</p>	
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p>		<p>There are no sensitive community facilities, such as hospitals or schools, in proximity to the site and/ or that could be significantly affected by the project.</p> <p>A School Demand Assessment was submitted with the application this document concludes that Mallow is well serviced by existing primary and secondary school provision, that such facilities are within an accessible walking distance of the site and that the proposed development would not result in any negative impact on the capacity of primary and secondary school facilities throughout the settlement of Mallow.</p> <p>Site development works would be implemented in accordance with the CEMP which includes mitigation measures to protect the amenity of adjacent properties and residents.</p> <p>The operational phase of the project would cause an increase in activity at the site (traffic generation, use of public and private open spaces, operation of the childcare facility) which would likely be typical of a development of the</p>	

		nature / scale proposed, in outer suburban locations such as the receiving area and would be anticipated as being well within acceptable parameters for same.	
3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	Yes	Existing and/ or approved planning consents in the vicinity of the site have been noted in the application documentation and associated assessments, e.g. in respect of the NIS, and TTA. However, these developments are of a nature and scale that have been determined to not have likely significant effects on the environment. No cumulative significant effects on the area are reasonably anticipated	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	There are no transboundary effects are arising	No
3.3 Are there any other relevant considerations?	No	No other issues arise	No
C. CONCLUSION			
No real likelihood of significant effects on the environment.	X	EIAR Not Required	

Real likelihood of significant effects on the environment.		EIAR Required
D. MAIN REASONS AND CONSIDERATIONS		
<p><i>EG - EIAR <u>not</u> Required</i></p> <p>Having regard to: -</p> <ol style="list-style-type: none"> 1. the criteria set out in Schedule 7, in particular <ul style="list-style-type: none"> (a) the nature and scale of the proposed housing development, in an established residential area served by public infrastructure (b) the absence of any significant environmental sensitivity in the vicinity (c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended) 2. the results of other relevant assessments of the effects on the environment submitted by the applicant and the results of the Strategic Environmental Assessment of the Cork County Development Plan 2022-2028 under the SEA Directive 3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, including those identified in the Construction Environmental Management Plan, Ecological Impact Assessment, Natura Impact Assessment, Water Framework Directive Assessment, Watercourse Protection Plan, Operational Waste Management Plan, and Archaeological Impact Assessment. <p>The Commission concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.</p>		
Note: Signed Copy included under separate cover.		

Appendix 2 (a) Screening for Appropriate Assessment

Step 1: Description of the project and local site characteristics

Brief description of project

Large-scale residential development comprising 102no. residential units and a creche, on a site area of 4.23ha at Annabella, Mallow, County Cork. Improved grassland is the dominant habitat on site.

Foul water from the proposed development will drain, via the existing public sewer, to the Mallow WWTP (EPA Licence No. D0052-01) for treatment before ultimately discharging to River Blackwater.

Surface water at the proposed development is to be managed in accordance with the principals and objectives of Sustainable Drainage Systems (SuDS) and the Greater Dublin Sustainable Drainage System (GDSDS) to treat and attenuate water prior to discharge to the Leaslands Stream.

Water supply to the proposed development will be from the existing UÉ watermain, located in the adjacent Annabella Park estate.

Brief description of development site characteristics and potential impact mechanisms

The project site comprises c. 4.23ha of predominantly greenfield land within the urban area of Mallow.

The site is bordered to the north by the Leaselands stream and to the NW by Broadleaved woodland. The topography of the site slopes downwards towards the stream. The Leaselands Stream flows in a south-easterly direction, is culverted under the railway line and associated carpark, and drains into the East Baltydaniel River, ca. 505m downstream of the Site. The East Baltydaniel River flows under commercial lands before outflowing to the Blackwater River c. 1.2km downstream of the confluence with the Leaselands stream. The Blackwater River forms the designated European sites of the Blackwater River (Cork/Waterford) SAC and eventually forms part of the Blackwater Callows SPA, c. 27.5km east of the site at its closest point.

Site walkover and habitat surveys were undertaken on the 11th of April 2024 and the 14th of January 2025 to assess the extent and the quality of habitats present on the site and to identify any potential ecological receptors associated with natura 2000 sites.

An Otter survey was also undertaken on the 14th of January 2025. No evidence of Otter activity was identified, and the site is unlikely to be of any value to otters. A winter bird transect survey was undertaken at the site to determine whether or not the site is utilized by wintering bird species. Breeding bird surveys were also undertaken during the 2024 breeding season; these surveys were conducted on the 11th of June 2024 and the 9th of July 2024. A specific Kingfisher survey was conducted on the 14th of January 2025. The site was assessed for its suitability to support Kingfisher and the Leaselands Stream was examined for features considered suitable for breeding and foraging

	<p>Kingfisher. The site was not deemed suitable for wintering birds and no signs of Kingfisher were observed.</p> <p>Himalayan Balsam and winter Heliotrope were identified on the southern bank of the Leaselands Stream. No other invasive species were noted. An Invasive Species Management Plan has been submitted as part of the application.</p>
Screening report	Yes
Natura Impact Statement	Yes
Relevant submissions	No issues / concerns have been raised in the grounds of appeal regarding appropriate assessment or potential impact of the development on European Sites.
Step 2. Identification of relevant European sites using the Source-pathway-receptor model	
<p>One European site, the Blackwater River (Cork/Waterford) SAC, is potentially within a zone of influence of the proposed development. I note that the screening report also considered the Kilcolman Bog SPA (004095) c11.5km to the northeast but ruled it out for further examination due to the separation distance between it and the proposed development, the nature and scale of the proposed development, the absence of relevant qualifying interests in the vicinity of the works, the absence of ecological and hydrological pathways and to the conservation objectives of the designated site.. I am satisfied that the Kilcolman Bog SPA (004095) can be excluded from further consideration.</p>	

European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Blackwater River (Cork/Waterford) SAC (002170)	<ul style="list-style-type: none"> • Estuaries • Mudflats and sandflats not covered by seawater at low tide • Perennial vegetation of stony banks • Salicornia and other annuals colonising mud and sand • Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) • Mediterranean salt meadows (<i>Juncetalia maritimi</i>) • Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation • Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles • Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) • <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) • <i>Austropotamobius pallipes</i> (White-clawed Crayfish) • <i>Petromyzon marinus</i> (Sea Lamprey) • <i>Lampetra planeri</i> (Brook Lamprey) • <i>Lampetra fluviatilis</i> (River Lamprey) 	385m	Indirect hydrological connection via the Leaslands Stream and East Baltydaniel River	Yes

	<ul style="list-style-type: none"> • Alosa fallax fallax (Twaite Shad) • Salmo salar (Salmon) • Lutra lutra (Otter) • Vandenboschia speciosa (Killarney Fern) 			
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Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

Site name	Possibility of significant effects (alone) in view of the conservation objectives of the site*		
Qualifying interests			
	Impacts	Effects	
<p>Blackwater River (Cork/Waterford) SAC (002170)</p> <ul style="list-style-type: none"> • Estuaries • Mudflats and sandflats not covered by seawater at low tide • Perennial vegetation of stony banks 	<p>Direct: None</p> <p>Indirect:</p> <ul style="list-style-type: none"> • Surface water run-off containing contaminant or sediment - Habitat loss and degradation via potential water quality deterioration • Increased noise and disturbance during construction • Discharge from Mallow WWTP 	<ul style="list-style-type: none"> • Effects associated with pollution during construction works – decrease in water quality. • Disturbance of QI Species during construction phase. <p><u>Mallow WWTP</u></p> <p>Upgrade works to the Mallow WWTP were completed in 2023. Uisce Eireann have confirmed that (via Pre-connection Inquiry) that a connection to the Mallow</p>	

<ul style="list-style-type: none"> • Salicornia and other annuals colonising mud and sand • Atlantic salt meadows (Glauco-Puccinellietalia maritima) • Mediterranean salt meadows (Juncetalia maritimi) • Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation • Old sessile oak woods with Ilex and Blechnum in the British Isles • Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, 		<p>WWTP can be facilitated without upgrade. Having reviewed Uisce Eireann's 2024 Annual Environmental Report (AER) I note that the Mallow WWTP is compliant with emissions limit values, has 5,258 population equivalent (PE) remaining organic capacity and therefore can accommodate the PE from the proposed LRD. It is not expected that foul waters generated by the Proposed Development will present any source of significant impacts to the Blackwater River SAC post treatment and discharge from Mallow WWTP. Potential impacts from this effect mechanism can therefore be ruled out.</p>
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<p>Alnion incanae, Salicion albae)</p> <ul style="list-style-type: none"> • Margaritifera margaritifera (Freshwater Pearl Mussel) • Austropotamobius pallipes (White-clawed Crayfish) • Petromyzon marinus (Sea Lamprey) • Lampetra planeri (Brook Lamprey) • Lampetra fluviatilis (River Lamprey) • Alosa fallax fallax (Twaite Shad) • Salmo salar (Salmon) • Lutra lutra (Otter) • Vandenboschia speciosa (Killarney Fern) 		
<p>Likelihood of significant effects from proposed development (alone):</p>		<p>Yes</p>

If No, is there likelihood of significant effects occurring in combination with other plans or projects?

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

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

Appendix 2(b): Appropriate Assessment

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed LRD in view of the relevant conservation objectives of the Blackwater River (Cork/Waterford) SAC based on scientific information provided by the applicant.

The information relied upon includes the following:

- Natura Impact Statement (NIS) prepared by Malone O'Regan Environmental
- National Parks and Wildlife Service Conservation Objectives Supporting Document (July 2012) and related publications.
- Appropriate Assessment of Plans and Projects in Ireland, Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009).
- Managing Natura 2000 sites, The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC (European Commission, 2019).

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

Submissions/observations

No specific issues raised in the appeal submissions in relation to AA. Concerns were raised in the appeal regarding the potential for runoff from the site to enter the stream during construction and the impact of the loss of tree / wildlife corridor on bats, and the lack of adequate mitigation to address these concerns.

Blackwater River (Cork/Waterford) SAC (002170)

Summary of Key issues that could give rise to adverse effects (from screening stage):

- Potential disturbance to designated species during construction; and,
- Potential impairment of water quality during the construction phase.

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures (summary) Detailed list of measures outlined on pages 47 to 55 of the NIS
Fresh Water Pearl Mussel 1029	To restore the favourable conservation condition, defined by, inter alia, restore to 35,000 adult mussels, restore water quality-macroinvertebrates and restore substratum quality-stable cobble and gravel substrate with very fine material.	Effects associated with pollution during the construction works- Decrease in water quality	<p><u>Construction Phase</u></p> <ul style="list-style-type: none"> • Adherence to relevant legislation and best practice measures • Construction stage works will be undertaken in accordance with the approved CEMP and Watercourse Protection Plan • Employment of an Ecological Clerk of Works to ensure that the mitigation and best practice measures will be fully implemented. <p><u>Operational Phase</u></p> <ul style="list-style-type: none"> • SuDS measures to retain and filter pollutants and remove suspended solids.
White-clawed Crayfish 1092	To maintain the favourable conservation condition, defined by, inter alia, no reduction in the baseline (illustrated in Map 9 of the NPWS Conservation Objectives supporting document	Effects associated with pollution during the construction works- Decrease in water quality	

	2012), and water quality with at least a q-value of Q3-4 at all sites sampled by the EPA.		<ul style="list-style-type: none"> The storm drainage system with associated hydrocarbon interceptors and silt collection will be cleaned and maintained on an on-going basis throughout its lifetime in a manner and frequency that is in line with guidelines with other SuDS aspects such as swales, tree pits and filter drains.
Sea Lamprey 1095	To restore the favourable conservation condition, defined by, inter alia, no decline in extent and distribution of spawning beds	Effects associated with pollution during the construction works- Decrease in water quality	As Above
Brook Lamprey 1096	To maintain the favourable conservation condition, defined by, inter alia, no decline in extent and distribution of spawning beds.	Effects associated with pollution during the construction works- Decrease in water quality	
River Lamprey 1099	To maintain the favourable conservation condition, defined by, inter alia, no decline in extent and distribution of spawning beds.	Effects associated with pollution during the construction works- Decrease in water quality	

Salmo salar (Salmon)	To maintain the favourable conservation condition, defined by, inter alia, no decline in number and distribution of spawning redds due to anthropogenic causes and q-values of at least Q4 at all sites sampled by the EPA.	Effects associated with pollution during the construction works- Decrease in water quality	As above
Lutra lutra (Otter)	To restore the favourable conservation condition, defined by, inter alia and no significant decline in distribution or habitat (terrestrial and river).	<ul style="list-style-type: none"> • Effects associated with pollution during the construction works - Decrease in water quality.; and, • Disturbance during the construction phase. 	Water Quality - As Above. Disturbance: <ul style="list-style-type: none"> • restricted construction hours • selection of quiet machinery and plant • minimise vehicles idling on site
Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation	To maintain the favourable conservation condition, defined by, inter alia, no decline in habitat distribution, a stable or increasing habitat area and sufficiently low concentration of nutrients in the water column.	Effects associated with pollution during the construction works- Decrease in water quality.	Water Quality - As Above

Old sessile oak woods with Ilex and Blechnum in the British Isles	To restore the favourable conservation condition, defined by, inter alia, a stable or increasing habitat area and no decline in habitat distribution.	None (nearest recorded location >10km)	None required
The following qualifying interests are located over 50 km downstream of the proposed development site and no impact on these habitats is predicted given the distance and potential dilution:			
Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)	To restore the favourable conservation condition, defined by, inter alia, a stable or increasing habitat area and no decline in habitat distribution	None	None required
Alosa fallax fallax (Twaite Shad)	To restore the favourable conservation condition, defined by, inter alia, no decline in extent and distribution of spawning habitats, oxygen levels no lower than 5mg/l and to maintain stable gravel substrate with very little fine material.	None Given the lack of suitable habitat and the absence of records for twaite shad in the vicinity of the Site this species can be screened out of this assessment. While this species may utilise the lower reaches of the SAC, it is considered unlikely any pollution event would impact this species given the hydrological distance (ca. 85km) between the Site and the known habitat of the twaite shad. Therefore, it is reasonable to conclude that any potential pollutants from the construction phase of the Proposed Development will not reach this species. Therefore, this species has been screened out from further consideration.	None
Vandenboschia speciosa (Killarney Fern)	Maintain favourable conservation condition	None – (As per Twaite Shad)	None required

Estuaries	Maintain favourable conservation condition	None – No impact pathways	None required
Mudflats and sandflats not covered by seawater at low tide	Maintain favourable conservation condition	None	None required
Perennial vegetation of stony banks	Maintain favourable conservation condition	None – No impact pathways	None required
Salicornia and other annuals colonising mud and sand	Maintain favourable conservation condition	None – No impact pathways	None required
Atlantic salt meadows (Glauco-Puccinellietalia maritimae)	Restore favourable conservation condition	None – No impact pathways	None required
Mediterranean salt meadows (Juncetalia maritimi)	Maintain favourable conservation condition	None – No impact pathways	None required

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

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

(a) Water quality degradation

Good quality water is necessary to maintain the populations of the qualifying interest species listed. Should pollutants from the proposed development enter the nearby watercourses through surface water run-off or via the onsite drainage system discharging into the River Blackwater, this could adversely affect the water quality. This can subsequently adversely affect the Annex I habitats and Annex I / II species protected under the Blackwater River SAC. The NIS considers it highly unlikely that the construction works will have any adverse effect on water quality within the SAC, as there will be no direct discharges to the Leaselands Stream. Notwithstanding, a range of precautionary principal mitigation measures are proposed to protect the water quality

Mitigation Measures

Avoidance measures have been integrated into the project design which will serve to protect water quality of the Blackwater River (and downstream designated sites). This includes attenuation and Sustainable Drainage Systems measures, such as permeable pavement, infiltration basins, filter drains, tree pits, attenuation tanks, flow control devices at the outfall of the surface water catchments (to ensure pre-development greenfield release rates are maintained), petrol interceptors (i.e. fuel / oil separators with silt collection capacity), swales, rain gardens, green / sedum roofs, raised planters and maintenance of existing trees and hedgerows where possible. These measures effectively control water quantity and quality, preventing pollution or changes to the hydrological regime that could affect aquatic habitats. The storm drainage system with associated hydrocarbon interceptors and silt collection will be cleaned and maintained on an on-going basis throughout its lifetime in a manner and frequency that is in line with guidelines.

During construction, best practice measures will be implemented including the carrying out of the works in accordance with the approved Construction and Environmental Management Plan (CEMP) and Watercourse Protection, the employment of an ecological

clerk of works, an emergency response plans, installation of a surface water management infrastructure, the preparation of a silt management plan and incorporation of silt fencing, proper management of stock piles and storage of fuels etc.

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

(b) Disturbance of mobile species (Otter)

Previous national and regional studies of Otter in the Blackwater (Munster) have determined that the Blackwater River and Catchment provides an important stronghold for Otter in the southwest, with evidence of this species presence recorded across the Blackwater River Catchment. However, it is considered that the proposed development will result in minimal disturbance to protected mammal species utilising the SAC. This is due to the fact that the Blackwater River (Cork/Waterford) SAC is located c. 385m from the Proposed Development, that all residential infrastructure (housing units) will be situated c.50 meters from the Leaselands Stream, and with all associated pedestrian pathways situated c.35m from the Leaselands Stream at its closest point. This buffer zone provides sufficient separation to prevent construction disturbances such as noise, artificial lighting, or human activity from directly impacting the stream or its associated riparian habitats, which otters may use for foraging or commuting. Furthermore, the site is comprised primarily of agricultural grassland, with sections of hedge/ treeline. Whilst the Site may provide some foraging opportunities, the onsite habitats are common within the wider area and are subject to regular disturbances from agricultural practices. Overall, the site is not considered optimal or a site of importance for otter based on the onsite habitats and management of the site. Whilst otter within the immediate vicinity of the site may be subject to temporary disturbances during the construction phase, it is not considered that these disturbances will result in significant effects on these species, given the fact that otter are highly

mobile and will move to a suitable area elsewhere. It is therefore concluded that any potential increases in noise as a result of the Proposed Development will not adversely affect these species. Irrespective of this, mitigation measures are proposed to ensure that there are no adverse effects to noise emission. These measures include:

- Construction Phase of the Proposed Development will be limited to 07:00 and 19:00 hours Monday to Friday inclusive and 08:00 and 14:00 hours on Saturdays, thereby limiting the noise effects on crepuscular species, such as otter.
- In advance of works, all Site personnel will receive a Site induction or toolbox talk which will include reference to measures detailed in the CEMP.
- Activities and deliveries to the Site to occur only during permitted hours.
- All plant where possible shall be low noise rated.

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

All Mitigation measures are captured in planning condition number 2 recommended above.

In-combination effects:

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

Findings and conclusions

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

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

Appendix 3: WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
ACP ref. no.	323904-25	Townland, address	Annabella, Mallow, Co. Cork
Description of project		Large-scale residential development: comprising 102 no. residential units and a childcare facility.	
Brief site description, relevant to WFD Screening,		<p>The proposed development site is dominated by improved agriculture grassland. This is a managed habitat with low diversity.</p> <p>The Site is situated within the Blackwater (Munster) WFD Catchment [Catchment_ID: 18] and the Blackwater (Munster)_SC_090 subcatchment [Subcatchment_ID: 18_21] [15].</p> <p>As per EPA maps, there are four hydrological features of note within close proximity to the Site.</p> <ol style="list-style-type: none"> 1. The Leaselands Stream: The Leaselands Stream is located directly adjacent to the northern boundary of the Site. It flows in a south-easterly direction, is culverted under the railway line and associated carpark, and drains into the East Baltydaniel River, ca. 505m downstream of the Site. 2. East Baltydaniel River: The East Baltydaniel River is located to the east of the Site, ca. 290m at its closest point. This watercourse flows under commercial lands before outflowing to the Blackwater River ca. 1.2km downstream of the confluence with the Leaselands stream. 3. The Blackwater (Munster) River: The Blackwater (Munster) River is located to the south of the Site, ca. 500m at its closest point. It forms the designated European sites of the Blackwater River (Cork/Waterford) SAC and the Blackwater Callows SPA, which are located ca. 27.5km downstream of the Site. 	

	<p>4. The Annabella Stream: The Annabella stream is located to the southwest of the Site, ca.640m at its closest point. This river drains into the Blackwater River ca. 340m from the closest point to the Sites and forms part of the Blackwater River (Cork/Waterford) SAC.</p>
Proposed surface water details	<p>The completed development site is a mix of soft landscaping and hard paving or roofing.</p> <p>The development has a single catchment area.</p> <p>The proposed storm water drainage system has been designed to cater for all surface water runoff from all hard surfaces within the proposed development, including roadways, roofs, parking areas, etc.</p> <p>The proposed surface water drainage network will collect surface water runoff from the Site via a piped network prior to discharging off-site via the bioretention tank / attenuation tank, flow control devices and separator arrangement.</p> <p>Final discharge rates will be at Qbar greenfield run-off rates.</p> <p>Prior to entering the system, the stormwater generated will be treated through a number of nature-based solutions in line with adopted SuDs measures.</p> <p>The stormwater network and infiltration basin are designed to accommodate the 100-year return period plus an additional 20% to account for the effects of climate change.</p>
Proposed water supply source & available capacity	<p>Connection to the public network identified.</p>
Proposed wastewater treatment system & available capacity, other issues	<p>The foul discharge from the LRD would drain, via the existing public sewer, to the Mallow WWTP for treatment and ultimately discharge to the Blackwater River.</p>
Others?	<p>Not applicable</p>
<p>Step 2: Identification of relevant water bodies and Step 3: S-P-R connection</p>	

Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status SW 2019-2024	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface runoff, drainage, groundwater)
River Waterbody	Adjacent to northern boundary	BLACKWATER (MUNSTER)_130	Good	Review		There is a hydrological connection between the proposed development and the Blackwater (Munster)_130 waterbody. This waterbody has been chosen as a suitable surface water discharge point for the Proposed Development. The Blackwater (Munster)_130 waterbody flows into the Blackwater (Munster)_140, and
River Water body	c.1.7km	BLACKWATER (MUNSTER)_140	Good	Not at Risk		
River Waterbody	+c.2.7km	BLACKWATER (MUNSTER)_150	Good	Not at Risk		
River Waterbody	+c. 1.8km	BLACKWATER (MUNSTER)_160	Good	At risk	Agriculture Domestic wastewater Anthropogenic	

							subsequently into the Blackwater (Munster)_15 0 and the Blackwater (Munster)_16 0, hence there in an indirect hydrological connection between the Proposed Development and these river waterbodies.
Groundwater	Underlying site	Rathmore West	Good	Not at risk			Drainage
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.

1.	Clearance works/ Construction	Blackwater (Munster)_130	Surface water runoff	Temporary. Potential to impair its Hydromorphology quality; Biological quality and physico-chemical quality from accidental release of hydrocarbons and/or other materials such as cement onsite	Standard Construction Measures / Conditions including submission and compliance with CEMP and the Watercourse Protection Plan	No	Screened out:
2.	Clearance works/ Construction	Blackwater (Munster)_140	As above	As above	As above	No	Screened out
3.	Clearance works/ Construction	Blackwater (Munster)_150	As above	As above	As above	No	Screened out
4.	Clearance works/ Construction	Blackwater (Munster)_160	As above	As Above			
5.	Clearance works/ Construction	Rathmore West GWB	Drainage	Hydrocarbon Spillages	As above	No	Screened out
OPERATIONAL PHASE							
1.	Surface water drainage	Blackwater (Munster)_130	Surface water discharge to	impact on Hydromorphology quality	Implementation of SuDS measures as	No	Screened out

			Leaslands Stream and downstream water bodies	Biological water quality and physico-chemical quality	outlined in Drainage Impact Assessment		
2.	As above	Blackwater (Munster)_140	As above	As above	As above	No	Screened out
3.	As Above	Blackwater (Munster)_150	As above	As above	As above	No	Screened out
4.	As Above	Blackwater (Munster)_160	As above	As above	As above		
5.	Drainage	Rathmore West GWB	Drainage	Hydrocarbon Spillages – chemical quality	As above	No	Screened out
DECOMMISSIONING PHASE N/A							