



An
Coimisiún
Pleanála

Inspector's Report

ACP-324245-26

Development

Demolishing 1,165 sq.m of former mill structures and vacant dwellings to construct 128 residential units, comprising 92 new houses, 25 apartments converted from old mill buildings, and 11 homes created by converting or repairing historic structures like Rosehill and Eastville Houses. The mixed-use project also features a new crèche, café, substation, and the conversion of mill buildings into two retail units, an office, and a medical centre. Supporting infrastructure includes roads, open spaces, a play area, 214 car spaces, 114 cycle spaces, EV charging, and two access points off Rose Lane and Cloyne Road. A Natura Impact Statement (NIS) was submitted with this application -

<https://ballinacurramillrd.com>

Location

Former Ballinacurra Mill Buildings (Protected Structure Ref. 523),
Rosehill House (Protected Structure

	Ref. 520), and Eastville House (NIAH Ref. 20907636), Ballinacurra, Ballynacorra West, Midleton, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	260282
Applicant(s)	Ballinacurra Project Limited Partnership
Type of Application	Large-Scale Residential Development
Planning Authority Decision	Grant Permission
Type of Appeal	First Party Third Party
Appellant(s)	Ballinacurra Project Limited Partnership (First Party) Patrick Foley (Third Party) Tim O'Leary (Third Party)
Observer(s)	None
Date of Site Inspection	23 rd June 2026
Inspector	Emma Nevin

Contents

1.0 Introduction	4
2.0 Site Location and Description	4
3.0 Proposed Development	6
4.0 Planning Authority Pre-Application Opinion	11
5.0 Planning Authority Decision	14
6.0 Planning History.....	23
7.0 Policy Context.....	23
8.0 The Appeal	42
9.0 Assessment.....	48
10.0 Water Framework Directive (WFD).....	135
11.0 Appropriate Assessment	136
12.0 Environmental Impact Screening.....	137
13.0 Recommendation	140
14.0 Recommended Commission Order	140
15.0 Conditions	148

Appendices A - D

1.0 Introduction

- 1.1. This is an assessment of an application for a proposed large-scale residential development (LRD) submitted to Cork County Council under the provisions of the Planning and Development Act, as amended (hereinafter referred to as 'the Act'). This application was granted permission by the Planning Authority and subsequently appealed by the first party (re: Condition No. 21) and two (2 no.) third parties to An Coimisiún Pleanála.

2.0 Site Location and Description

- 2.1. The subject site comprises an irregular-shaped landholding extending to approximately 3.67 hectares, centrally positioned within the village settlement of Ballinacurra. Ballinacurra is considered part of the wider Midleton area, functioning as a closely linked suburban village and historical port on the southern outskirts of Midleton. The site exhibits two distinct character areas, with the western section hosting Rosehill House and its associated residential curtilage, while the larger eastern section forms the main body of the holding and is occupied by a substantial, disused commercial mill complex.
- 2.2. The northern perimeter of the site, which constraints the primary road frontage, features a dense concentration of built fabric. The principal mill building occupies a central position along this northern boundary and consists of a complex of interconnected, multi-storey blocks of varying massing. Immediately to the west of the mill complex sits Eastville House, a residential house facing north directly onto Upper Road, while a separate two-storey dwelling occupies the north-eastern corner plot adjacent to the Carneys Cross Road junction. To the rear of the primary mill buildings, the internal site area contains ancillary industrial structures, including a series of sheds, stores, and corrugated steel grain silos.
- 2.3. The topography of the site changes significantly towards the rear, where a steep embankment runs continuously along the southern boundary. This embankment is heavily populated with mature tree planting, establishing a robust environmental and visual buffer zone. This heavily vegetated ridge effectively segregates the internal commercial and industrial structures from the established residential estate located immediately to the south of the subject landholding.

- 2.4. The subject site is bounded to the north and east by public roads, which define its primary structural street frontages. To the south, the site shares a boundary with an established residential housing estate, where a row of detached dwellings backs directly onto the subject lands. Rosehill House and its associated residential curtilage occupy the westernmost portion of the overall landholding. This specific western quadrant is entirely enclosed and bounded to the north, south, and west by existing housing developments.
- 2.5. I note that several heritage designations apply to the existing buildings on site. There are 2 no. Protected Structures in place:
- Rosehill House. RPS No. 520 - NIAH (20907635 national significance) and archaeological monument (Co076-044 country house);
 - Ballinacorra Mill, RPS No. RPS 523.

The Mill complex contains several NIAH sites of regional significance including:

- 20907637- J.H. Bennett and Company: Malt House (which relates to the main mills block facing the street and erected in the late 19th century)
- 20907639 – Malt House expansion c.1920
- 20907636 – Eastville House, a detached five bay two storey house built in the late 18th century. The NIAH have recorded a similar house on the other side of the street-
- 20907634. It is possible that these buildings were associated with the milling complex and may have housed managers or owners.
- The milling complex is also an archaeological monument (CO076-75-).

- 2.5.1. I note that Rosehill House is referred to interchangeably throughout the various documents, i.e. application documentation and third party appeals, and internal department reports included in the Area Planners report reference both Rosehill and Rose Hill House, respectively. I note that both refer to the same dwelling on site. For consistency, I will refer to the property as Rosehill House in the following report and assessment.

3.0 Proposed Development

3.1. The proposed development comprises of the following:

Demolition Works

- The demolition of 1,165sq.m of structures associated with the former Mill and demolition of 3 no. vacant dwellings, outbuilding associated with Eastville House and an extension to the rear of Rosehill House, all of which are Protected Structures.

Construction Works

The provision of 128 residential units, (103 dwellings and 25 no. apartments) as follows:

- Construction of 92 no. new dwelling houses ranging from 2 to 3 storeys in height (comprising of 39 no. 2 bedroom houses, 36 no. 3 bedroom houses and 17 no. 4 bedroom houses),
- The conversion/change of use of existing structures to 8 no. dwelling houses (1 no. 3 bedroom dwelling in Rosehill House outbuildings and 3 no. 2 bedroom dwellings and 4 no. 3 bedroom dwellings in the Mill Buildings),
- The repair and conservation of Rosehill House to 1 no. 4 bedroom dwelling, and conversion of Eastville House to 1 no. 2 bedroom dwelling and 1 no. 3 bedroom dwelling,
- The conversion/change of use of existing mill building structures ranging from 3 to 4 storeys in height, to 25 no. apartments (comprising of 1 no. ground floor Studio and 10 no. 1 bedroom apartments and 14 no. 2 bedroom apartments in existing Mill buildings from first to third floor);
- 1 no. single storey creche;
- 1 no. single storey café;
- 1 no. ESB substation;
- Conversion/change of use of former mill buildings into 2 no. ground floor retail units, 1 no. ground floor commercial office unit and 1 no. ground floor medical centre unit.

- 214 car park spaces, 114 cycle spaces, EV charging spaces.
- 2 no. access points (one off Rose Lane and one off Cloyne Road, R629).

Ancillary and Supporting Works

- Drainage infrastructure,
- All associated site works including play area, landscaping and boundary treatments.
- It is also proposed to carry out new car parking arrangements along part of Rose Lane to the north of the site measuring c.0.057 hectares (bringing gross site area to c.3.677 ha).

3.2. Key Development Statistics are outlined in the following tables below – as per the Architectural Design Statement:

3.1 Scheme Summary - Site

Nett Site Area	3.62 ha
No. of Dwellings	128
No. of Houses / 94 New & 9 Existing Buildings	103
No. of Apartments	25
Site Density	43 units/ha
Density - Zone A	50 unit/ha
Density - Zone B	12.5 units/ha
Total Public Open Space Area	5,090 sqm
Useable Public Open Space Area	4,660 sqm
Useable Public Open Space	13%
Gross Floor Area - Total (Residential, Creche, Café & Commercial)	14,642 sqm
Gross Residential Floor Area (Dwellings & Apartments)	13,811 sqm (13,268 + 543 Common Areas)
Gross Commercial Floor Area	831 sqm
Crèche	1 / 223 sqm
Commercial – Medical, Retail & Office	3 / 539 sqm
Café	1 / 69 sqm
Gross Mill Floor Area (Change of Use)	3,475 sqm
Total Car Parking	214
Total Bicycle Parking	114

Table 3.1

3.4 Scheme Summary - Houses

Unit Type	House Type	Bed Rooms	Bed Space	Minimum Unit Area provided (sqm)	No. of Units	Total Bed Space	Total no. of Units	Mix %	Total Mix %
2 Bed Detached	H5, H6	2	3	80	3	9	9	8%	2Bed
2 Bed Detached	G10, M1, M2, M3, M4	2	4	83	6	24			41%
2 Bed Semi-detached / End of Terrace	H1, H2, H3, H4, H7, J1, Eastville House No.2	2	3	80	8	24	21	20%	
2 Bed Semi-detached / End of Terrace	G1, G2, G3, G5, G6, G7, G8, G9, N1, N4, Mill Building House No. 7	2	4	83	13	52			
2 Bed Terraced	H7	2	3	87	2	6	13	13%	
2 Bed Terraced	G1, G4, N2, N3 Mill Building House No. 4, Mill Building House No. 5	2	4	87	11	44			
3 Bed Detached	Rosehill Outbuilding, Mill Building House No. 9	3	4	91	2	8	16	15.5%	3Bed
3 Bed Detached	C5, D5, D8, E1, E4, F5, F6, K1, L1, L2	3	5	100	14	70			41%
3 Bed Semi-Detached / End of Terrace	B3, C1, C2, C3, C4, D1, D3, D4, D7, E2, E3, F1, F2, F3, F4, Eastville House No. 1	3	5	100	15	75	16	15.5%	
3 Bed Semi-Detached	Mill Building House No.3	3	6	122	1	6			
3 Bed Terraced	Mill Building House No. 8	3	4	96	1	4	10	10%	
3 Bed Terraced	B1, B2, D2, E3, Mill Building House No. 6	3	5	100	9	45			
4 Bed Detached	A1, A4, Rose Hill House	4	8	157	3	24	3	3%	4Bed
4 Bed Semi-Detached	A2, A3, A5	4	8	157	14	98	14	14%	18%
4 Bed Terraced	D6	4	7	140	1	7	1	1%	
Total					103	496			

Table 3.2

3.5 Scheme Summary – Apartments

Unit Type	Apt Type	Bed Rooms	Bed Space	Minimum Unit Area provided (sqm)	No. of Units	Total Bed Space	Total no. of Units	Mix %	Total Mix %
Studio	A0	1	2	38	1	2	1	4%	4%
1 Bed Apartment	A1, A2, C3, D1, D2, D3, E1, E2, J1, J2	1	2	48	10	20	10	40%	40%
2 Bed Apartment	B1, B2, C1, C2, F1, F2, G1, G2, H1, H2, I1, I2, L	2	3	69	13	39	14	56%	56%
2 Bed Apartment	K	2	4	116	1	4			
Total					25	65	25		

Table 3.3

3.6 Scheme Summary – Overall Unit Mix

Unit type	No. of Units	Total Unit Mix %
Studio/ 1 Bed	11	9%
2 Bed	57	44%
3 Bed	42	33%
4 Bed	18	14%
Total	128	

Table 3.4

This equates to a unit mix as follows:

25 apartments in a mix of:

- 1 studio;
- 10 no. 1-bed apartments; and,
- 14 no. 2-bed apartments.

103 houses in a mix of:

- 43 2-bed dwellings (comprising 9 detached dwellings, 22 semi-detached dwellings, and 12 terraced dwellings);
- 42 3 bed dwellings (comprising 15 detached dwellings, 18 semi-detached dwellings and 9 terraced dwellings); and,

- 18 4-bed dwellings (comprising 3 detached dwellings, 14 semi-detached dwellings, and 1 terraced dwelling).

Ballinacurra Mill – Car Parking			
Type	No. Parking Space	No. of Units	Total Parking Space
2 Bed House	1	43	43
3 Bed House	2	42	84
4 Bed House	2	18	36
Total		103	163
Apartments	1 space (except studio)	24	24
Crèche			7
Commercial, Retail & Offices			20
Total			214

Table 6.1

Bicycle Spaces				
Apartment Buildings	Total No. Units	Total No. Beds	Total No. Bicycle Parking Required (including visitor – 1 space per 2 apartments)	Total No. Bicycle Space Proposed
The Smarts Store	5	6	9	10
The Malt Store	6	8	11	15
The Malt House	10	18	23	25
The Kiln Building	4	6	8	10
Total	25	38	51	60
Crèche				10
Visitor				30
Commercial				14
Sum Total				114

Table 6.2

3.3. In addition to the drawings, the application was accompanied by the following technical reports and appendices:

- Ballinacurra Mill LRD Planning Statement & Statement of Consistency
- Ballinacurra Mill LRD School Demand Statement
- Ballinacurra Mill LRD Opinion Response
- Ballinacurra Mill LRD Application Cover Letter
- Ballinacurra Mill LRD Planning Application Form Part A
- Ballinacurra Mill LRD Newspaper Notice
- Ballinacurra Mill LRD Planning Application Form 19
- Ballinacurra Mill LRD - Site Notice

- Ballinacurra Mill LRD Childcare Demand Statement
- Architectural Schedule of Reports and Drawings
- Ballinacurra Mill DMURS Statement of Consistency
- Architectural Design Statement & Housing Quality Assessment
- Building Lifecycle Assessment Report
- Conservation Report, Impact Statement & Method Statement Rose Hill House
- Ballinacurra Mill Proposed Views Document (CGI Images)
- Conservation Report, Impact Statement & Method Statement Eastville House
- Operational & Waste Management Plan
- Architectural Impact Assessment & Method Statement
- Green Infrastructure & Landscape Strategy
- Historic Landscape Assessment Rose Hill House
- Ballinacurra Mill LRD Engineering Schedule of Reports
- Ballinacurra Mill LRD Engineering Design Part One
- Ballinacurra Mill LRD Road Safety Audit Stage One
- Ballinacurra Mill LRD Engineering Design Part Two
- Ballinacurra Mill LRD Traffic And Transport Assessment
- Ballinacurra Mill LRD Public Lighting Report Part 1
- Construction & Environmental Management Plan
- Ballinacurra Mill LRD Public Lighting Report Part 2
- Ballinacurra Mill LRD Drainage Impact Assessment
- Ballinacurra Mill LRD Public Lighting Report Part 3
- Ballinacurra Mill LRD Geotechnical Report
- Ballinacurra Mill Mobility Management Plan
- Ballinacurra Mill LRD Ecological

- Impact Assessment Report Ballinacurra Mill LRD
- Arboricultural Impact Assessment
- Ballinacurra Mill LRD EIA Screening Report
- Ballinacurra Mill LRD Arboricultural Impact Assessment Map 1
- Ballinacurra Mill LRD NIS Natural Impact Statement Part 1
- Ballinacurra Mill LRD Arboricultural Impact Assessment Map 2
- Ballinacurra Mill LRD NIS Natural Impact Statement Part 2
- Ballinacurra Mill LRD NIS Natural Impact Statement Part 3
- Ballinacurra Mill LRD Archaeological & Industrial Heritage Impact Assessment
- Ballinacurra Mill LRD Daylight & Sunlight Analysis

4.0 Planning Authority Pre-Application Opinion

4.1. Pre-application consultation meeting

- 4.1.1. I refer to pre-application Ref. No: PPE22 605 in relation to the proposed LRD at comprising 128 Residential Units, 5 Commercial Units, café, creche & associated site works at Rose Hill House & Ballinacurra Mill, Ballynacorra East, Midleton, Co. Cork.

4.2. Planning Authority Opinion

- 4.2.1. The formal “LRD” meeting with the Planning Authority was held on 14th December 2023 online, via Microsoft Teams. Notice of LRD Opinion was issued by Cork County Council on 1st August 2025 (Ref. No: PPE22 605).
- 4.2.2. In the Notice of LRD Opinion the Planning Authority considered that the following issues need to be addressed in the documents submitted in order to result in them constituting a reasonable basis for an application.
- 4.2.3. The following suite of suitably revised, detailed, comprehensive and up-to-date final version reports and drawings are required:
- Planning Statement & Statement of Consistency with the County Development Plan 2025;

- The Sustainable Residential Development and Compact Settlements Guidelines for Planning;
- Authorities (2024)" and The Planning Design Standards for Apartments Guidelines for Planning Authorities, 2025; and all relevant Ministerial Planning Guidelines.
- School Demand Statement
- Childcare Demand Statement
- Revised Architectural and Design Maps including Layouts, Plans, Elevations, Section Drawings and Reports including - A reconfigured layout to the 'Exiting Residential Zoned' lands including reconfigured public open spaces, reconfigured and redefined perimeter or curtilage to Rose Hill House, including appropriate defensible space to the front elevation, in particular, and the continued protection of the mature landscape setting and visual amenities of the house, and ecology and biodiversity value of this area.
- Architectural Design statement & HQA having regard to attached comments and advice;
- Conservation and detailed method statements for works to Protected Structures and setting;
- Surveys of structures proposed to be demolished;
- Landscaping including hard landscape details and proposals to use industrial heritage items;
- Historic landscaping;
- Building lifecycle report;
- Revised Part V proposals;
- Revised Taking in Charge plans;
- Phasing Plan, incorporating the timely delivery of the re-use and refurbishment of all Protected Structures, and obviating the sub-division of the site and setting aside of same in line with the regeneration objectives for the site.

- Engineering Reports and drawings including - Drainage including a Drainage Impact Assessment achieving greenfield runoff rate and 20% climate change factor. Details of Nature based solutions/ SuDS. Flood risk report aligned with drainage / SW management and conveyance. Up-to-date Confirmation of Feasibility from UE.
- Public Lighting scheme.
- Autotrack to revised road network.
- Site investigation.
- CEMP & WMP - site specific, aligned with requisite ecology/ environmental mitigations, identified locations of compounds, avoiding proposed POSs and an agreed redefined curtilage / perimeter for Rosehill House.
- Road safety audit
- TTA
- MMP
- Archaeological & Industrial Heritage Impact Assessment including detailed and informed proposals to protect the Industrial heritage equipment and machinery that is present on site.
- Ecological Impact Assessment
- NIS
- EIA Screening report having regard to accumulative development in the area, i.e. developments off Bailick Road and the R630- south of N25.
- NPWS Derogation Licenses.
- Daylight & Sunlight Analysis by H3D
- Tree Survey & Arboricultural Report & Drawings
- Tree constraints, removal and protection drawings
- Tree planting plans and demonstration of compliance with Net Biodiversity Gain objective

- CGI images by Vinden Visual and more detailed contiguous elevations and cross sections focussing on the interfaces between the site and the extant adjoining developments/structures, as opposed to full longitudinal sections.

4.2.4. The applicant should address the following as part of any future planning application:

4.3. **Applicants Response to Opinion**

- 4.3.1. The application includes an LRD Opinion Compliance Statement. The applicant highlights that the proposed development has changed from that submitted at s.32B pre-planning stage in response to the LRD Opinion received. The proposed development now involves 128 dwellings, an increase of 7 from that submitted at s.32B stage. The primary change involves a revised layout to the west side of the site in the vicinity of Rose Hill House, with less houses in this area of the site and an increased amount in the eastern portion of the site.
- 4.3.2. A Statement of Consistency demonstrates how the proposed development is consistent with the objectives of the relevant planning policies pertaining to the development site at local, regional, and national level. It is considered that the proposed development is consistent with national policy and with the policies and objectives of the Cork County Development Plan, 2022-2028.

5.0 **Planning Authority Decision**

5.1. **Decision**

5.2. The Planning Authority granted permission on 7th April 2026, subject to 38 conditions. I note that **Condition No. 21** is the subject of the first party appeal.

5.3. The Conditions are standard in nature; however, the following Condition are of particular note:

- Conditions 2 and 3 relate to Architectural Heritage i.e. Submission of detailed conservation method statements; specialist conservation supervision; protection, repair and recording of historic fabric; implementation of best conservation practice for the Protected Structures.
- Condition 4 relates to Development Contribution.

- Condition 5 relates to Conservation Expert i.e. to manage, monitor works.
- Condition 6 relations to mitigation measures set out in the Archaeological and Industrial Heritage Impact Assessment.
- Condition 10 relates to impacts on watercourses or groundwater bodies at construction or operational phase that the Planning Authority and Irish Fisheries shall be notified.
- Condition 11 relates to surface water management controls shall be in place to prevent the discharge of sediment contaminated water to adjacent water courses.
- Condition 13 requests design revisions i.e. (a) There is an overlooking concern vis a vis proposed dwelling no. 11 into the rear play area associated with the creche. Please revise this arrangement to mitigate this impact and (b) Use of resin on public pathways is not considered a suitable long term solution. Please revise this material accordingly.
- Condition 14 relates to a revised Phasing Scheme.
- Condition 17 requests a Noise Impact Assessment to assess the impact on nearby noise sensitive locations.
- Condition 18 requests that all works shall be implemented in accordance with the NIS, EclA and Green Infrastructure Plan submitted.
- Condition 21 states that works shall not be undertaken between 1st March and 20th September. **This Condition relates to the First Party Appeal.**
- Condition 22 states that all works will take place in accordance with the mitigation measures and license conditions set out in the Wildlife Act Derogation License issued by the NPWS in respect of the proposed development.
- Condition 23 requires a bat survey to be carried out.
- Condition 24 states that monitoring of the construction shall be carried out by a suitably qualified ecologist.
- Condition 25 relates to a Clerk of Works.

- Condition 29 relates to Road Safety Audit.
- Condition 31 relates to the final design improvements to both the L-3625-0 Upper road (Rose Lane) and Kearneys Cross shall be agreed in writing with the Planning Authority.
- Condition 34 relates to rear boundary walls to the southern boundary.
- Condition 35 relates to an internal traffic management plan.
- Condition 36 requires details of the play areas.
- Condition 37 relates to a cash bond.
- Condition 38 requires the developer to pay a financial sum towards the Ballinacurra to Middleton Cycleway.

5.4. Planning Authority Reports

Area Planner's Report:

- 5.4.1. The Area Planner concludes that the proposed development is acceptable in principle having regard to the town-centre and regeneration zoning of the site, the mixed-use nature of the scheme and the reuse of the existing heritage buildings. The proposal comprises 128 residential units, commercial and community uses, a crèche, café, medical centre, office and retail floorspace, together with associated roads, parking, open space, landscaping and drainage works.
- 5.4.2. The report considers the scheme to be a high-quality, heritage-led regeneration proposal which would secure the repair and reuse of Rosehill House, Eastville House and the former mill buildings. The revised layout around Rosehill House is considered substantially improved, with a softer form of development, increased open space and better protection of its setting. A density of approximately 43 units per hectare is regarded as appropriate given the conservation constraints, and the proposed housing mix and residential standards are generally considered acceptable.
- 5.4.3. The principal issues assessed include traffic and transport, residential amenity, conservation, archaeology, flood risk, ecology, phasing, infrastructure, childcare, Part V housing and public open space. While the development would add traffic to

an already constrained road network, the Area Planner relies on the submitted traffic assessments and the advice of the Council's technical sections. No fundamental objection was raised by the internal or external consultees, subject to conditions. Particular emphasis is placed on the early stabilisation and protection of the historic buildings, archaeological recording and monitoring, ecological mitigation, noise control, drainage measures and satisfactory estate completion.

- 5.4.4. The Area Planner recommends that permission be granted subject to detailed conditions.

Senior Planner's Report:

- 5.4.5. The Senior Planner agrees with the Area Planner's assessment and recommendation. The report considers the proposal to represent proper planning and sustainable development, consistent with the County Development Plan and regeneration objectives for the site. It places particular weight on the well-considered, conservation-led design, the appropriate density and scale, the reuse and stabilisation of the protected structures and the applicant's engagement during the pre-planning process.
- 5.4.6. The Senior Planner notes the importance of securing the historic structures and supports the phasing approach, subject to structural stabilisation of the mill complex and Rosehill House during the initial phase. The report also supports the revised phasing arrangements, the imposition of detailed conservation, archaeological, ecological, drainage, traffic and construction-management conditions, and the requirement for a bond to secure completion of the development.
- 5.4.7. The Senior Planner recommends a grant of permission subject to 38 conditions, including a special contribution of €68,873.59 towards the construction of 230 metres of the Ballinacurra–Midleton Cycleway, together with the standard development contribution and other conditions relating to heritage protection, phasing, biodiversity, roads, drainage, Part V housing, play facilities, boundary treatments and estate management.
- 5.4.8. Recommendation to grant planning permission for this LRD subject to the conditions as noted in Section 5.1. above.
- 5.4.9. Other Technical Reports

- Public lighting engineer – requested F.I in relation to elements of the public lighting scheme.
- Estates engineer – Report not received.
- Area engineer – No objection to proposal.
- Conservation Officer – The Architectural Conservation Officer raises no objection to the proposed development and considers that it will deliver significant conservation benefits through the repair, restoration and adaptive reuse of the protected structures. The report notes that the scheme has been informed by extensive pre-planning engagement and supported by detailed conservation assessments prepared by suitably qualified specialists.

The report recommends that the historic buildings be structurally stabilised at the outset of the development, with all conservation works overseen by an accredited conservation architect and carried out in accordance with best conservation practice. It also requires detailed recording of the historic fabric and appropriate mitigation where necessary.

Overall, the Conservation Officer concludes that the proposal is acceptable from a built heritage perspective, subject to conditions securing the protection and conservation of the historic structures throughout the development.

- County Archaeologist – The County Archaeologist has reviewed the submitted Archaeological and Industrial Heritage Impact Assessment (Shanarc Archaeology Ltd. and Dr. Colin Rynne, December 2025) and raises no objection to the proposed development from an archaeological perspective. While noting that a detailed assessment could not be undertaken due to workload constraints, the report concurs with the findings and mitigation measures contained within the submitted assessment.

The report recommends that all archaeological and industrial heritage mitigation measures identified in Section 4.3 of the assessment be implemented in full. Prior to the commencement of development, a detailed methodology for all archaeological works should be agreed with the Planning Authority. Upon completion of the archaeological works, a final report should be submitted to the

Planning Authority and the National Monuments Service, with all archaeological investigations and associated costs to be borne by the developer.

Overall, the County Archaeologist is satisfied that, subject to the recommended planning condition, the proposed development can proceed without giving rise to unacceptable impacts on the archaeological resource and will ensure the preservation, either in situ or by record, of any archaeological features or remains encountered during the course of development.

- Environment Officer – has recommended F.I for a noise impact statement.
- Ecology Officer – The Ecology Officer is satisfied that the proposed development will not give rise to significant adverse effects on biodiversity or the integrity of nearby European sites, subject to the implementation of the mitigation measures contained within the Natura Impact Statement (NIS), Ecological Impact Assessment (EclA) and Construction Environmental Management Plan (CEMP). The assessment concludes that potential impacts relating to water quality, habitats, protected species and ecological connectivity can be adequately avoided or mitigated.

The report acknowledges the loss of some trees and habitats but is satisfied that these will be offset through extensive native planting, habitat enhancement, protection of bat commuting routes, ecological lighting design, replacement roosting and nesting features, and long-term landscape management.

Overall, no objection is raised to the proposed development from an ecological perspective, subject to conditions requiring the implementation of all ecological mitigation measures, environmental monitoring, landscaping, and appropriate wastewater and lighting controls.

- Traffic and Transport Engineer – No objection.

5.4.10. Conditions

- Notwithstanding, the decision of the planning authority to grant permission as noted in Section 5.1.1 above, where bespoke conditions, have been recommended or attached by the internal departments these relevant conditions will be considered in my assessment of the proposed development,

and consideration will be given as to whether the condition should be included in any decision to grant by the Commission.

I also refer the Commission to Section 9.10 of my report in this regard.

5.5. Prescribed/Other Bodies

- An Taisce – No fundamental objections lodged. Some advisory design suggestions offered.
- Uisce Eireann – CoF issued. Waste water connection available without upgrades. Water will require upgrades funded by the developer.
- Transport Infrastructure Ireland – No specific objections noted.
- Gas Networks Ireland – No specific concerns however have requested that a condition apply requesting development to comply with relevant code of practise.
- Inland Fisheries Ireland – No fundamental objection provided services in place to cater for the development.
- The Department of Housing, Local Government and Heritage - A submission has been received and the following comments are noted:
 - The application is supported by appropriate documentation including Architectural Heritage Impact Assessments, Conservation Reports, Method Statements, Historic Landscape Appraisal and detailed survey drawings compiled by a Grade 1 Conservation Architect.
 - The application is supported by an Architectural Design and Housing Quality Assessment which sets out the rationale for character areas, design approach, variety of housing typologies, mixed densities, approach to the public realm and design quality.
 - The applicants have responded to the planning authority's recommendations and/or concerns raised throughout the LRD process.
 - The proposal has been assessed in detail by the planning authority, including the Architectural Conservation Officer.

- This Department would concur that this is a high-quality application which demonstrates a sensitive restoration and reuse of historic buildings, while providing new development of a scale, quantum and quality that demonstrates a well-considered responsive design within a historic setting.

Recommended conditions attached including –

1. All works to the Mill Buildings, Rosehill House and Eastville House shall be carried out in accordance with the following:
 - (i) The method statements submitted to the planning authority on the 9th of February 2026.
 - (ii) Under the management and supervision of a suitably qualified conservation consultant, that being a Grade 1 Accredited Conservation Architect or conservation consultant/professional of equivalent qualifications and experience.
 - (iii) A written description and photographic record of all works shall be maintained throughout the course of the project and submitted to the planning authority on completion of conservation works.
 - (iv) A statement of completion by the appointed conservation consultant that said works have been completed in accordance with conditions of permission and agreements with the planning authority.
2. Prior to the commencement of works the applicant shall submit for the written agreement of the planning authority; a detailed method statement compiled by a suitably qualified accredited conservation architect and/or engineer for the temporary stabilisation of all historic structures on site as part of phase 1. This method statement shall include the following:
 - (i) A written schedule of proposed stabilisation works including detailed material specifications and supported by scaled drawings as relevant.
 - (ii) Details of all features and fabric to be temporarily removed and/or relocated during stabilisation and/or construction works, their storage arrangements for the duration of the project and proposals for final reinstatement.

On approval of the method statement by the planning authority, no further changes shall be made without the agreement in writing of planning authority.

3. On completion of stabilisation works or within a specified timeframe agreed in writing with the planning authority, the applicant shall engage the services of a suitably qualified and experienced industrial archaeologist/built heritage specialist to undertake the following:

- (i) A record (written and photographic) of all surviving interior fabric within the mill buildings.
- (ii) Details of any necessary revisions and/or amendments in relation to works which may be necessitated on foot of gaining full access to the building and suggested mitigation measures where relevant.

This report shall be submitted for the written approval and agreement of the planning authority.

5.6. Third Party Observations

- 5.6.1. A total of thirteen (13 no.) submissions were received with regards to the proposed development. I note that one comprised of a group submission from Residents of Ballinacurra, Gearagh Road and Kearneys Cross. I note that 2 no. third party observers have appealed the decision of Cork County Council to An Coimisiún Pleanála, with the grounds of appeal broadly reflecting the issues raised at the planning authority stage.
- 5.6.2. Issues raised have been set out in detail in the Planning Report. The main issues raised relate to the following themes; proximity of dwelling in north east corner of site to neighbouring third party dwelling; 3 storey dwellings close to Southern boundary present overlooking concern; concerns over traffic impact, particularly around the lakeview roundabout/ queuing onto the N25; Traffic Impact Assessment must take account of same; Flood Risk; on site attenuation suitability; Kearneys cross traffic impact; overdevelopment of the site; lead to enhanced carbon impacts; no detail around medical centre; boundary detail (timber fence) on southwest side is inadequate, and construction impacts.

6.0 Planning History

The following planning history relates to the appeal site:

6.1. ABP Ref:234288/ PI Ref No. 08/8077

- 6.1.1. Permission was refused on appeal on 3rd December 2010 for the demolition of 2 no. houses, change of use of malting buildings and Rosehill House (Protected Structures) 158 no. residential units, offices, medical centre, cafe, creche, school and all associated works.
- 6.1.2. The single reason for refusal related to the developer's failure to provide a feasible surface water drainage plan for the flood-prone area. The project was deemed premature and hazardous as it risked worsening existing flood problems without a viable, comprehensive drainage strategy.

6.2. Reg. Ref 05/9120

- 6.2.1. Permission was granted on the 26th July 2006 for the removal of existing Grain Mills and Stores and construction of development consisting of 62 no. apartments in 3 no. 2 to 4 storey blocks, conversion of existing stone buildings to 25 no. apartments, 37 no. dwellinghouses, village square with commercial (833 sq. m.) and community facilities comprising cafe/restaurant/bar, pharmacy, laundry, medical unit, dental unit, gym, dance studio and 7 no. retail units, childcare/community facilities, provision of 283 no. car parking spaces, retention of the dwelling to the west of the mills & use of upper floor of same for heritage/interpretative purposes, demolition of dwelling adjoining the junction at Carney's Cross & re-alignment of the junction to improve road safety and ancillary works including access off Cloyne Rd, signage, E.S.B substation and site development works.

7.0 Policy Context

7.1. National Planning Policy

National Planning Framework (2025)

- 7.1.1. The National Planning Framework (NPF) 2025 sets out that the 'major policy emphasis on renewing and developing existing settlements established under the

NPF 2018 will be continued, rather than allowing the continual expansion and sprawl of cities and towns out into the countryside, at the expense of town centres and smaller villages’.

7.1.2. The NPF expressly seeks the densification of suburban sites close to public transport and services and facilities. This is a particularly relevant objective in context of the planned railway station at Water Rock and the impact the delivery of same will have on driving population growth and supporting lands for residential development.

7.1.3. Relevant Policy Objectives include:

- National Policy Objective 7: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.
- National Policy Objective 8: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints and ensure compact and sequential patterns of growth.
- National Policy Objective 9: Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints and ensure compact and sequential patterns of growth.
- National Policy Objective 11 – Planned growth at a settlement level shall be determined at development plan-making stage and addressed within the objectives of the plan. The consideration of individual development proposals on zoned and serviced development land subject of consenting processes under the Planning and Development Act shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment.
- National Policy Objective 20: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

- National Policy Objective 22 – In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth.
- National Policy Objective 43 – Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- Implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.

Delivering Homes, Building Communities, 2025

- 7.1.4. This document aims to further accelerate the delivery of new homes, to deliver 300,000 by the end of 2030, which will be achieved through the individual and collective effort of the key delivery partners. Local authorities, together with Approved Housing Bodies, the Land Development Agency, and the construction sector, will be critical to delivering and enabling the delivery of the quantum of homes needed over the lifetime of the plan. This is a wide-ranging strategy, encompassing two pillars: Activating Supply and Supporting People.

Climate Action Plan, 2025 (referenced in conjunction with Climate Action Plan 2024)

- 7.1.5. Implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.

- 7.1.6. 2025 update -Implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. The residential sector is on track to meet its 2021-2025 sectoral emissions ceiling and is ahead of its 2025 indicative reduction target of - 20%.

National Biodiversity Action Plan (NBPA) 2023-2030

- 7.1.7. The 4th NBAP strives for a “whole of government, whole of society” approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to “act for nature”.
- 7.1.8. This National Biodiversity Action Plan 2023-2030 builds upon the achievements of the previous Plan. It will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues:
- Objective 1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity
 - Objective 2 - Meet Urgent Conservation and Restoration Needs
 - Objective 3 - Secure Nature’s Contribution to People
 - Objective 4 - Enhance the Evidence Base for Action on Biodiversity
 - Objective 5 - Strengthen Ireland’s Contribution to International Biodiversity Initiatives

Water Framework Directive

- 7.1.9. The Water Framework Directive (WFD) Directive 2000/60/EC focuses on ensuring good qualitative and quantitative health, i.e., on reducing and removing pollution and on ensuring that there is enough water to support wildlife at the same time as human needs.
- 7.1.10. The key objectives of the WFD are set out in Article 4 of the Directive. It requires Member States to use their River Basin Management Plans (RBMPs) and Programmes of Measures (PoMs) to protect and, where necessary, restore water

bodies in order to reach good status, and to prevent deterioration. Good status means both good chemical and good ecological status. It establishes a framework for the protection of all inland surface waters, transitional waters, coastal waters and groundwaters.

Section 28 Ministerial Guidelines

7.1.11. In consideration of the nature and scale of the proposed development, the receiving environment and the site context, as well as the documentation on file, including the submissions from the Planning Authority and other parties addressed below, I am satisfied that the directly relevant Section 28 Ministerial Guidelines comprise of:

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) (hereinafter the ‘Sustainable Settlements Guidelines’);

- The guidelines note “*City - Suburban/Urban Extension Suburban areas are the lower density car-orientated residential suburbs constructed at the edge of cities in the latter half of the 20th and early 21st century, while urban extension refers to the greenfield lands at the edge of the existing built up footprint that are zoned for residential or mixed-use (including residential) development⁸. It is a policy and objective of these Guidelines that residential densities in the range 40 dph to 80 dph (net) shall generally be applied at suburban and urban extension locations in Dublin and Cork, and that densities of up to 150 dph (net) shall be open for consideration at ‘accessible’ suburban / urban extension locations (as defined in Table 3.8).*”
- *Intermediate Location (Table 3.8: Accessibility) • Lands within 500-1,000 metres (i.e. 10-12 minute walk) of existing or planned high frequency (i.e. 10 minute peak hour frequency) urban bus services; and • Lands within 500 metres (i.e. 6 minute walk) of a reasonably frequent (minimum 15 minute peak hour frequency) urban bus service”.*

Architectural Heritage Protection Guidelines for Planning Authorities (2011)

- These guidelines are a practical guide for planning authorities and for all others who must comply with Part IV of the Planning and Development Act 2000 on the protection of the architectural heritage.

Design Standards for Apartments, Guidelines for Planning Authorities, (2025)

- The guidelines, hereafter referred to as the Apartment Guidelines, provide quantitative and qualitative standards for apartment development across a range of thresholds depending on the number of units proposed and the site's context. It also sets out SPPRs to be adhered to across a range of parameters. Applicable standards for the proposed development include requirements in respect of minimum floor areas, and by reference to Appendix 1, minimum storage and private open space areas, % of dual aspect units, and minimum 2.7m requirement for ground level floor to ceiling height.

Urban Development and Building Heights, Guidelines for Planning Authorities (2018) (hereinafter the 'Building Heights Guidelines');

- SPPR 3: An application needs to set out how the development complies with development management criteria in relation to at the scale of the relevant city/ town, at the scale of district/ neighbourhood/ street and at the scale of the site/ building.

Design Manual for Urban Roads and Streets (DMURS) (2019);

Water Services Guidelines for Planning Authorities – Draft (2018) and Circular FPS 01/2018 issued by the Department of Housing, Planning and Local Government on the 17th day of January 2018;

Childcare Facilities – Guidelines for Planning Authorities (2001) (hereinafter the 'Childcare Guidelines').

7.1.12. Although not an exhaustive list, the following planning guidance and strategy documents are also considered relevant:

- Cycle Design Manual (2023);
- Part V of the Planning and Development Act 2000 - Guidelines (2017);
- Road Safety Audits (TII, 2017);
- Traffic and Transport Assessment Guidelines (TII, 2014);

- Building Research Establishment (BRE) 209 Guide - Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, (2nd Edition 2011, 3rd Edition 2022);
- The Planning System and Flood Risk Management - Guidelines for Planning Authorities.

7.2. Regional Planning Policy

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

- 7.2.1. Under the RSES, Midleton is categorised as a 'Metropolitan Town'. Metropolitan towns are among the fastest growing and youngest (age cohort) towns in the Region.
- 7.2.2. The RSES states that the potential residential yield for Midleton is 5,255 units (including Water Rock UEA- 2,460 units). The RSES also lists out the infrastructure priorities for the area, including a new railway station, a new bridge over the railway line connecting to the N25 upgrade and a new Midleton Northern Relief. The proposed development of 434no. residential units is fully consistent with the policy objectives in the RSES.

Cork Metropolitan Area Strategic Plan:

- 7.2.3. In the Cork Metropolitan Area Strategic Plan (MASP), Midleton is designated as a major "Metropolitan Town" and a primary engine for high-density, Transport-Orientated Development (TOD). Located strategically along the key eastern rail corridor, the town is prioritized for substantial, employment-led population and residential expansion. The plan explicitly frames Midleton—alongside key nodes like the Water Rock Urban Expansion Area—as a vital sustainable growth corridor where new housing must be directly aligned with existing rail, bus, and active travel infrastructure.

7.3. Cork County Development Plan, 2022-2028

- 7.3.1. 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.

7.3.2. I also note the following variation to the CCDP - Proposed Modification of Proposed Variation No. 1 (NPF Implementation) to the Cork County Development Plan 2022-2028 - Submissions or observations with respect to the Modification are hereby invited during the period 12th June to 10th July, 2026 inclusive¹.

7.3.3. The following policies, objectives and standards for development applicable to the appeal site are noted – this is not an exhaustive list:

7.3.4. Volume 1 – Written Statement:

Chapter 2 – Core Strategy

7.3.5. The Plan notes that for settlements of Midleton, Carrigtwohill, Cobh and Monard SDZ, is looking beyond its current 2028 headline year as regards the contribution the Urban Expansion Areas in these settlements can make to the delivery of the targets to 2031 and beyond. I note the following Table 2.8 with respect to the settlement of Midleton.

Table 2.8 Long Term Strategic and Sustainable Development Sites		
Settlement	Long Term Strategic and Sustainable Development Sites (Further Additional Provision)	
	Ha	Units
Midleton	16	390
Carrigtwohill	70	2,390
Cobh	31	1,087
Monard SDZ	41	1,443
Total County	158	5,310

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:

¹ The Proposed Modification of Proposed Variation No. 1 to the Cork County Development Plan 2022–2028 affects Midleton by adjusting residential land zoning capacities, increasing housing headroom, and applying specific site modifications (such as references MD-VAR-01-ALT, MD-VAR-07-ALT, and MD-VAR-14-ALT) to align the town with national housing growth targets. However, as noted above, this variation is on display.

- 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.

- 7.3.6. The plan states in respect to Higher Density Development that “Historically, our County’s towns and villages were designed to create compact communities to facilitate trade, transport and social interaction. Buildings were generally arranged in terraced format, two to three storeys high usually following a perimeter block format. Within the town centres, buildings were designed to accommodate a commercial use at ground floor level with a separate access to facilitate “living over the shop”. Analysis of some of these perimeter block formats in Cobh and Midleton illustrates that a combination of terraced units and living over the shop delivers densities well in excess of the 50 unit/ha high density threshold advocated in the Guidelines and the mix of uses which support compact urban living. The Plan supports the delivery of high-density development within town centres of the larger towns with a population >1500 throughout the County and this represents a consistent approach to that taken historically in our towns and will serve to reinforce the character of existing places”.
- 7.3.7. The subject site is located in Midleton and has a predominantly “town centre” zoning. Objective HOU 4-7 and Table 4.1 are relevant and identify the town centres as being suitable for “high density” development (i.e. >50 per ha).

County Development Plan Objective HOU 4-7: Housing Density on Residentially Zoned Land			
	Min Net Density	Max Net Density	Comment
High	50	No Limit	• Applicable to town centres of the larger towns with a population >1500 throughout the county and in other areas identified in the Settlement Network normally in close proximity to existing or proposed high quality public transport corridors; • This will normally involve a mix of unit formats including terraced housing and/or apartment units. • May include the subdivision of larger dwellings proximate to existing or improved public transport corridors; • A minimum 10% open space provision will be required. • Subject to compliance with appropriate design/ amenity standards and protecting the residential amenity of adjoining property and the heritage assets of the town centre.

Chapter 12 Transport and Mobility

7.3.8. Section 12.12.10 states “Car parking standards need to be set at realistic levels, while having regard to proximity to public transport, in order to avoid parked vehicles causing obstruction. The 2014 County Development Plan set out maximum car parking standards (in terms of quantum of parking spaces) for different categories of development (excluding residential) and this plan continues to set maximum car parking standards as per Table 12.6, and in addition it applies maximum standards to residential areas in Metropolitan Cork, in town centres and in areas within walking distance of a high quality public transport service. The parking standards also include dimensions of parking bays”.

7.3.9. Table 12.6: Car Parking Requirements for New Developments (Maximum per sq. m.)

7.3.10. County Development Plan Objective TM 12-9: Parking:

Development Type	Parking Provision Requirement
Offices	1 space per 17 sqm + 10% of staff parking for visitors
Retail (including retail services)	1 space per 20 sqm + 1 Lorry space per 750 sqm
Convenience retail	1 space per 20 sqm

Crèches	1 space per 3 staff + 1 space per 10 children
Other cultural / recreational & leisure uses	Dependent on nature and location of use.
Residential: Dwelling houses Residential: Apartments	2 spaces per dwelling unit 1.25 spaces per apartment unit

7.3.11. Table 12.8: Cycle parking for residential development (Minimum)

Residential Development type	1 long stay parking space per:	1 short stay (visitor) parking space per
Apartments	1 bedroom	2 units
Houses	1 unit	5 units
Residential: Dwelling houses Residential: Apartments	2 spaces per dwelling unit 1.25 spaces per apartment unit	

7.3.12. Table 12.9: Cycle Parking for Non-Residential Development (Minimum)

Development type	1 long stay parking space per: (GFA = Gross floor area)	1 short stay (visitor) parking space per (PFA = Public Floor Area)
Childcare service	5 Staff	10 children
Cafés, Restaurants, take aways	5 staff	100m ² PFA
Offices - Business, Professional	200m ² GFA 200m ² GFA	200m ²
Retail - comparison (including retail services))	5 staff	100m ² GFA

- 7.3.13. County Development Plan Objective TM 12-12: EV Charging *“a) Infrastructure for Electric Vehicles will be integrated into developments in line with national requirements. b) The Council will liaise with other agencies to secure the retrospective provision of EV recharging points within the public realm of settlements where appropriate. Within public realm enhancements or reconfiguration schemes, any provision of EV charge points will be located so as not to inhibit pedestrian or cyclist movement or priority. c) New applications for non-residential development with more than 10 parking spaces, or applications for substantial renovation of a building with more than 10 associated parking spaces, are to provide for the installation of at least one EV recharging point (or as required by national policy should such requirement specify a higher provision). d) All residential development should be constructed to be capable of accommodating future charging points as required within the curtilage of the dwelling where possible”.*

Chapter 14 Green Infrastructure and Recreation:

- 7.3.14. GI 14-6: Public/Private Open Space Provision: *“a) Public Open Space within Residential Development shall be provided in accordance with the standards contained in Cork County Council’s Interim Recreation & Amenity Policy (2019) and any successor policy, the “Guidelines on Sustainable Residential Development in Urban Areas” and “Making Places : a design guide for residential estate development. Cork County Council Planning Guidance and Standards Series Number 2”. b) Promote the provision of high quality, accessible and suitably proportioned areas of public open space and promote linking of new open spaces with existing spaces to form a green infrastructure network. c) Apply the standards for private open space provision contained in the Guidelines on Sustainable Residential Development in Urban Areas and the Urban Design Manual (DoEHLG 2009) and Cork County Council’s Design Guidelines for Residential Estate Development. With regard to apartment developments, the guidelines on Sustainable Urban Housing: Design Standards for New Apartments will apply”.*

Chapter 16 - Built and Cultural Amenity

- 7.3.15. Section 16.3 – Architectural Heritage

- 7.3.16. County Development Plan Objectives HE 16-14: Record of Protected Structures “a) *The identification of structures for inclusion in the Record will be based on criteria set out in the Architectural Heritage Protection Guidelines for Planning Authorities (2011).* b) *Extend the Record of Protected Structures in order to provide a comprehensive schedule for the protection of structures of special importance in the County during the lifetime of the Plan as resources allow.* c) *Seek the protection of all structures within the County, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. In accordance with this objective, a Record of Protected Structures has been established and is set out in Volume Two Heritage and Amenity, Chapter 1 Record of Protected Structures.* d) *Ensure the protection of all structures (or parts of structures) contained in the Record of Protected Structures.* e) *Protect the curtilage and attendant grounds of all structures included in the Record of Protected Structures.* f) *Ensure that development proposals are appropriate in terms of architectural treatment, character, scale and form to the existing protected structure and not detrimental to the special character and integrity of the protected structure and its setting.* g) *Ensure high quality architectural design of all new developments relating to or which may impact on structures (and their settings) included in the Record of Protected Structures.* h) *Promote and ensure best conservation practice through the use of specialist conservation professionals and craft persons.* i) *In the event of a planning application being granted for development within the curtilage of a protected structure, that the repair of a protected structure is prioritised in the first instance i.e. the proposed works to the protected structure should occur, where appropriate, in the first phase of the development to prevent endangerment, abandonment and dereliction of the structure”.*
- 7.3.17. County Development Plan Objectives HE 16-15: Protection of Structures on the NIAH “*Protect where possible all structures which are included in the NIAH for County Cork, that are not currently included in the Record of Protected Structures, from adverse impacts as part of the development management functions of the County”.*
- 7.3.18. County Development Plan Objectives HE 16-16: Protection of Non- Structural Elements of Built Heritage Protect non-structural elements of the built heritage. These can include designed gardens/garden features, masonry walls, railings,

follies, gates, bridges, shopfronts and street furniture. The Council will promote awareness and best practice in relation to these elements.

Chapter 18 – Land Use Zoning

- 7.3.19. 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 4 is relevant to Midleton. The objectives and general principles that should be followed in these plans are set out in Volume 1.
- 7.3.20. The appeal site is within land parcel MD-T-07 and is covered by two zoning objectives:
- The majority of the site is zoned - “Town Centre/Neighbourhood Centres”.
 - The western portion of the site is zoned – “Existing Residential/Mixed Residential and Other Uses:.”
- 7.3.21. In respect to the town centre zoning objective, I note Development Plan Objective ZU 18-17: Town Centres/ Neighbourhood Centres “a) *Promote the development of town centres and neighbourhood centres as the primary locations for retail and other uses that provide goods or services principally to visiting members of the public. The primary retail areas will form the main focus and preferred location for new retail development, appropriate to the scale and function of each centre and in accordance with the Retail Strategy. Residential development will also be encouraged particularly in mixed use developments while the use of upper floors of retail and commercial premises in town centres for residential use will in particular be encouraged. b) Recognise that where it is not possible to provide the form and scale of development that is required on a site within the core area, consideration can be given to sites on the edge of the core area based on sequential approach*”.
- 7.3.22. Appropriate Uses in Town Centre/Neighbourhood Centres Retail, include a variety of uses and the following are of reference to this appeal: recreation uses, medical and healthcare services, residential, mixed residential, childcare facilities, community facilities, and offices.
- 7.3.23. In respect to the Existing Residential/Mixed Residential and Other Uses I note Development Plan Objective ZU 18-9: Existing Residential/Mixed Residential and Other Uses, which states “*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”.

- 7.3.24. Appropriate Uses in Existing Residential/Mixed Residential and Other Uses Areas include a variety of uses and the following are of reference to this appeal: Residential development, small scale retail, small scale commercial, community facilities, childcare facilities, civic uses, small scale offices, local medical /healthcare services, recreation and amenity facilities.
- 7.3.25. The site has also been identified as a “regeneration area”. Section 18.2.7 of the Plan notes *“The main objective in identifying Regeneration Areas is to draw attention to the opportunities that exist to redevelop key areas within the towns, where such sites have the potential to contribute to the rejuvenation of the towns, deliver housing, and perhaps act as a catalyst for other developments. In accordance with the provisions of the Urban Regeneration and Housing Act 2015, regeneration areas may in time, be subject to the Vacant Sites Levy where the regeneration area is vacant or idle and this has adverse effects on the amenities/character of the area”.*

Volume 4 – South Cork

- 7.3.26. Table 4.3.1 – Midleton is a main town and is within the Metropolitan Strategic Planning Area.
- 7.3.27. Section 3.1.3 - “Midleton is the largest town in the Municipal District with a population of 12,496 in 2016 which is an increase of 495 on the 2011 population of 12,001”.
- 7.3.28. Section 3.3 Midleton of the Plan indicates the Vision and Strategic Context *“The vision for Midleton is to build on the success of its rail connections to Metropolitan Cork and promote the continued development of the town and its hinterland as a*

residential, employment, tourist and service location. Key aims in delivering this vision include: strengthen the economy of the town, attracting new investment in employment, services, retail and tourism uses. Strengthen the role of the area around the Main Street as the town core, as the primary retail area and the centre of the community. Secure investment in essential infrastructure including water services and national road improvements. Promote the continued use of all forms of public transport within and around Midleton and improve opportunities for walking and cycling around the town”.

- 7.3.29. Section 3.3.10 notes “*The Core Strategy for this plan, after identifying the site/land requirements to meet the housing supply target for Midleton, also identifies additional sites/lands to ensure sufficient choice for development potential is safeguarded. These sites include Residential Additional Provision sites and Further Additional Provision sites. In Midleton, housing supply from Residential Additional Provision sites will yield approximately 603 units and housing supply from Further Additional Provision sites will yield approximately 390 units. It is intended that these sites are available for residential development throughout the lifetime of this plan, subject to proper planning and sustainable development”.*
- 7.3.30. Section 3.3.14 notes “*It is also important to ensure that future residential development on other sites in the town allow for permeability between housing areas and in particular, direct, safe and convenient access to the existing railway station and proposed railway stop at Water-Rock by pedestrians and cyclists. Land that has already been developed has been included as part of the ‘existing residential and other uses’ zoning in this plan”.*
- 7.3.31. Regeneration Areas: Midleton - MD-RA-03: *Former Mill Buildings Ballinacurra This is an important site comprised of a mix of traditional and relatively modern buildings. Consideration should be given to the conversion of the principal traditional building on the site to other uses more compatible with the site’s present surroundings. The development of a neighbourhood centre with some retail, residential and commercial may be suitable in a form that respects the traditional buildings remaining on the site.*

Development of this site is contingent on the provision of flood relief works to the village of Ballinacurra and road improvements to Carneys Cross².

Appendix B - Core Strategy Tables

7.3.32. B1 County Metropolitan Cork Strategic Planning Area with respect to Midleton:

County Metropolitan Cork Strategic Planning Area		Population based on Census 2016	Population Target 2028	Net New Units Required for the Plan Period	Compact Residential Zoning/ Infill / Brownfield (Units)	Other Residential and Mixed Use Zoning (excluding Additional Provision) (Units)	Total Units (including Additional Provision)	Total Estimated Net area zoned in this plan (including Additional Provision) (Ha)	Total amount in Tier 1 and Tier 2 (NPF) (Ha)	
		Required		Supply						
Main Towns	Carrigaline	15,770	20,495	1,806	490	1,316	1,806	57	26	31
	Carrigtwohill	5,080	9,749	1,784	408	1,376	2,002	41	21	20
	Cobh	12,800	15,836	1,160	368	948	1,680	43	19	24
	Little Island	1,461*	2,769	500	0	500	500	17	0	17
	Midleton	12,496	19,423	2,647	300	2,852	3,755	106	0	106
	Monard SDZ	492	492	0	0	0	0	0	0	0
	Passage West/ Glenbrook/ Monkstown	5,843	6,835	379	139	240	436	12	10	2
	Total Main Towns	53,942	75,599	8,276	1,705	7,232	10,179	276	76	200

Appendix C Core Strategy Statements

7.3.33. The table in Appendix C provides the background evidence used to decide how many new houses and households are planned for this area. These housing decisions are based on many factors detailed in the Core Strategy Statement, including a local community housing review and a complete environmental and infrastructure check. For full context, this appendix should be read alongside Volumes Three, Four, and Five, as well as the specific chapters in Volume One that cover core data, the economy, project delivery, and critical infrastructure.

² The lands subject to specific local objective MD-RA-03 (Former Mill Buildings Ballinacurra) are not specifically altered or textually modified by Proposed Variation No. 1 or its subsequent material modifications.

Cork County Core Strategy Statement: County Metropolitan Strategic Planning Area		
Settlement Type'	Settlement Name	Statement
Main Towns	Midleton	The population target of 19,423 will require the delivery of 2,647 units for the plan period. The target was decided on the basis of the following considerations: 1. A detailed analysis of the carrying capacity of zoned lands, including wastewater and water supply infrastructure, public transport accessibility and environmental/flooding and biodiversity sensitivity. 2. The existing scale of population and social/community infrastructure in the town, including schools, taking account of the development currently under construction within the town and those with permission. 3. Midleton's high level of public transport accessibility including the suburban rail route from Cork City to Midleton and proposals to improve/upgrade this service in the future. 4. The proposed investment in improvements and upgrades to the N25 Corridor including the Carrigtwohill to Midleton and the Midleton to Youghal sections of the route. 5. Proposed plans completion of the Northern Relief Road in the town subject to the availability of finance. 6. Approval in 2019 of the Water-Rock Urban Expansion Area LIHAF Initiative Infrastructure Works which will facilitate housing development to commence on the mixed-use Water-Rock UEA site to the north of the town. This will include approximately 2,500 residential units. 7. Midleton's strategic importance within the County both in its capacity as a major centre for a large rural community base and its connection and accessibility to other higher order employment centres including Carrigtwohill, Cobh and Little Island. 8. Midleton's location in the County Metropolitan Cork Strategic Planning Area and it's designation as a principle location in the County Metropolitan and Cork Harbour Employment Network of the County. According to the last census (2016) the total number of jobs in the settlement was 3,871 with 5,194 Resident Workers giving a jobs to Resident Workers ratio of 0.745 for the town. 9. It's location within the designated Cork 'Harbour area' of the County and specifically within the East Cork Growth Corridor. 10. The provision of a Greenway along the disused Midleton to Youghal railway which will provide a valuable amenity for the town.

Appendix D – Core Strategy Critical Infrastructure

7.3.34. The following is noted from Table D2: Settlement Specific Key Infrastructure in respect to Midleton:

Table D2: Settlement Specific Key Infrastructure					
	Location	Water Supply	Wastewater	Transport	Other
6	Midleton	- Cork Harbour and City water supply scheme needs to be extended to Midleton and Reservoirs added to meet the further demand. - Water main extensions required.	- Rising main / pumping station connection to Carrigtwohill. - Baillick Road Pumping Station (part of Midleton North WW connection to Carrigtwohill). - Culvert upgrade. - Foul sewer network upgrades	- Local cycle connection from Banshane and Ballinacurra to town north of N25. - Cycleway on Whitegate Road to town. - CMATs implementation. - Study required re (a) N25 upgrade or north and south connections to possible future Ballyadam Interchange. - Ballinacurra Junction improvements	- Midleton Flood Relief Scheme

	Location	Water Supply	Wastewater	Transport	Other
7	Midleton – Water Rock UEA		- Wastewater Pumping Station (to be delivered by Irish Water)	- Services Corridor Link Road (including link to railway stop and school) - Junction Upgrade of Cork Road and Midleton Northern Relief Road (Knockgriffin Junction) - Traffic Management Measures for Water-Rock Road (L3618) - Bridge Over Railway (Land Acquisition) - Railway Stop (to be delivered by Irish Rail) - Upgrade Realignment of Water-Rock Road (L3618) - On-Site Loop Road (to be provided by developers) - Internal Cycleway/ Greenway (to be provided by developers) - Upgrade of the junction at Mill Road/ Northern Relief Road, - N25 Upgrade Scheme, - Link Road from Road over Rail Bridge connecting to Midleton Northern Relief Road and N25 Upgrade, - Cobh Cross Upgrade - Implementation of CMATS sustainable transport measures (walking, cycling and public transport), connecting with and within Midleton.	- Surface Water Drainage System - Pocket Parks (2) and Linear park - Investment in retrofitting infrastructure and services (physical, social and recreational) to improve quality of life for communities.

Volume 4 – Heritage and Amenity

7.3.35. Table 2.1.1 outlines the current Record of Protected Structures for the entire County and includes the Record of Protected Structures transferring from the 9 former Town Council Plans. The table gives the name of the structure and the townland or street name and general location which includes:

RPS No	Name of Structure	Townland	Location
00523	Industrial Buildings, Maltings	Ballynacorra West	Midleton
00520	Rosehill House	Ballynacorra	Midleton

7.4. Natural Heritage Designations

7.4.1. There are no European sites, Natural Heritage Areas (NHAs), or proposed Natural Heritage Areas (pNHAs) in the immediate vicinity of the proposed development site. The closest European sites to the proposed development are the Cork Harbour SPA and the Great Island Channel SAC both at a distance of 200m from the proposed development site. Additionally, the following European Sites should be noted:

Name	Site Code	Distance from Site
------	-----------	--------------------

Cork Harbour SPA	(001058)	200m west of the site
Great Island Channel SAC	(004030)	200m west of the site
Ballycotton Bay SPA	(004022)	10.6km to the southeast of the site
Ballycotton (Clonpriest and Pillmore) SAC	(000077)	14.7km east of the site

8.0 The Appeal

I note that a First Party Appeal, from the applicant and two Third Party Appeals, from adjoining residents of Ballinacurra Gearagh Road and Kearney's Cross, have been lodged in respect of the LRD.

8.1. First Party Appeal

8.1.1. The grounds of appeal relate to Condition 21 (which prohibits construction works between 1 March and 30 September) attached to the grant of permission under 26/0282 and can be summarised as follows:

8.1.2. The main issues raised can be summarised as follows:

- The appellant submits that the condition imposes an unnecessary blanket restriction on all construction activities across the site. It is argued that the Ecological Impact Assessment already contains detailed species-specific mitigation measures, including seasonal restrictions only where works occur in proximity to bat roosts; restrictions relating to demolition of the mill complex during the kestrel breeding season; and ecological supervision where required.
- The appellant contends that these targeted mitigation measures provide appropriate ecological protection and that a site-wide prohibition on works is neither justified nor supported by ecological evidence.
- It is further submitted that Condition 21 conflicts with Condition 18, which requires implementation of the ecological mitigation measures contained

within the Ecological Impact Assessment. The appellant argues that the condition is inconsistent with the recommendations of the project ecologist and the advice of the Planning Authority's own ecologist.

- The appellant also submits that prohibiting all works during a seven-month period each year would have significant implications for programme delivery, unnecessarily delay construction and increase development costs without delivering any additional ecological benefit beyond that already secured through the approved mitigation measures.
- The seasonal restriction on construction is disproportionate and duplicates or conflicts with the ecological mitigation measures already incorporated into the permission. Accordingly, the condition is considered unreasonable and unnecessary.

8.2. Third Party Appeal

- 8.2.1. Two (2 no.) third appeals have been lodged in respect of the proposed LRD development from local residents i.e. Patrick Foley and residents of Ballinacurra Gearagh Road and Kearney's Cross (located some c.119 metres east of the appeal site) and Tim O'Leary, 18 The Paddocks, Castleredmond (located to the c.367m north of the appeal site in an established residential area).
- 8.2.2. I note that the appeal from Tim O'Leary includes, supporting photographs of traffic congestion in the area, google maps traffic record, photographs of Cork County Council/TII carrying out extensive traffic counts in Midleton in April 2026, extract from non-technical summary from planning reference 21/7428, TII Data from 2022-2025 for the area, copy of response from Cork County Council regarding works on the R630 and the entrance of the Castleredmond Estate, 2025 Ballinacurra TA (Maple Woods, Midleton application), copy of acknowledgement of submission and copy of decision.
- 8.2.3. The main issues raised have been summarised as follows:
- **Flood Risk and Prematurity:** It is submitted that the site remains at risk of flooding and that the proposed development is premature pending the delivery of the Midleton Flood Relief Scheme. Reference is made in the appeals to the

previous refusal of a comparable development by An Bord Pleanála, with the appellants contending that the proposed surface water management strategy has not demonstrated that existing flooding issues would not be exacerbated.

- **Traffic Impact and Road Capacity:** It is contended that the existing road network, including the R630 corridor, Church Road, The Grotto Junction, Kearney's Cross and the N25/Lakeview Roundabout, is operating at or beyond capacity. The appellants submit that the development would significantly increase congestion, delays and road safety concerns on an already constrained network.
- **Traffic Assessment Methodology:** The appellants query the robustness of the Traffic and Transport Assessment, submitting that it relies on outdated baseline traffic data, does not adequately reflect recent traffic growth or current travel patterns, underestimates cumulative development impacts, and places undue reliance on assumptions regarding modal shift and future transport infrastructure. Concerns are also raised regarding the traffic modelling methodology and the omission of Appendix A of the Traffic Assessment from the planning file i.e. all the appendices and their data is missing – the appeal contends that this leads to an invalid application.
- **Prematurity Having Regard to Transport Infrastructure:** It is argued that the development is premature pending the delivery of strategic transport infrastructure, including improvements to the Lakeview Roundabout and the wider N25 corridor. The appellants submit that permission should not be granted in advance of these works or on the basis of infrastructure that has yet to be delivered.
- **Cumulative Development:** It is submitted that insufficient consideration has been given to the cumulative impact of recently permitted and committed residential developments within Ballinacurra and Midleton, particularly in terms of traffic generation and pressure on local infrastructure and services.
- **Services, Amenities and Sustainable Transport:** Concern is expressed that Ballinacurra lacks the necessary community infrastructure, services and public transport to support the proposed development. The appellants contend that the Mobility Management Plan is unrealistic, given the limited

availability and reliability of public transport, and that the proposal would reinforce dependence on the private car.

- **Road Safety:** It is submitted that the proposed works do not adequately address existing road safety deficiencies, particularly at Kearney's Cross, where concerns are raised regarding visibility, junction geometry and vehicle conflict.
- **Residential Density and Scale:** The appellants contend that the proposal represents an overdevelopment of the site, resulting in an excessive increase in the scale of development within Ballinacurra without the corresponding provision of open space, supporting infrastructure or community facilities.

8.3. Observations

8.3.1. None received.

8.4. Planning Authority Response

8.4.1. The Planning Authority responded on 25th May 2026 and noted the Planning Authority is of the opinion that all relevant issues have been covered in the technical reports already forwarded to An Coimisiún Pleanála as part of the appeal documentation.

8.4.2. The planning Authority has no further comment to make in this matter.

8.5. Applicant's Response

8.5.1. The applicant provided a detailed response to the two no. third party appeals on 20th May 2026. I have summarised the key points in respect of each appeal as follows:

8.5.2. Applicant response to T. O' Leary appeal:

- **Traffic Impact:** The applicant submits that the sole issue raised in the appeal relates to traffic. The Traffic and Transport Assessment (TTA), prepared by MHL Consulting Engineers, comprehensively addresses the matters raised and was prepared in accordance with an agreed scope with Cork County Council.

- **Brownfield Regeneration and Planning Policy:** It is submitted that the proposal represents the redevelopment of a strategically zoned brownfield site within the town centre/neighbourhood centre. The anticipated traffic impacts were considered through the zoning process and that the proposed development accords with national and local policy promoting compact growth and regeneration.
- **Local Authority and Statutory Consultees:** The applicant emphasises that Cork County Council's Traffic and Transportation Section, Area Engineer, Estates Engineer, Senior Planner and Transport Infrastructure Ireland raised no objections to the proposal on traffic grounds. Reference is also made to the Council's ongoing N25 Midleton–Youghal Transport Project, including planned improvements to the Lakeview Roundabout, which are expected to increase network capacity and improve traffic flow.
- **Traffic Assessment Methodology:** It is submitted that the traffic counts and modelling methodology were agreed with Cork County Council and that the use of 2022 baseline data remained appropriate, as the assessment incorporated TII growth rates and future traffic projections. It is stated that the development traffic includes an allowance for increased sustainable travel, whilst background traffic was deliberately not adjusted for modal shift, thereby representing a robust and conservative assessment.
- **Sustainable Transport:** The applicant submits that the development is located within walking and cycling distance of Midleton town centre, rail services and bus routes. The proposal includes extensive cycle parking together with a mix of commercial, retail and childcare facilities, thereby reducing reliance on private car travel and supporting national sustainable transport objectives.
- **Appendix A of the Traffic Assessment:** In response to concerns regarding the omission of Appendix A from the online planning file, the applicant submits that the omission did not affect the conclusions of the Traffic and Transport Assessment, as all assessment findings and recommendations were contained within the main report. A complete copy of the assessment and appendices has been furnished with the appeal response.

8.5.3. I note that Appendix A comprises supporting background information to the Traffic and Transport Assessment. The substantive assessment, analysis, conclusions, and recommendations were fully set out within the main body of the report, which was available for review by third parties during the planning process

8.5.4. Applicant response to P. Foley appeal:

- Flood Risk: The applicant submits that flood risk matters are comprehensively addressed in the accompanying engineering response. The proposed drainage strategy, incorporating attenuation to greenfield runoff rates and Sustainable Drainage Systems (SuDS), would improve the existing situation on this brownfield site by reducing uncontrolled surface water discharge.
- Traffic and Road Network: The applicant states that the Traffic and Transport Assessment was prepared in consultation with Cork County Council and follows standard methodology. It is submitted that the assessment appropriately accounts for future growth, planned transport infrastructure, and sustainable travel objectives. The applicant also refers to separate engineering submissions addressing traffic impacts and Kearney's Cross.
- Castleredmond Development: The applicant contends that the appellant's reliance on the partial refusal of the Castleredmond development is misplaced, submitting that the refusal related to site-specific access issues and has no bearing on the current proposal.

I note that the Castleredmond Development is some 750metres due north of the appeal site, situated approximately 0.5 km from the Lakeview Roundabout and 1.5 km from Midleton town centre.

- Mobility Management and Sustainable Transport: It is submitted that the Mobility Management Plan complies with all relevant requirements and was accepted by Cork County Council. The applicant further states that the site is well served by existing and proposed walking, cycling and public transport infrastructure, consistent with national policy promoting modal shift.
- Amenities and Regeneration: The applicant submits that the proposed development will provide new community facilities, including a crèche, café, retail units and public open space. It is argued that the proposal represents

the regeneration of a long-derelict brownfield site in accordance with the site's zoning and national planning policy.

- **Kearney's Cross:** The applicant submits that the proposed junction improvements, including enhanced visibility and pedestrian facilities, will improve road safety. It is argued that the alternative solution suggested by the appellant could increase vehicle speeds and would therefore be less desirable.
- **Residential Density:** The applicant rejects the contention that the proposal constitutes overdevelopment, submitting that the proposed density accords with the Compact Settlement Guidelines 2024 and national policy supporting the redevelopment of underutilised brownfield lands within existing settlements.

8.6. Further Responses

None received.

9.0 Assessment

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

- Principle of Development
- Architectural Heritage
- Density
- Layout and Design
- Traffic and Transportation Issues
- Flooding, Drainage and Water Infrastructure
- Community Facilities and Social Infrastructure

- Residential Amenity and Residential Standards
- Ecology
- Planning Authority Conditions
- Other Matters

9.2. Principle of Development

Zoning

- 9.2.1. The appeal site extends across two zoning objectives as per the Development Plan i.e. Objective “Town Centre/ Neighbourhood Centres”, which encompasses the majority of the site (Area A as indicated on the Architectural Design Statement) and Objective “Existing Residential/ Mixed Residential & Other Uses”.
- 9.2.2. The development has been divided into two areas in line with the zoning objectives i.e. Area A and Area B.
- 9.2.3. The proposed development with respect to Area A i.e. Town Centre/ Neighbourhood Centres, includes 94 dwelling houses, 25 apartments, 2 retail units, 1 medical unit, 1 office unit, a cafe and a crèche are proposed. The works also include the renovation of the existing Mill Building and the existing Eastville House.
- 9.2.4. Appropriate Uses in Town Centre/Neighbourhood Centres Retail, include a variety of uses and the following are of reference to this appeal: recreation uses, medical and healthcare services, residential, mixed residential, childcare facilities, community facilities, and offices. As such, the proposed uses are permissible under this zoning objective.
- 9.2.5. The proposal establishes a compatible mix and scale of uses including residential, retail, and commercial uses, that successfully integrate with the existing historic built fabric. By diversifying the housing stock and introducing community infrastructure—namely a crèche and a medical centre—the scheme enhances local townscape function and vitality. Furthermore, the public realm is positively defined by the reuse of the former Kiln Building, which provides functional civic amenities, open space, and dedicated play areas.

- 9.2.6. The proposed development with respect to Area B i.e. Existing Residential/ Mixed Residential & Other Uses, includes 9 dwelling houses are proposed, including the renovation of Rosehill House.
- 9.2.7. Appropriate Uses in Existing Residential/Mixed Residential and Other Uses Areas include a variety of uses and the following are of reference to this appeal: Residential development, small scale retail, small scale commercial, community facilities, childcare facilities, civic uses, small scale offices, local medical /healthcare services, recreation and amenity facilities. As such, the proposed uses are permissible under this zoning objective.
- 9.2.8. Having regard to the foregoing, I consider that the principle of the proposed development within Area A and Area B is acceptable on this site, complies with the zoning objective i.e. “Town Centre/ Neighbourhood Centres” and “Existing Residential/Mixed Residential and Other Uses Areas”, and will be a positive contribution at this location.

Regeneration Area

- 9.2.9. As noted above the site is located within a regeneration area. The proposed LRD aligns with Sections 18.2.7, 18.2.8, and 18.2.9 of the Development Plan, in this regard, by transforming an underutilised brownfield site into a vibrant, mixed-use community that acts as a catalyst for local rejuvenation. The project delivers 128 homes and integrated amenities, fulfilling the goals of strategic development, site regeneration, and improved quality of life for the surrounding area.

Site Specific Objective MD-RA-03: Former Mill Buildings Ballinacurra

- 9.2.10. The site is subject to site specific objective MD-RA-03. The proposed LRD aligns with Objective MD-RA-03 by repurposing the former industrial site into a mixed-use neighbourhood centre, featuring 128 residential units alongside commercial and community spaces. The design prioritises the sensitive repair and adaptive reuse of historic structures—including Bennett’s Mill, Rosehill House, and Eastville House—seamlessly integrating new development with retained heritage fabric.
- 9.2.11. Having regard to the foregoing, I am satisfied that the proposed development would make a significant contribution towards the regeneration objectives for the area as

set out in Sections 18.2.7, 18.2.8, 18.2.9 and MD-RA-03 of the Cork County Development Plan.

- 9.2.12. The proposal would facilitate the comprehensive redevelopment of an underutilised brownfield site through the delivery of a mixed-use scheme comprising 128 residential units, including the sensitive repair, conservation and adaptive re-use of existing protected structures and former mill buildings, together with supporting commercial, community and childcare uses.
- 9.2.13. In doing so, the development would secure the long-term reuse of a vacant and historically significant site, provide a substantial quantum of new housing, enhance the vitality and viability of the area through the introduction of complementary non-residential uses. I am therefore satisfied that the proposal is consistent with the stated objectives of the Development Plan in relation to regeneration, place-making, compact growth and the creation of sustainable communities.

Core Strategy

- 9.2.14. The Cork County Development Plan identifies Midleton as a key Metropolitan Town within the Cork Gateway growth zone. To achieve its strategic goal of critical population expansion, the plan aims to leverage the town's successful rail infrastructure to catalyze development across Midleton and its broader hinterland.
- 9.2.15. In respect to compact growth, The Cork County Development Plan 2022-2028 provides for the town of Midleton to grow to 19,423 persons up to 2028. This represents a growth of 6,927 person. In order to accommodate this level of population growth, an additional 2,647 housing units will be required in Midleton during the Plan period, the majority of which are to be provided on the main residentially zoned land clusters across the settlement³.
- 9.2.16. Appendix C of the Plan notes that Core Strategy for Midleton establishes the town as a critical growth hub within the Cork Metropolitan Strategic Planning Area, driven by massive infrastructure investments and strategic residential expansions. Key elements include the 2,500-unit Water-Rock Urban Expansion Area, major transport

³ Variation No. 1 to the Cork County Development Plan 2022–2028 updates Midleton's housing framework to a 10-year horizon, with the original 2,647-unit target being superseded by new, higher-capacity growth figures integrated into the Settlement Capacity Audit. This, combined with an additional 770 hectares of residential land county-wide, including specific rezonings at Ballinacurra, allows the town to meet expanded growth requirements.

upgrades to the N25 Corridor and suburban rail network, and the completion of the Northern Relief Road. By balancing housing delivery with strong transport accessibility and local employment networks, the strategy aims to sustainably manage the town's carrying capacity while enhancing community amenities like the Midleton to Youghal Greenway.

- 9.2.17. This echoes National guidance that at least 50% of all new homes will be located within the existing built-up footprint of the settlement, in order to deliver compact growth and reduce unsustainable urban sprawl.
- 9.2.18. Having regard to the provisions of the Cork County Development Plan, including the Core Strategy which designates Midleton as a primary growth centre within Metropolitan Cork, I am satisfied that the proposed development complies with the overarching strategic housing objectives for the area. The delivery of 128 residential units on an underutilised, brownfield site represents an efficient use of zoned, serviced land that directly aligns with core strategy objectives.
- 9.2.19. Furthermore, the inclusion of a mixed-use neighbourhood component—incorporating a crèche, medical center, and retail units—ensures the development provides sufficient capacity to support its population target, thereby preventing an undue burden on existing social and community infrastructure in Midleton. I consider that the proposed development is consistent with the Core Strategy and the proper planning and sustainable development of the area.

National Policy and Regional Guidelines

- 9.2.20. In terms of national and regional guidance, I reference the NPF (First Revision), within which compact growth is identified as a National Strategic Outcome of the NPF. As required under the NPF, 50% of future population and employment growth will be focused in the existing five cities and their suburbs, as per National Policy Objective 4 of the NPF.
- 9.2.21. The appeal site is located within Midleton, which is identified in the Regional Spatial and Economic Strategy (RSES) as a Metropolitan Town forming part of the Cork Metropolitan Area. Metropolitan towns are among the fastest growing and youngest (age cohort) towns in the Region. The RSES states that the potential residential yield

for Midleton is 5,255 units (including Water Rock UEA- 2,460 units)⁴. The RSES also lists out the infrastructure priorities for the area, including a new railway station, a new bridge over the railway line connecting to the N25 upgrade and a new Midleton Northern Relief. The MASP envisages the metropolitan towns as key locations for accommodating significant population and employment growth in support of Cork City's role as the principal driver of regional growth. The strategy promotes infrastructure-led, compact and sustainable development, with residential expansion aligned to existing and planned public transport, active travel networks and the provision of appropriate physical, social and community infrastructure. In this regard, Midleton is identified as an appropriate location for substantial residential development, provided that such development is integrated with supporting infrastructure, contributes to the consolidation of the settlement, promotes sustainable travel patterns and accords with the wider objectives of compact growth and the coordinated development of the Cork Metropolitan Area. A proposal for large-scale residential development within Midleton is therefore consistent in principle with the strategic growth objectives of the MASP, subject to detailed consideration of site-specific planning, environmental and infrastructural matters.

- 9.2.22. The Development Plan also reinforces these objectives within Objective CS 2-3: County Metropolitan Cork Strategic Planning Area.

Conclusion:

- 9.2.23. Having regard to the zoning objectives pertaining to the lands i.e. “*Town Centre/Neighbourhood Centres*” and “*Existing Residential/Mixed Residential and Other Uses Areas*”, and the guidance referenced in the Cork County Development Plan, 2022 – 2028, in respect to the development of residential growth with particular reference to the delivery growth in Midleton during the lifetime of the Plan as outlined in the Core Strategy, I am satisfied that the principle of the proposed development is acceptable.

9.3. Architectural Heritage

⁴ The Cork County Development Plan 2022–2028 designates Midleton as a core large town within the Metropolitan Cork area, targeting a population increase of nearly 7,000 people and initially requiring 2,647 additional housing units to sustain this rapid growth.

- 9.3.1. As noted in the foregoing, the site contains two Recorded Monuments, both of which are also Protected Structures, namely Rosehill House (CO076-044; RPS Ref. 520) and Bennett's Maltings (CO076-075; RPS Ref. 523).
- 9.3.2. With respect to Rosehill House is a Protected Structure (RPS No. 520), under the Planning and Development Act 2000 (as amended), protection extends beyond the structure itself to include those parts of its curtilage and any attendant grounds that contribute to its special interest.
- 9.3.3. The Mill Buildings themselves are Protected Structures (RPS No. 523) and are also a Recorded Monument (CO076-075). While the reports submitted do not expressly define the curtilage of the Mill Buildings in the same way they do for Rosehill House, I would consider that the protection afforded to a Protected Structure generally extends to include the curtilage.
- 9.3.4. Eastville House, while not a Recorded Monument, is included in the National Inventory of Architectural Heritage (NIAH Ref. 20907636) and forms an important component of the historic streetscape.

Fire Damage:

- 9.3.5. The submitted heritage reports confirm that substantial parts of the former Mill complex have suffered significant fire damage, resulting in the loss or collapse of roof structures and internal timber floors, together with localised instability and collapse of masonry at upper levels. Following site inspection, I note that much of the complex is in a ruinous or near-ruinous condition. However, the Smarts Store is comparatively intact.
- 9.3.6. Neither the Rosehill House Conservation Report nor the Eastville House Conservation Report identifies those houses as having sustained fire damage and no fire damage was visible at time of site inspection. The deterioration of these structures principally relates to vacancy, weathering, overgrown nature, water ingress and the removal or loss of internal fabric.

Demolition:

- 9.3.7. As part of the development, it is proposed to demolish approximately 1,165sq.m of structures associated with the former Mill and an extension to the rear of Rosehill House.

- 9.3.8. I also note that 3 dwelling to the north of the site, that front Rose Lane are proposed to be demolished, however, these structures do not form part of the Mill complex, are of no architectural significance, are vacant and in a derelict state. Their demolition will allow for the construction of a higher density residential development on the lands and as such is justified.
- 9.3.9. Notwithstanding, at the outset I note Section 57 (10)(b) of the Planning and Development Act 2000, as amended, which states that permission shall not be granted for the demolition of a Protected Structure or Proposed Protected Structure save in '*exceptional circumstance*'.
- 9.3.10. The applicant has submitted an Archaeological and Industrial Heritage Impact Assessment (AIHIA) prepared by Shanarc Archaeology, together with a preliminary Industrial Archaeological Survey undertaken by Dr. Colin Rynne. The assessment comprises a detailed desktop study, cartographic analysis, site inspection and preliminary industrial archaeological survey, and evaluates the archaeological and industrial heritage significance of the site together with the likely impacts arising from the proposed development.
- 9.3.11. The Archaeological and Industrial Heritage Impact Assessment confirms that the 1,165 sq.m of mill demolition comprises the former Bennett & Co. office adjoining the Smarts Store, part of the Old Maltings, the 1900 Malt Store, the rear machine shop of the Cereal Testing Station and the 1960s concrete silo. It does not apportion the stated total between those structures.
- 9.3.12. With respect to Rosehill House the proposed demolition is confined to the removal of a later rear corridor extension and certain non-original additions together with associated interventions to facilitate conservation. However, a floor area indicating the proposed demolition is not stated.
- 9.3.13. The Eastville documentation identifies an outbuilding to the rear of the house, the conservation report identifies this structure as a later ancillary building of lesser significance than the principal house. However, a demolition floor area is not provided.
- 9.3.14. I also reference the views of the Council's Architectural Conservation Officer. The Conservation Officer raises no objection in principle to the overall development, noting the extensive conservation-led design process, the involvement of a Grade 1

Conservation Architect and industrial archaeologist, and the substantial conservation benefits arising from the repair and reuse of the protected structures. The Conservation Officer considers the design to be of a high standard but recommends detailed conservation conditions, continued specialist oversight and the prioritisation of repair work to the protected structures during implementation. Importantly, the Conservation Officer does not expressly identify the proposed demolition works as constituting "exceptional circumstances" under Section 57, nor is there a detailed assessment of each demolition element against that statutory test.

- 9.3.15. In considering Section 57(10)(b) of the Planning and Development Act 2000 (as amended), I note that planning permission shall not be granted for the demolition of a Protected Structure save in exceptional circumstances. In my opinion, the submitted documentation demonstrates a clear conservation rationale for the retention and adaptive reuse of the principal heritage buildings and adequately justifies the removal of modern or later additions, together with the 1960s concrete silo which is of comparatively limited heritage significance. I also note that a substantial part of the existing protected structures (Rosehill House, Eastville House and the Mill Complex, in particular) will remain and will be retained as part of the proposed development, with the demolition to Rosehill House and Eastville House, in particular relating to later additions.
- 9.3.16. The CCDP addresses demolition primarily through heritage and waste management policies including vernacular retention i.e. specific objectives (such as Objective HE 16-19) establishing a general presumption in favour of retaining older vernacular structures, farmyards, and historic buildings that contribute to local charact. In respect of waste and embodied carbon, there is no specific policy, however, the plan (Section 15.12.23 - Construction and Demolition Waste) emphasises the need to optimise the embodied energy already trapped in existing structures. This is used as a policy tool to discourage demolition and favour the adaptive reuse of old buildings and minimises waste and reduces the use of new materials. This can be addressed via a Construction and Demolition Waste Management Plan for agreement prior to the commencement of development on site.
- 9.3.17. While I note that the accompanying documentation generally seeks to adapt and conserve the mill buildings rather than demolish, the structural instability arising from extensive fire damage to the historic mill complex in my opinion justifies the

proposed demolition of the floor area associated with the Mill complex. Therefore, I am satisfied that a substantial part of the protected structure remains, having regard to the requirement for demolition of a protected structure under the Act.

- 9.3.18. I also note that the overarching conservation strategy is to retain, repair and adapt the principal heritage assets, namely Rosehill House, the Ballinacurra Mill complex and Eastville House, for viable new uses, which I am satisfied is presented as part of the proposed development. Extensive conservation reports, method statements and impact assessments accompany each building, and these promote repair with minimal intervention and the retention of historic fabric, wherever practicable.

Proposed Works to Protected Structures:

- 9.3.19. The proposed development adopts an adaptive-reuse strategy for Rosehill House, Eastville House and the principal buildings of the former Ballinacurra Mill complex. Across the historic buildings, the proposal would provide 11 dwelling houses, 25 apartments and a range of retail, medical and office uses. The scheme would involve the demolition of 1,165 sq.m of structures associated with the Mill complex, together with an outbuilding at Eastville House and a later extension to Rosehill House, as referenced above and assessed in the following sections of my report. The principal historic buildings would otherwise be repaired, stabilised and brought back into active use.
- 9.3.20. I have considered the proposed works as follows in accordance with the relevant Development Plan Objectives, the Architectural Heritage Protection Guidelines for Planning Authorities, the report from the Councils Conservation Officer and the reports accompanying the LRD application as referenced above.

Ballinacurra Mill Buildings (Protected Structure Ref. 523):

- 9.3.21. The Mill buildings known as Bennett's Maltings is the principal heritage asset within the site and possesses industrial archaeological significance. The proposed development provides for the adaptive reuse of substantial portions of the complex for residential, commercial and office purposes while also proposing the demolition of a number of structures, including the former office building adjoining the Smarts Store, part of the Old Maltings, a 1900 malt store, part of the Cereal Testing Station, and the later twentieth century concrete grain silo.

9.3.22. The principal issue for consideration is whether the proposed adaptation of the Ballinacurra Mill Buildings from a redundant industrial complex to a mixed-use development comprising residential apartments, dwelling units and commercial/community uses is consistent with the statutory objective of securing the long-term conservation of a protected structure while facilitating its continued viable use.

9.3.23. The Architectural Impact Assessment identifies that the Mill Buildings are in an advanced state of deterioration, with extensive fire damage, collapsed roof structures, structural instability and widespread dereliction, with the exception of the earlier Smart Store. It concludes that the proposed works are directed towards securing the long-term repair, conservation and adaptive re-use of the complex through a programme of repair, stabilisation and sensitive intervention. The report also proposes the salvage, cataloguing and, where appropriate, reinstatement of industrial artefacts and historic fabric as part of the conservation strategy.

9.3.24. The proposed structure for removal include:

- the former Bennett office adjoining the Smarts Store;
- part of the Old Maltings or No. 3 Malt House;
- a 1900 Malt Store to the rear of the 1900 Maltings;
- the rear machine shop associated with the Cereal Testing Station;
- the 1960s mass-concrete grain silo.

9.3.25. I note that the 1960s silo is the only element whose complete removal is expressly supported by the AIHIA document. While the report recommends retention of all other buildings, subject to detailed survey and further consultation, I am satisfied that the removal of the other derelict, fire and structurally damaged buildings are acceptable and the demolition should be considered in conjunction with the extent of mill complex being retained and restored as part of the proposed development. I also note that the Area Planner and Conservation Officer of the Council raised no objection to the proposed works, including the proposed demolition works to facilitate the proposed development. Moreover, the proposed demolition and construction works to the existing structures on site was not raised as an issues/concerns in the third party appeals.

9.3.26. The proposed conversion of the mill complex to residential use would introduce:

- 25 apartments, comprising one studio, 10 one-bedroom and 14 two-bedroom apartments;
- seven dwelling houses within retained parts of the Mill buildings;
- two retail units, with a combined retail floor area of 414 sq.m;
- one medical centre of 69 sq.m;
- one office unit of 56 sq.m.

9.3.27. The total stated medical, retail and office floor area is 539 sq.m. I note that a separate standalone café of 69 sq.m is proposed centrally within the scheme and is not accommodated within the retained Mill buildings.

9.3.28. In respect to the proposed apartment units the following are proposed:

- 38 sq.m for the studio;
- approximately 46–56 sq.m for one-bedroom units;
- approximately 68–83 sq.m for most two-bedroom units;
- with one larger two-bedroom unit of approximately 116 sq.m.

9.3.29. The seven houses within the retained Mill buildings comprise:

- three two-bedroom houses;
- four three-bedroom houses.

9.3.30. The schedule identifies unit areas of approximately 87–101 sq.m for the two-bedroom houses and approximately 91–122 sq.m for the three-bedroom houses.

9.3.31. Having outlined the overall general approach for the Mill complex, I now consider the proposed interventions in respect of each individual building within the mill complex, including the nature of the proposed works, their intended future use and the associated conservation implications:

- Smarts Store – located at the western end of the Mill complex fronting Rose Lane

The Smarts Store is identified as the most intact element of the former Mill complex and is proposed to be retained and converted to a mix of residential and commercial

uses. The building will accommodate apartments at upper floor level together with a ground floor medical centre. Works comprise repair of the existing masonry, reconstruction of the roof, conservation of surviving historic fabric, insertion of new internal floors and services, and alterations to selected openings to facilitate the proposed use. The removal of the adjoining former office building is also proposed. I am satisfied that the adaptive reuse of the principal building will secure its long-term conservation. I also consider the proposed demolition to be justified.

- Malt Store - is located at the north-eastern corner of the Mill complex fronting Rose Lane

The Malt Store is proposed to accommodate apartments on the upper floors together with a ground floor office unit. Owing to significant structural deterioration and fire damage, the proposal includes extensive repair and reconstruction works comprising rebuilding of collapsed roof structures, repair of surviving masonry, insertion of new floors and services and alterations to existing openings. While substantial intervention is proposed, I am satisfied that the works generally seek to retain the building's historic form and facilitate its viable reuse.

- Malt House - occupies the central part of the Mill complex and forms the principal historic building within the group

The Malt House is proposed to provide apartments above a ground floor retail unit. The submitted reports indicate that this building has experienced extensive fire damage, roof collapse and structural deterioration. The proposal includes repair and reconstruction of the surviving structure together with the partial demolition of the Old Maltings. The adaptive reuse of the building is acceptable in principle and will secure its long-term use.

- Kiln Building - located immediately south-east of the Malt House overlooking the proposed civic square

The Kiln Building is proposed to accommodate apartments together with an active commercial frontage at ground floor level facing the proposed civic space. The works comprise repair and reconstruction of the external envelope, rebuilding of the roof, insertion of new internal accommodation and services and alterations to selected openings. The proposed commercial use will contribute to activity within the historic

core of the development, while the overall intervention retains the building's industrial character. I am satisfied that the proposed works are appropriate.

- Cereal Testing Station - occupies the southern part of the retained Mill complex

The former Cereal Testing Station, identified in the submitted Archaeological and Industrial Heritage Impact Assessment as being of international significance, is proposed to be retained and converted to residential use, this is welcomed. The principal building will be conserved, while the attached rear machine shop is proposed for demolition. The works include repair of the historic fabric, reconstruction of the roof, insertion of new residential accommodation and modern building services. While the reuse of the principal building represents a significant conservation benefit, I note that the AIHIA recommends retention of all historic mill buildings other than the modern concrete silo. Notwithstanding, I note the views of the Area Planner and the Architectural Conservation Officer, both of whom are satisfied that the proposed conservation-led strategy will secure the long-term preservation and viable reuse of the Protected Structures and raise no objection in principle to the extent of demolition proposed, subject to appropriate conservation conditions. Accordingly, I am satisfied that the proposed demolition forms part of a wider strategy to secure the repair, stabilisation and adaptive reuse of the retained buildings and represents a proportionate intervention that will deliver an overall positive conservation outcome.

- South Maltings - located along the southern and south-western extent of the Mill complex

The retained South Maltings are proposed to be converted into a number of dwelling houses through a combination of repair, reconstruction and adaptation of the surviving structure. The works include repair of retained masonry, reconstruction of roof structures, insertion of new floors, services and residential accommodation and the creation of associated private amenity space. While these works represent a significant intervention, they will facilitate the long-term reuse of this part of the Mill complex and secure the retention of its principal historic form. I am satisfied that the proposed approach is acceptable.

9.3.32. In this regard, I am satisfied that the principle of adapting the former maltings to viable residential and mixed-use purposes accords with Objectives HE 16-14(f), (g), (h) and (i) of the Cork County Development Plan, which seek to ensure that development respects the architectural character of protected structures, employs best conservation practice and prioritises their repair and reuse. Subject to detailed conservation oversight during implementation, which I recommend to be included as part of a condition, should the Commission be minded to grant permission, I consider that the principle of the proposed works represents an appropriate balance between heritage protection and securing the long-term future of this nationally significant industrial complex.

Rosehill House (Protected Structure Ref. 520):

9.3.33. Rosehill House is afforded the highest level of statutory protection as both a Protected Structure and Recorded Monument. The principal issue is therefore whether the proposed repair, conservation and conversion to a single dwelling can be achieved without adversely affecting its special architectural and historic interest.

9.3.34. The Conservation Report identifies Rosehill House as an early eighteenth-century Georgian residence possessing significant architectural merit arising from its original plan form, room proportions, staircase, external composition and historic relationship with the wider estate. The report emphasises that the objective of the proposed works is to conserve the authentic character of the building through informed repair, minimal intervention and sympathetic adaptation whilst ensuring its long-term occupation.

9.3.35. The proposal principally comprises repair and conservation of the main Rosehill house as follows:

- one four-bedroom detached dwelling;
- arranged over the basement, ground and first-floor levels;
- stated in the detailed Housing Quality Assessment as having a unit area of approximately 280 sq.m;
- private open space of approximately 124 sq.m.

9.3.36. The proposed works include:

- repair and conservation of the principal house;
- removal of the added 19th-century corridor extension to the rear;
- removal of a small stone structure attached to the north side of the outbuildings;
- repair and replacement of roof coverings in natural slate;
- repair and restoration of historic chimneys and rainwater goods;
- lime plastering, with a smooth finish to the principal elevation and harling to the side and rear elevations;
- retention and repair of historic windows, doors, stairs, screens and panelling;
- limited new internal partitions and services;
- fire safety, thermal and accessibility interventions;
- improved connection between the basement-level accommodation, courtyard and rear garden;
- reinstatement and conservation of the associated outbuildings and courtyard setting.

9.3.37. I note that the conservation strategy expressly recommends the removal of the rear corridor extension in order to better reveal and present the earlier 18th-century form of the house.

9.3.38. It is also proposed to reuse the associated outbuildings, and the conversion of same to:

- one three-bedroom detached dwelling;
- single-storey form;
- approximately 91 sq.m internal floor area;
- approximately 76 sq.m of private open space.

9.3.39. I note that the associated outbuildings would be repaired and restored using materials and details compatible with their historic character.

9.3.40. I consider the continuation of Rosehill House in residential use to be appropriate and conservation-led. The proposal avoids the subdivision of the principal house into

multiple apartments and allows the principal plan form, staircase, room proportions and domestic character to remain legible. The proposal would secure the repair of a vacant Protected Structure and provide it with a viable long-term use. Such an approach is entirely consistent with the Architectural Heritage Protection Guidelines, which identify continued occupation as the most effective means of ensuring the survival of historic buildings and advocate repair in preference to replacement wherever possible.

- 9.3.41. The removal of the rear corridor extension is distinguishable from demolition of the original house. The applicant identifies it as a later addition which altered the earlier form and circulation of the building. Its removal forms part of a coherent conservation strategy to reveal the original T-shaped composition and improve the relationship between the house, courtyard and outbuildings, I consider that this intervention is reasonably justified.
- 9.3.42. The conversion of the outbuildings to provide a separate dwelling would introduce domestic subdivision and services into ancillary historic fabric. However, the proposed use is compatible with the historic domestic character of the outbuildings and provides an appropriate use for the outbuildings.
- 9.3.43. Overall, I am satisfied that the works to Rosehill House and its retained outbuildings are justified by the conservation benefits arising from their repair and reuse, and that the principle of the proposed works accord with Objective HE 16-14 and represents good conservation practice.

Eastville House (NIAH Ref. 20907636):

- 9.3.44. Although Eastville House is not included within the Record of Protected Structures, its inclusion in the National Inventory of Architectural Heritage confirms its recognised architectural significance and it is therefore afforded policy protection under Objective HE 16-15 of the Cork County Development Plan.
- 9.3.45. The submitted Conservation Report identifies Eastville House as an eighteenth-century dwelling retaining its original proportions, plan form, staircase and traditional external appearance. The report concludes that the objective of the proposed intervention is to achieve a technologically lasting and sympathetic repair whilst maintaining the authentic character of the building and enabling its continued occupation.

9.3.46. Eastville House would be converted to:

- one two-bedroom dwelling; and
- one three-bedroom dwelling.

9.3.47. The submitted Housing Quality Assessment identifies the two-bedroom unit as having an area of approximately 108 sq.m, with approximately 69 sq.m of private open space. The overall house schedule confirms the second unit as a three-bedroom dwelling with 110 sq.m, with approximately 64 sq.m of private open space.

9.3.48. The proposed works include:

- repair and conservation of the principal house;
- subdivision into two residential units;
- repair of roof coverings, chimneys and rainwater goods;
- repair or reinstatement of historic windows, doors, shutters and other joinery;
- repair of lime plaster and internal finishes;
- insertion of new kitchens, bathrooms, services and fire-safety measures;
- limited alteration of internal partitions and circulation to accommodate the two dwellings;
- demolition of the associated rear outbuilding;
- works to the surrounding yard, boundaries and private open spaces.

9.3.49. I consider that the restoration of Eastville House would represent a significant conservation benefit. The building is vacant and deteriorating but retains sufficient historic fabric and character to warrant careful repair. Residential use is compatible with its original function and would avoid the more intrusive interventions which may arise from commercial or institutional conversion.

9.3.50. The subdivision into two dwellings would require some alteration to the internal arrangement however, this would secure a viable use for a large and currently vacant historic house. The conservation documentation indicates that the principal form, Rose Lane elevation, would be retained, which is welcomed. I consider the principle of subdivision acceptable and reflects the conservation principle that viable occupation is fundamental to the long-term preservation of historic buildings.

- 9.3.51. The justification for demolition of the detached or rear outbuilding states that the structure is ruinous and ancillary to the principal house. The acceptability of such demolition depends upon whether the structure forms part of the special interest of the principal building. The Architectural Heritage Protection Guidelines advise that demolition should generally be avoided where structures contribute to the significance or understanding of the historic building or its setting. Conversely, removal may be acceptable where later or heavily deteriorated structures are of limited heritage significance, are beyond reasonable repair, or where their removal facilitates the conservation and continued use of the principal heritage asset.
- 9.3.52. As the significance of the outbuilding is clearly lower than that of the principal dwelling, I consider that the demolition can be accepted.
- 9.3.53. I am satisfied that the continued residential use of Eastville House, together with a conservation-led repair strategy, is consistent with Objective HE 16-15, which seeks to protect structures included within the NIAH from adverse impacts. Moreover, I am satisfied that the principle of the proposed works would preserve the architectural significance of Eastville House would preserve the principal historic building and restore an important element of the Rose Lane streetscape.

Archaeological Potential:

- 9.3.54. The site contains two Recorded Monuments and is located within an area possessing significant archaeological and industrial archaeological potential associated with the historic development of Ballinacurra and the former maltings complex. The submitted Archaeological and Industrial Heritage Impact Assessment concludes that the site possesses archaeological significance extending beyond the standing structures and that below-ground archaeological remains may survive across the site.
- 9.3.55. The proposed development has therefore been informed by a detailed Archaeological and Industrial Heritage Assessment prepared by suitably qualified specialists. The assessment includes recommendations for archaeological monitoring, industrial archaeological recording, preservation in situ where feasible, and detailed mitigation measures to protect both standing structures and below-ground archaeological remains. It further recommends the salvage, cataloguing and interpretation of surviving industrial artefacts where retention in situ is not possible.

9.3.56. The principal mitigation measures include:

- archaeological monitoring of all ground disturbance and excavation works by a suitably qualified archaeologist;
- preservation in situ of archaeological remains wherever feasible, with preservation by record only where avoidance is not possible;
- implementation of a phased programme of archaeological investigation, recording and reporting prior to and during development;
- comprehensive industrial archaeological survey and recording of the former maltings complex, including buildings, machinery, fixtures, fittings and associated industrial processes;
- retention of industrial archaeological features in situ wherever practicable;
- managed exploration, salvage, cataloguing and interpretation of industrial artefacts where removal is unavoidable;
- detailed written, drawn and photographic recording of buildings, structures and archaeological features prior to alteration or demolition;
- preparation of a methodology, agreed with the Planning Authority and the National Monuments Service, setting out all phases of archaeological and industrial archaeological works;
- submission of a final archaeological report, including the results of all archaeological investigations, excavations and any necessary post-excavation specialist analysis, to the Planning Authority and National Monuments Service following completion of the archaeological works.

9.3.57. In addition, the Area Planner notes that the archaeological and industrial heritage reports were reviewed by the County Archaeologist, who expressed satisfaction with the submitted assessments subject to the implementation of the proposed mitigation measures. The draft conditions further require that all mitigation measures contained in Section 4.3 of the Archaeological and Industrial Heritage Impact Assessment (Shanarc Archaeology Ltd. and Dr Colin Rynne, December 2025) be implemented in full prior to and during development.

9.3.58. Having regard to the archaeological sensitivity of the site, including the presence of two Recorded Monuments, the surviving industrial archaeological remains associated with the former Ballinacurra Maltings, and the potential for previously unidentified subsurface archaeological deposits, I am satisfied that the archaeological resource has been appropriately identified and assessed. The submitted Archaeological and Industrial Heritage Impact Assessment provides a robust framework for the protection, investigation, recording and management of both the standing industrial heritage and any surviving archaeological remains. I acknowledge that the County Archaeologist has reviewed the submitted reports and expressed satisfaction with the proposed mitigation measures, subject to their implementation, and that the Planning Authority proposes a specific condition requiring the implementation in full of the mitigation measures contained within Section 4.3 of the Archaeological and Industrial Heritage Impact Assessment together with an agreed methodology and the submission of a final archaeological report to both the Planning Authority and the National Monuments Service.

9.3.59. Therefore, I am satisfied that the archaeological and industrial archaeological interests of the site can be adequately safeguarded through the recommended programme of archaeological monitoring, preservation in situ where practicable, detailed recording, industrial archaeological investigation, artefact salvage and cataloguing, and appropriate post-excavation analysis. Such an approach accords with established conservation practice and would ensure that the archaeological significance of the site, including its exceptional industrial heritage value, is appropriately protected, investigated and recorded while facilitating the sensitive regeneration and continued sustainable use of this strategically important heritage site.

Overall Conclusion:

9.3.60. Having regard to the statutory protection afforded to Rosehill House and the Ballinacurra Mill Buildings as Protected Structures and Recorded Monuments, together with the inclusion of Eastville House on the National Inventory of Architectural Heritage, I am satisfied that the proposed development has been informed by a comprehensive suite of conservation reports, architectural impact assessments and archaeological assessments which adopt a conservation-led approach to the repair, restoration and adaptive re-use of the historic buildings.

- 9.3.61. I consider that the proposal would deliver substantial architectural and industrial heritage benefits through the repair and reuse of Rosehill House, Eastville House and the principal Mill buildings. The proposed residential, medical, retail and office uses are generally compatible with the character and location of the buildings and would provide the economic activity necessary to secure their long-term maintenance.
- 9.3.62. The works to Rosehill House are conservation-led, with the principal building retained as a single dwelling and the removal of the rear corridor extension supported by a coherent rationale to reveal the earlier form. The subdivision of Eastville House and the conversion of the Mill buildings are more interventionist but can be accepted in principle because they retain the principal external forms and provide viable uses for vacant and deteriorating buildings.
- 9.3.63. I am satisfied that the extent of demolition within the protected Mill complex can be justified, having regard to the fire damage, roof collapse and structural deterioration provide a material justification for extensive intervention and reconstruction, through the submitted conservation documentation and are directed towards securing the long-term preservation and continued use of the heritage assets. Similarly, the proposed demolition of elements to Rosehill House and Eastville House is justified.
- 9.3.64. The principle of securing the long-term viable use of these heritage assets through sensitive conversion is consistent with Objectives HE 16-14, HE 16-15 and HE 16-16 of the Cork County Development Plan and reflects the conservation principles set out in the *Architectural Heritage Protection Guidelines for Planning Authorities (2011)*, which promote repair, minimum intervention, retention of significant historic fabric and the sustainable re-use of protected structures.
- 9.3.65. Should the Commission be minded to grant permission, I consider it appropriate that the detailed conservation conditions recommended by the Council's Conservation Officer and the Department of Housing, Local Government and Heritage be attached to any grant of permission in order to ensure that all works are undertaken in accordance with best conservation practice, under appropriate specialist supervision, and that the architectural and archaeological significance of the protected structures and associated heritage assets is appropriately safeguarded throughout the construction process.

9.4. Density

- 9.4.1. The issue of density and scale have been raised in the appeals as concerns. It is contended, in the grounds of appeal, that the proposal represents an overdevelopment of the site, resulting in an excessive increase in the scale of development within Ballinacurra. Other concerns have been noted regarding the density of the development without corresponding open space, supporting infrastructure or community facilities, I will discuss the latter issues later in my assessment.

Density

- 9.4.2. I note that the net site area has been stated at 3.62ha, however the applicant has excluded a wildlife area to the south of the site from the developable site area, which is stated as 3.48ha. I accept this exclusion for density calculation purposes.
- 9.4.3. The proposed development provides for a total of 128 residential units, which results in a net residential density of 37 units per hectare, based on a net developable area of 3.48 hectares.
- 9.4.4. I note that this figure is at odds with the figure presented in both the applicants Architectural Design Statement and as referenced in the area planners' report of 43 residential units per hectare (excluding ground floor commercial uses). Moreover, the applicant states that the housing density of Area A is 50 residential units per h/a when excluding non- residential functions. It is not clear from the information submitted where the applicant is basing their figures for the suggested density on the site. Notwithstanding, the area planner considered that a density of 43 units per hectare was deemed an appropriate response to this site.
- 9.4.5. The site plan presents the development in two distinct areas i.e. Area A comprising 85 New Houses, 9 Houses in Existing Buildings and 25 New Apartments in Existing Buildings (Total 119 units). The applicant states that Zone A comprises of 2.91 hectares, this portion of the site would equate to a density of 41 units per hectare.
- 9.4.6. Area B, to the western portion of the site comprises 7 New Houses and 2 Houses in Existing Buildings. The applicant states that Zone B comprises of 0.71 hectares of the site which would equate to a density of 12.5 units per hectare.

9.4.7. Notwithstanding the site split into two areas, I am satisfied that the net density for the overall site, provides for a density of **37 dwelling units per hectare** and this will be the density figure used in my assessment.

Development Plan

9.4.8. The Plan supports the delivery of high-density development within town centres of the larger towns with a population >1500 throughout the County and this represents a consistent approach to that taken historically in our towns and will serve to reinforce the character of existing places.

9.4.9. As referenced above, the subject site has a predominantly “town centre” zoning, mainly comprising of Area A. The land to the western portion of the site, i.e. Area B noted above has a residential zoning.

9.4.10. The CDP zoning objectives under HOU 4-7 identifies town centres as being suitable for “high density” development (i.e. >50 per ha, with no maximum density limit).

9.4.11. The objective notes that this density will be applicable in the following instances:

- *“Applicable to town centres of the larger towns with a population >1500 throughout the county and in other areas identified in the Settlement Network normally in close proximity to existing or proposed high quality public transport corridors;*
- *This will normally involve a mix of unit formats including terraced housing and/ or apartment units.*
- *May include the subdivision of larger dwellings proximate to existing or improved public transport corridors;*
- *A minimum 10% open space provision will be required.*
- *Subject to compliance with appropriate design/ amenity standards and protecting the residential amenity of adjoining property and the heritage assets of the town centre”.*

9.4.12. I note that the proposed development would provide a density which is lower than the typical net densities advocated for town centre areas as per the Development Plan. Therefore, I do not consider that the proposed development could represent

overdevelopment or an excessive increase in the scale of development within the area as argued by the appellants.

9.4.13. I acknowledge the various constraints on this site, i.e. the presence of the existing protected structures in particular the existing Mill Building and Rosehill House and their locations on the overall site, which in my opinion provides challenges with respect to the layout and positioning of new residential development. As part of the proposed development the applicant opted to reuse the existing structures on site to provide residential accommodation i.e. 25 no. apartment units and 7 houses in the Mill Building, with Rosehill House and outbuildings providing 2 dwelling units, which is welcomed from a conservation and built heritage perspective. Moreover, the applicant was encouraged by the planning authority to provide a lower density/softer level of intervention for the area of land surrounding the existing Rosehill House, which is a Protected Structure.

9.4.14. Whilst the proposed development of 37uph is below the 'high density' i.e. >50 uph minimum net density standard set out in the Development Plan, I note that Objective HOU 4-7: Housing Density on Residentially Zoned Land, states with respect to the minimum density that this is subject to a number of criteria as listed in the "comments" in the table in Section 4.9.1 of the Plan including "*compliance with appropriate design/ amenity standards and protecting the residential amenity of adjoining property and the heritage assets of the town centre*". Therefore, having regard to the existing heritage assets on site, which provide specific constraints to development and the welcomed retention and reuse of the existing protected structures on site, in particular, it is in my view that the proposed density would be acceptable, in this instance and, therefore compliant with the provisions of the Development Plan.

Compact Settlement Guidelines

9.4.15. I also reference the 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities'. The site is in an urban extension area of a Metropolitan Town as set out in the Guidelines. Table 3.3 (Areas and Density Ranges – Metropolitan Towns and Villages) states that 'urban extension refers to greenfield lands at the edge of the existing built up footprint that are zoned for residential or mixed-use (including residential) development. It is a policy and

objective of these Guidelines that residential densities in the range 35 dph to 50 dph (net) shall generally be applied at ... edge locations of Metropolitan Towns ...',

9.4.16. I also note that the Area Planner's report acknowledges that the site is designated as a Metropolitan Town.

9.4.17. These guidelines have a specific focus on the renewal of existing settlements and on the interaction between residential density, housing standards and placemaking to support the sustainable and compact growth of settlements.

9.4.18. I note that the proposed housing density at 37 dwelling units per hectare (dph) net, is within the density range noted in the Guidelines, and therefore I am satisfied that the density as proposed accords with the Guidelines.

Conclusion on Density

9.4.19. Having regard to the Development Plan, and the Heritage/ conservation aspects to the site which are challenging and place additional development constraints, I am satisfied that the proposed density accords with Objective HOU 4-7 of the Development Plan and also is appropriate in the context of the site given the heritage assets present on site and does not contravene the Development Plan.

9.4.20. The proposed development also accords with the recommend density for the sites located as identified in Table 3.3 (Areas and Density Ranges – Metropolitan Towns and Villages) of the Compact Guidelines which identifies that residential densities in the range 35 dph to 50 dph (net) shall generally be applied at ... edge locations of Metropolitan Towns ...'.

9.4.21. Therefore, I am satisfied that the proposed density is acceptable having regard to the town centre location of the subject site, the existing heritage buildings on site, pattern development and the existing service provision therein, and that the density as proposed accords with the target residential density identified above.

9.5. Layout and Design

9.5.1. The appellants contend that the scale of the proposed development results in an excessive increase in the scale of development within Ballinacurra.

9.5.2. In assessing the proposed layout and architectural design, I note that the development seeks to establish a coherent residential neighbourhood centred on the

adaptive reuse of the former Ballinacurra Mill complex and associated protected structures, with new development informed by the historic character of the site.

- 9.5.3. The proposal comprises a mix of 103 houses and 25 apartments, with the apartment accommodation accommodated within the converted mill buildings while the new housing is predominantly provided in two and three-storey form, thereby creating a varied but legible urban structure.
- 9.5.4. The design rationale indicates that the layout responds to the historic grain of the site by creating a hierarchy of streets, squares and landscaped spaces, with active frontages, passive surveillance and clearly defined public, semi-private and private realms. The proposed dwellings are arranged to maximise privacy, solar orientation and dual aspect where possible, while the architectural language adopts contemporary forms that draw reference from the traditional industrial and domestic architecture of Ballinacurra through the use of pitched roofs, vertically proportioned openings, heritage brickwork, slate roofs and restrained material palettes.
- 9.5.5. The non-residential elements are concentrated within the historic mill complex and at key focal points within the scheme, including the provision of retail units, a medical centre, office accommodation, café and a crèche, thereby creating an identifiable mixed-use neighbourhood centre and contributing to activity throughout the day. This concentration of commercial and community uses around the retained heritage buildings reinforces the civic function of the historic core while allowing the peripheral areas of the site to remain predominantly residential in character.
- 9.5.6. The proposal also incorporates a network of public open spaces, including a central civic space, landscaped greens, children's play areas and amenity areas associated with Rosehill House, all of which are overlooked by surrounding development and integrated within the overall movement network.
- 9.5.7. In terms of scale and height, I am satisfied that the development exhibits an appropriate transition across the site. The conversion/ change of use of existing mill building structures, will range from 3 to 4 storeys in height with the Malt House and Malt Store extending to 4 storey i.e. 22 metres maximum, with the proposed new dwelling houses ranging from 2 to 3 storeys in height i.e. 10 metres maximum. The existing height of Rosehill House and Eastville House will remain at two storeys i.e. 18.8 and 12.9 metres, respectively. One-storey elements are limited to ancillary

buildings, the café, crèche and a small number of existing structures. I am satisfied that this graduated approach to building height provides visual variety, reinforces the hierarchy of spaces and respects both the established residential context and the historic industrial character of the site.

- 9.5.8. Having regard to the proposed site layout, I consider that the proposed LRD establishes an appropriate scale and density that integrates with the existing historic context. The urban form incorporates sensitive building heights, quality unit design, and robust materials to safeguard residential privacy and amenity. The resulting layout delivers a secure, sustainable, and multi-generational neighbourhood.

Open Space and Recreation

- 9.5.9. The appellants contend that there is no corresponding provision of open space to support the proposed development. However, the Area Planner raised no issue with respect to the quantum or quality of open space proposed.
- 9.5.10. Objective HOU 4-7 of the Development Plan states in respect to high density development in town centres that “A minimum 10% open space provision will be required”.
- 9.5.11. Section 14.5.11 of the Plan states that new housing developments must normally allocate 12% to 18% of the developable site area to public open space, though this may be reduced to a minimum of 10% in exceptional circumstances where both private and public open spaces are designed to an exceptionally high standard. However, achieving superior qualitative benchmarks—such as accessibility, variety, biodiversity, shared use, allotments, and Sustainable Urban Drainage Systems (SUDs)—is prioritised over raw quantity to deliver a high-quality residential environment that fulfills user expectations.
- 9.5.12. I further note Objective GI 14-6: Public/Private Open Space Provision, which states with respect to public open space that residential developments must provide high-quality, accessible, and well-proportioned public open space that complies with Cork County Council’s Interim Recreation & Amenity Policy (2019), national guidelines, and the "Making Places" design guide. Proposals are required to integrate new spaces with existing networks to establish a cohesive green infrastructure network.

- 9.5.13. In respect to open space the layout proposes 0.5 hectares of public open space which equates to 15% of the developable area of which 0.47 hectares is considered useable public open space. This equates to 13% of the developable area. 0.76 hectares of private open space is proposed which equates to 22% of the developable area. This is acceptable and accords with the requirements of the Plan as noted above.
- 9.5.14. A high level of landscaping is also proposed to the open spaces. There is a clear definition between public, semi-private, and private space.
- 9.5.15. The scheme includes:
- Useable Public Open Space: 4,660m²
 - Green Space & Civic Square (13% of nett site area)
 - Private Open Space - Gardens: 7,585m²
 - Useable Private Open Space - Gardens: 6,173 m²
 - Communal Open Space - Apartments: 260m²
- 9.5.16. The public open space is centrally located within the site, in two dedicated sections, and also extends to the western site boundary, to the side of Rosehill House, proposed to serve the overall scheme.
- 9.5.17. The communal open space, to serve the apartments is located to the east of the Kiln Building.
- 9.5.18. In respect to the private houses, all new dwelling houses in the proposed development meet and exceed the requirements of the guidelines (i.e. 1 bed house - 20sq.m, 2 bed house - 30sq.m, 3 bed house - 40sq.m and 4 bed house - 50sq.m.). I do note that two 3 bedroom dwelling houses proposed in the Mill buildings are 2sq.m below the recommended 40sq.m, however these are located close to the public open space, as such I am satisfied that this shortfall is acceptable.
- 9.5.19. Access roads and parking areas are considered as an integral landscaped element in the design of the public realm. The different building forms, surrounding and overlooking the open space areas, create character and a sense of place and provide passive surveillance.

- 9.5.20. The proposed Landscape Plan identifies a formal equipped play area in the westerns area of the site within the open space. I note, however, that the area of the dedicated play area has not been stated, however I am satisfied that the area is sufficient in size to cater for the development and is located within the open space area. Final details of the play area should be submitted for written agreement by way of condition. There is also an amenity space in the form of an urban place defined by the former Kiln Building.
- 9.5.21. The scheme also includes wildlife zones, which are non-useable private open spaces to the southern boundary of the site, comprising native hedgerow. The wildlife zones run to the south of the rear garden boundary of the proposed dwellings. The boundary to the south to Rosehill House also supports a wildlife zone for increased biodiversity. It does not appear that the rear gardens associated with the dwellings to the southern portion of the site have access to the wildlife area, the plan states that this is non useable private open space. The site plan indicates that this area is accessible from the communal footpaths and open space within the site. It is unclear, however, how this area will be managed. In the event, that the Commission be minded to grant permission, I recommend the inclusion of a condition with respect to the management and maintenance of the wildlife areas.
- 9.5.22. In accordance with the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), and the Development Plan, as noted above the development provides approximately 15% public open space.
- 9.5.23. I am satisfied that the public open space network includes a range of functional and recreational spaces within the site including play area (area not identified), located to the west of the site in the western area of open space, and is appropriately designed providing a structured open space framework across the site, as illustrated in the Landscape Masterplan.
- 9.5.24. The applicant proposes to utilise underground attenuation tanks sited beneath designated areas of public and communal open space to manage storm water runoff. Objective WM 11-10: Surface Water, SuDS and Water Sensitive Urban Design, states that new developments must use a Water Sensitive Urban Design approach that implements Sustainable Urban Drainage Systems (SuDS), limits hard surfacing, and protects national road drainage regimes. Nature-based solutions must be

prioritised to manage storm water while enhancing biodiversity, amenity, and green infrastructure corridors. Additionally, any surface water discharging into waterbodies must incorporate strict pollution controls, including silt traps and hydrocarbon interceptors. However, Section 11.10.3 of the Plan states that *“While engineered attenuation in underground tanks may be necessitated in limited circumstances, a range of solutions should be considered in a SuDS scheme which are designed to manage, treat and make best use of surface water, prioritising nature-based solutions and embracing opportunities to enhance green infrastructure and create attractive, nature rich open space”*. Accordingly, I am satisfied that no material contravention of the Plan arises.

9.5.25. Furthermore, I am satisfied that the technical necessity of attenuation is acknowledged given the site's brownfield nature and its proximity to sensitive watercourses. I also note that the proposed development utilises a nature-based SuDS strategy, integrating surface-level water management with landscaping to enhance biodiversity and increase resilience to climate change. Key features include permeable grasscrete paving, rain harvesting, and tree-pits designed to slow, store, and treat runoff while connecting to wider green networks. I also note that the report received from the Environment Department, raised no concern regarding the proposed attenuation tanks, subject to condition with respect to the storm water attenuation and treatment measures.

9.5.26. Overall, I am satisfied development strategy put forward for the proposed development in terms of design, responding to the site constraints, private, public and communal open space provision is acceptable and will provide for an attractive residential scheme at this location. If the Commission were minded to grant permission, I recommend the inclusion of a condition in respect to final details pertaining to the wildlife zones, play and details pertaining to the storm water attenuation and treatment measures.

Permeability

9.5.27. The proposed layout also demonstrates a high degree of permeability. The development is accessed from both Rose Lane and the Cloyne Road (R629) and incorporates a connected network of streets, shared surface environments, footpaths and pedestrian/cycle links that align with natural desire lines and facilitate movement

throughout the site. The design prioritises pedestrian and cyclist permeability through multiple access points, shared streets operating at low vehicle speeds, and direct connections to surrounding residential areas and public transport infrastructure.

- 9.5.28. The arrangement of buildings and open spaces promotes ease of navigation, passive surveillance and legibility while supporting the creation of a walkable neighbourhood integrated with the existing settlement pattern of Ballinacurra. Overall, I am satisfied that the proposed layout and design respond positively to the site's heritage assets, provide a high-quality residential environment and accord with the principles of sustainable urban design and placemaking.

DMURS Compliance:

- 9.5.29. The DMURS Statement describes the development as a network of local and access streets incorporating shared surfaces, home zones, hybrid streets, filtered permeability and pedestrian/cycle connections. The design seeks to prioritise pedestrians, followed by cyclists and public transport, while reducing the dominance and speed of private vehicles.
- 9.5.30. The principal DMURS characteristics identified are connectivity, enclosure, active edges, pedestrian activity and facilities. Buildings address streets and public spaces, entrances and windows provide passive surveillance, corner radii are reduced, crossings are generally raised, materials change at gateways and character areas, and horizontal and vertical deflections are used to moderate speed. The Cloyne Road entrance is treated as a gateway and the heritage buildings provide focal points and legibility.
- 9.5.31. I am satisfied that the overall design approach is consistent with DMURS. It creates a connected, low-speed, place-led street network rather than a conventional distributor-road estate, and it integrates movement with the regeneration and heritage objectives for the site.
- 9.5.32. The scheme is consistent with the place, movement, permeability, enclosure and user-priority principles of DMURS. Final compliance should be secured through revised detailed drawings by way of condition, implementation of all RSA measures and agreement of robust surface materials, signs, markings, tactile paving and unobstructed pedestrian routes.

Conclusion on Layout and Design:

- 9.5.33. Having regard to the design rationale, site layout, scale and disposition of development, provision of public, communal and private open space, permeability, and the overall placemaking approach, I am satisfied that the proposed development would provide a high-quality residential environment consistent with the objectives of the Cork County Development Plan, the Sustainable Residential Development and Compact Settlements Guidelines, the Design Manual for Urban Roads and Streets (DMURS), and the principles of good urban design.
- 9.5.34. The proposal successfully integrates the historic mill complex and protected structures into a coherent mixed-use neighbourhood, while providing an appropriate range of housing types, community facilities and accessible open spaces. Subject to conditions relating to the detailed management of the wildlife areas, final play provision, surface water attenuation measures and detailed public realm design, I am satisfied that the proposal would not adversely affect the character or residential amenity of the area and represents an acceptable and sustainable form of development at this location.

9.6. Traffic and Transportation Issues

- 9.6.1. This section assesses the traffic and transportation implications of the proposed Ballinacurra Mill LRD. I note and have had regard to the submitted Traffic and Transport Assessment (TTA), Mobility Management Plan (MMP), Stage 1 Road Safety Audit (RSA), DMURS Statement of Consistency, the Area Planner's Report, the technical reports appended thereto, the third-party traffic grounds and the applicant's responses to those grounds.
- 9.6.2. The matters considered in my assessment to following are presented under the following headings: proposed access and layout; traffic generation and cumulative impact; road capacity; robustness of the TTA; construction traffic; road safety; car and bicycle parking; and access to public transport.
- 9.6.3. The principal concern raised in the appeal is that the R630 corridor, Church Road, the Grotto Junction, Kearney's Cross and the N25/Lakeview Roundabout are already operating at or beyond capacity, and that the proposal would add materially to congestion, delay and safety risk. The appellants also question the age and scope of

the baseline data, the modelling methodology, cumulative-development assumptions, the modal-shift target and the reliance placed on future infrastructure.

Proposed Access and Internal Layout

- 9.6.4. The site is served by two existing entrances, one to Rose Lane and one to Cloyne Road (R629). In respect to the proposed access, the existing access to Rose Lane will be maintained with a new relocated (south of the existing) entrance to Cloyne Road (R629). These are the primary entry/exit points to the site. Whilst the proposed entrances also provide pedestrian and cyclist access at these locations, I note that the site plan indicates a possible pedestrian connection to the adjoining site to the west of the site, from the area of open space to the north of Rosehill House.
- 9.6.5. The internal road network includes conventional access streets, shared surfaces and home-zone areas, with pedestrian and cycle permeability integrated through the scheme.
- 9.6.6. The proposal includes the widening of Rose Lane to 5.5 metres, introducing traffic-calming measures and revised surface treatments, amending the south-western courtyard and submitting a revised treatment at Kearney's Cross (I note that these works were sought as part of the pre-application consultation with the Council). The Area Planner notes that the Area Engineer was satisfied with these responses. The DMURS Statement identifies the principal carriageway widths as 5.5 metres on Rose Lane, 6 metres on the main access road, between 4.8 and 6 metres on shared surfaces and approximately 3.5 metres on driveways. The Area Engineer is satisfied with the proposed arrangements.
- 9.6.7. I consider the proposed access arrangement acceptable. The use of two accesses distributes traffic, avoids sole reliance on a single local street and provides separate connections to Rose Lane and the R629. The street hierarchy, raised crossings, shared surfaces, active frontages and filtered permeability are consistent with the intended role of the development as a neighbourhood-centre and regeneration scheme.
- 9.6.8. The TTA includes operational assessments of the two principal junctions agreed with Cork County Council during pre-planning, namely the R630/Church Road Junction and the R630/R629 ("Grotto") Junction. Junction capacity has been assessed for existing conditions and future assessment years, both with and without the proposed

development. The assessment concludes that while additional traffic generated by the proposal would result in some deterioration in junction performance, the impacts are incremental upon an existing constrained network rather than creating a new capacity issue.

- 9.6.9. The applicant indicates that the Kearney's Cross treatment provides approximately 50 metres visibility and can be finalised through agreement with the road authority. I am satisfied that in the event the Commission is minded to grant permission that final detailed design i.e. the junction works, visibility splays, pedestrian crossing arrangements, road markings, signing, lighting and tie-in levels should be agreed in writing prior to the commencement of development.
- 9.6.10. The Stage 1/2 RSA recommendations should also be incorporated into the final design, followed by Stage 3 and Stage 4 audits.
- 9.6.11. Having regard to the revised design, the absence of any engineering objection to the final access proposals, the provision of two vehicular access points, appropriate internal permeability, and compliance with DMURS principles, I am satisfied that the proposed access arrangements and internal road layout are acceptable and would provide for the safe and efficient movement of vehicles, pedestrians and cyclists whilst integrating appropriately with the surrounding road network.

Traffic Generation and Cumulative Impact:

- 9.6.12. The TTA assesses traffic arising from the 128 residential units and the associated crèche, café, retail, office and medical uses.
- 9.6.13. Table 4.1 of the Traffic and Transport Assessment estimates the peak-hour vehicle trips associated with the proposed mixed-use development using the existing modal share of approximately 17%. The assessment separately identifies traffic associated with the residential development and the proposed crèche before arriving at the total peak-hour trips generated by the overall scheme.
- 9.6.14. Table 4.1 of the TTA indicates that the total trips generated from the residential element in the am peak is 121 and the pm peak is 94. For the creche the total trips is presented as 81 in the am peak and 79 in the pm peak. The table also presents the creche as a factor of the creche traffic being external to the development, which reduces the total trips generated in the am peak to 40 and pm peak to 39.

- 9.6.15. In my opinion, the methodology adopted by the applicant is reasonable when considered in the context of the proposed development as a whole. The proposal comprises a mixed-use neighbourhood including residential units, a crèche, café, retail, office and medical uses. It would therefore be inappropriate simply to aggregate the gross trip generation associated with each individual land use without considering the interaction between them.
- 9.6.16. In particular, the reduction applied to the crèche reflects the assumption that a proportion of children attending the facility will either reside within the proposed development or will be dropped off as part of an existing commuting journey. Accordingly, many of these trips would already be represented within the residential traffic generation or would constitute pass-by or diverted trips rather than wholly new external vehicle movements. The adjustment therefore seeks to avoid double-counting vehicle trips that would otherwise artificially overstate the traffic impact of the development.
- 9.6.17. The TTA subsequently distributes these adjusted trips through the surrounding road network, applies future-year traffic growth, and assesses the resulting impact using Junctions 10 modelling. The assessment also incorporates a future modal shift scenario increasing sustainable travel from approximately 17% to 30%, a target agreed with Cork County Council having regard to the completion of the R630 active travel scheme. Importantly, this increased modal share is applied only to development traffic and not to background traffic, resulting in a conservative assessment of future network performance.
- 9.6.18. Having regard to the mixed-use nature of the proposed development and the location of the site, I am satisfied with the accuracy and traffic generation figures presented for the scale of the proposed development, the submitted Mobility Management Plan and the assumptions adopted elsewhere within the TTA assessment, I am satisfied that the trip generation methodology provides a reasonable estimate of the likely external traffic associated with the proposed development.
- 9.6.19. The TTA identifies the N25/Midleton direction as the principal morning desire line, assigning approximately 70% of outbound development traffic in that direction and

approximately 30% to the alternative route. Traffic generation was derived using observed local traffic data and was stress-tested against the TRICS database.

- 9.6.20. The assessment applies a current sustainable-mode share of approximately 16.8–17% and a future target of 30% for development traffic, having regard to the R630 active-travel works and wider walking and cycling improvements. The TTA states that the 30% assumption was agreed with the Council's transport section. The applicant states that the improved modal share was applied only to traffic generated by the proposed development and was not applied to existing background traffic.
- 9.6.21. The appellants contend that the cumulative impact of recent and committed development in Ballinacurra and Midleton has been underestimated. The applicant states that future background traffic was factored using Transport Infrastructure Ireland growth rates and that this is the standard method for incorporating general development growth. The applicant further argues that the site is zoned for town-centre and regeneration development, that the traffic implications of development on zoned lands are already embedded in the strategic planning framework, and that the proposed mixed uses would reduce the need for some external trips.
- 9.6.22. The TTA includes future-year modelling incorporating background traffic growth and assesses network performance for opening year, opening year plus five years and opening year plus fifteen years scenarios. Future background growth has been applied in accordance with recognised national guidance and the assessment therefore considers the cumulative effect of general traffic growth over the assessment period.
- 9.6.23. As highlighted in the appeal, the TTA does not, however, contain a development-by-development schedule identifying each permitted or committed residential scheme within the wider Midleton/Ballinacurra area and separately assigning traffic from each individual scheme through every assessed junction. In my opinion this omission does not render the assessment fundamentally deficient.
- 9.6.24. The purpose of a Traffic and Transport Assessment is to assess the effect of the proposed development upon the receiving transport network. National guidance does not require every committed development to be individually modelled where appropriate background growth factors have already been applied. In this instance the applicant has modelled future-year scenarios incorporating background growth

together with development traffic and has also considered wider strategic transport proposals affecting the area, including the R630 upgrade and emerging N25/Lakeview proposals, which is adequate and does not undermine the conclusions reached.

- 9.6.25. The modelling is not limited to the present day, it considers opening and future design years, applies background growth, assesses with-development and without-development scenarios and recognises that the existing network is already constrained. The applicant's methodology does not assume that the development creates no impact, rather, it identifies a degradation in junction performance and additional delays.
- 9.6.26. The modelling clearly demonstrates that the existing network, particularly the R630/R629 ("Grotto") Junction, already operates close to or beyond practical capacity during peak periods. The proposal would increase delay and queue lengths and therefore contribute incrementally to existing congestion. The TTA acknowledges this directly.
- 9.6.27. However, the assessment also demonstrates that the development is not the principal cause of the identified network deficiencies. Rather, congestion is a consequence of wider strategic constraints affecting the Midleton transport network, particularly the interaction between the R630 corridor and the N25/Lakeview Roundabout. The additional traffic associated with the proposal forms only one element within that wider traffic demand.
- 9.6.28. The modelling indicates that, notwithstanding increased delay, the development-generated queues would not extend so as to interfere with the operation of the National Primary Route. Furthermore, the proposal occupies a sustainable town-centre regeneration site with direct access to existing and improving pedestrian, cycle and public transport infrastructure. The submitted Mobility Management Plan seeks to reduce private car dependency and encourage sustainable travel through a range of operational measures.
- 9.6.29. Having regard to these factors, together with the strategic location of the site, I am satisfied that the development would contribute only incrementally to an already constrained network and would not give rise to unacceptable traffic impacts.

9.6.30. The proposal would add to existing congestion and delay, particularly during peak periods. The future-year modelling and with/without-development scenarios provides a reasonable basis for assessment. However, I do not consider that the information demonstrates that the development, on land that is zoned, centrally located on a regeneration site would create an unacceptable cumulative traffic impact and is acceptable.

Road Capacity and Prematurity:

9.6.31. The TTA models two critical junctions agreed with Cork County Council: **the R630/Church Road junction and the R630/Grotto junction**, including the proposed signalised arrangement associated with previously permitted works. It records that the existing road network operates close to or above capacity during the morning and evening peaks. The Area Planner similarly acknowledges that traffic is a key concern and that significant queuing already occurs in the wider network.

- At the R630/Church Road junction, the addition of development traffic is forecast to degrade performance, with the most notable effect arising during the morning peak.
- At the Grotto Junction, the TTA identifies substantial future delays and queues.

9.6.32. The Area Engineer did not raise any objection regarding road capacity or prematurity.

9.6.33. The information provided records an increase in delay to development traffic in the 2040/2043 design year from approximately 262 seconds per passenger-car unit to 526 seconds in the morning peak and from approximately 85 seconds to 239 seconds in the evening peak. Notwithstanding these delays, the TTA states that the queue towards Lakeview Roundabout would not extend so far as to interfere with the operation of the N25.

9.6.34. The appellants argue that the development is premature pending strategic improvements at Lakeview Roundabout and along the N25 corridor. The Area Planner does not dispute the current constraint but relies on the Council's Traffic and Transportation Engineer, who identifies Lakeview Roundabout as falling within the N25 Midleton-to-Youghal Transport Project. Phase 1 has been completed and

technical advisers have been appointed for the subsequent option-selection, design, environmental and statutory phases.

- 9.6.35. The applicant argues that the strategic project is intended to improve capacity and traffic flow and that Transport Infrastructure Ireland raised no objection. However, the strategic works are not yet delivered and no definite completion date is identified.
- 9.6.36. The submitted TTA recognises that existing peak-hour conditions at the assessed junctions are constrained and that the proposal would contribute additional traffic to this existing congestion. However, it does not conclude that the proposed development is dependent upon the completion of future N25 or Lakeview Roundabout improvement works before it can proceed. Rather, the assessment concludes that although delays would increase, development-generated queues would remain localised and would not interfere with the operation of the National Primary Route.
- 9.6.37. I also note that neither the Council's Area Engineer nor the Transportation Section recommended refusal on prematurity grounds. Instead, engineering comments related primarily to detailed local design matters, all of which were subsequently addressed to the satisfaction of the Area Engineer. The Area Planner similarly identifies the wider congestion issues as strategic transport matters which are currently being progressed through the Midleton-to-Youghal Transport Project rather than matters capable of being resolved by this development alone.
- 9.6.38. Having regard to the town-centre location of the site, its regeneration benefits, the provision of mixed-use development, active travel infrastructure and implementation of the Mobility Management Plan, I do not consider that the proposed development is dependent on the delivery of the Lakeview Roundabout.
- 9.6.39. The road network is already constrained and the proposal would cause a measurable deterioration in peak-hour performance. However, the evidence does not show that queues generated by the development would interfere with the N25 or that the strategic Lakeview works are an essential prior to occupation. On balance, I am satisfied that the proposed development is acceptable.

Robustness of the Traffic and Transport Assessment:

- 9.6.40. The appellants question the TTA on four principal grounds: the age of the data; the omission of recent R630 travel-pattern changes; the limited junction scope; and the omission of Appendix A from the online planning file. I note that Appendix A comprised supporting background information to the Traffic and Transport Assessment and has been provided as part of the applicants' response to the appeal.
- 9.6.41. A traffic count at the R630/Church Road junction was undertaken in May 2024, whereas data for the Grotto Junction were derived from 2022 counts. The applicant explains that the TTA commenced while the R630 works were underway, that the use of the 2022 data was accepted by the Council and that future traffic was factored using TII growth rates. However, the assessment does not simply carry the 2022 flows forward unchanged; growth factors are applied and the analysis is combined with a current 2024 count at the other principal junction.
- 9.6.42. The study scope was agreed with Cork County Council and focused on the R630/Church Road and Grotto junctions. The appellants seek assessment of additional locations, including Castleredmond, Kearney's Cross and Lakeview Roundabout. The applicant responds that the disputed junctions have been modelled in assessments for other developments and are already at or near capacity, and that there was no Council requirement to remodel them for this application.
- 9.6.43. The TTA records the main desire lines, surveys peak-hour traffic, observes queue lengths and pedestrian movements, uses Junctions 10 modelling, applies accepted future assessment years and presents with- and without-development results. The future modal share of 30% is an assumption, however this was agreed with the Council and is applied only to development traffic. Existing background traffic is not reduced to reflect future modal shift.
- 9.6.44. The scope of the assessment was agreed during pre-planning with Cork County Council and focused upon the two junctions identified by the Transportation Section as those most directly affected by the proposal. While the appeals sought assessment of additional locations, including Lakeview Roundabout, Castleredmond and Kearney's Cross, I note the applicant's position that these wider strategic junctions have been assessed as part of other development proposals and already experience significant congestion independent of the proposed development. The

submitted assessment models future-year conditions using recognised assessment methodologies, applies background traffic growth, considers cumulative impacts, and incorporates agreed assumptions regarding future modal shift applied conservatively to development traffic only. Existing background traffic has not been reduced to reflect potential future sustainable transport gains. In these circumstances I am satisfied that the assessment provides an adequate and proportionate basis upon which to assess the transport implications of the proposed development and I do not consider that additional junction modelling is necessary.

9.6.45. I note that Appendix A was omitted in error from the online planning file. The applicant states that the main report set out the substantive assumptions, results and conclusions and that the omission did not alter those findings. Appendix A has since been provided in the appeal response and I have had regard to same.

9.6.46. Overall, I consider the TTA to be acceptable. The assessment uses an agreed scope, empirical traffic data, and standard modelling platform, supplemented by future-year analysis, transparent congestion reporting, and a conservative approach to background modal shift.

9.6.47. The TTA contains limitations, however, I am satisfied that it provides a sufficiently reliable basis to identify the scale and nature of the likely traffic effects, and in this regard the proposed development would be acceptable from a traffic and transportation perspective and would not negatively impact traffic movements in the area.

Safety:

9.6.48. The Stage 1 RSA identifies four principal issues: reversing movements from perpendicular parking close to a raised pedestrian crossing; trees or landscape features within the footpath that may obstruct or endanger visually impaired users; the absence of detailed signing, lining and tactile paving; and the poor and variable quality of existing pedestrian facilities between the site and Main Street.

9.6.49. The audit recommends relocating the crossing or revising the adjacent parking, moving landscape features clear of the pedestrian route, providing appropriate signing, lining and tactile paving, and securing adequate pedestrian connections between the site and the town centre.

- 9.6.50. The appellants also raise road-safety concerns at Kearney's Cross, including visibility, geometry and vehicle conflict. The applicant revised the junction and indicated that a 50-metre visibility arrangement can be provided. The Area Engineer is noted as being satisfied, subject to detailed agreement, and I consider this to be acceptable.
- 9.6.51. The DMURS design approach incorporates raised tables, reduced corner radii, changes in surface material, horizontal and vertical deflection, active frontage and shared/home-zone streets. These measures are appropriate for reducing operating speeds and improving passive surveillance.
- 9.6.52. The Council's recommended conditions include implementation of Stage 1/2, Stage 3 and Stage 4 road-safety audits. This is appropriate and in the event the Commission are minded to grant permission this condition should be included. Any audit should be agreed with the roads authority before the relevant stage is opened to the public.
- 9.6.53. Subject to full implementation of the RSA recommendations, detailed approval of Kearney's Cross and completion of subsequent audit stages, the proposal would be acceptable from a road and pedestrian safety perspective.

Construction Traffic Impacts:

- 9.6.54. Both appellants submit that the construction phase would give rise to unacceptable impacts on the surrounding road network through increased Heavy Goods Vehicle (HGV) movements, congestion, road safety risks and disturbance to existing residents. Concerns are also expressed regarding the cumulative impact of construction traffic in conjunction with other committed developments in the area.
- 9.6.55. The applicant has submitted a comprehensive Construction and Environmental Management Plan (CEMP) which establishes the framework for managing the environmental and transportation effects arising during construction. The CEMP provides for a phased approach to development, comprising an initial demolition and bulk excavation phase followed by the construction of the residential, commercial and community elements together with all associated infrastructure.
- 9.6.56. The CEMP confirms that the principal construction access for Heavy Goods Vehicles will be provided from the R629 Cloyne Road, with Rose Lane reserved for

construction personnel, light vehicles and small-scale deliveries only, thereby reducing the interaction of heavy construction traffic with the adjoining residential environment. HGV access via Rose Lane is expressly prohibited. Construction traffic is also proposed to be scheduled, insofar as practicable, outside the morning and evening peak traffic periods to minimise disruption to the surrounding road network.

- 9.6.57. The CEMP further provides that a detailed Construction Traffic Management Plan (CTMP) shall be prepared by the appointed contractor and agreed with Cork County Council prior to the commencement of development. The CTMP is intended to regulate construction vehicle routing, delivery scheduling, contractor parking, temporary traffic management arrangements and haul routes throughout the construction period. In addition, the document provides for wheel-washing facilities, daily road cleaning where required, coordinated deliveries to prevent queuing on the public road network, dedicated construction compounds, complaints management procedures and ongoing liaison with local residents and the Planning Authority.
- 9.6.58. The CEMP also includes detailed road safety procedures for the construction phase, including segregated pedestrian and vehicular routes, controlled site access points, trained banksmen, appropriate signage, traffic management measures, driver induction procedures and visibility controls. These measures accord with established best practice in the management of construction sites adjacent to existing residential areas.
- 9.6.59. The documentation acknowledges that the bulk excavation phase will generate the greatest level of construction traffic. While the objective is to maximise the reuse of excavated material within the development, the CEMP identifies that, should site-won material prove unsuitable for structural fill, approximately 23,400 cubic metres of surplus material may require removal from the site, equating to approximately 1,000 HGV movements over the excavation phase. Other deliveries associated with concrete, structural steel, building materials and utility infrastructure would occur progressively throughout the construction programme.
- 9.6.60. I note that the Area Planner accepted that construction-related impacts could be satisfactorily managed by condition, while the Roads and Transportation Section raised no objection subject to the implementation of appropriate construction traffic management measures. Having regard to the temporary nature of construction

activity, the submitted CEMP, the requirement for a detailed Construction Traffic Management Plan prior to commencement, and the comprehensive mitigation measures proposed, I am satisfied that the temporary impacts associated with construction traffic can be satisfactorily managed. While some short-term inconvenience to surrounding residents is inevitable during the construction period, I am satisfied that these can be appropriately controlled by condition, in addition to a final CEMP for agreement, should the Commission be of a mind to grant permission.

Car and Bicycle Parking Provision:

9.6.61. The development provides 214 car-parking spaces and 114 bicycle-parking spaces, together with electric-vehicle charging provision.

9.6.62. Table 6.1 presents the proposed car parking as follows:

Ballinacurra Mill – Car Parking			
Type	No. Parking Space	No. of Units	Total Parking Space
2 Bed House	1	43	43
3 Bed House	2	42	84
4 Bed House	2	18	36
Total		103	163
Apartments	1 space (except studio)	24	24
Crèche			7
Commercial, Retail & Offices			20
Total			214

Table 6.1

9.6.63. Table 12.6: Car Parking Requirements for New Developments sets out maximum parking standards. As per the Development Plan 237 no. spaces would be required, as such the proposal falls short in respect of parking provision, by 23 no parking spaces, however this car parking requirement would be a maximum standard.

9.6.64. The plan also states 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”.

9.6.65. In respect to the proposed houses 163 car parking spaces are proposed for the dwelling houses: 1 parking space is proposed for 2 bed dwelling houses, 2 parking spaces are proposed for 3 bed dwelling houses and 2 spaces are proposed for 4 bed

dwelling houses. I consider the proposed parking arrangement for the houses to be acceptable.

- 9.6.66. In respect to the apartments, I note the “Sustainable Urban Housing: Design Standards for New Apartments. Guidelines for Planning Authorities (2025)” and “Cork County Development Plan 2022” recommends a maximum of 1.25 car parking spaces per apartment. No parking space is proposed for the ground floor studio unit. 1 parking space is proposed for all 1-2 bed apartments. A total of 24 no. car parking spaces are proposed for the apartments. I consider the proposed parking arrangement for the houses to be acceptable.
- 9.6.67. In respect to the commercial, retail and office uses, 20 no. car parking spaces are proposed for commercial, retail, office use and visitor parking, which is below the maximum requirement.
- 9.6.68. 7 no. car parking spaces are proposed for the crèche of which 3 are set down spaces and 4 are proposed for staff, which accords with the Development Plan.
- 9.6.69. While the proposed car parking provision is below the maximum standards contained within the Cork County Development Plan, those standards are expressly intended to operate as maxima rather than mandatory minimum requirements. The site occupies a highly sustainable regeneration location within walking and cycling distance of Midleton town centre and is served by existing bus services together with significant investment in active travel infrastructure along the R630 corridor. The Mobility Management Plan commits to measures including promotion of public transport, walking, cycling, car sharing, travel information, employee incentives and ongoing sustainable travel initiatives throughout the operational phase of the development.
- 9.6.70. Having regard to the town-centre location, mixed-use nature of the proposal, proximity to public transport, ongoing active travel improvements, implementation of the Mobility Management Plan and the policy objective of reducing reliance on private car travel, I am satisfied that the proposed level of parking represents an appropriate balance between accommodating likely demand and encouraging sustainable travel behaviour. I do not consider that the proposed parking provision would result in unacceptable overspill parking nor conflict with the objectives of the

Cork County Development Plan and, accordingly, I consider the proposed parking strategy to be acceptable.

Bicycle Parking:

- 9.6.71. The 114 cycle spaces are a positive addition to the scheme particularly given the active-travel strategy.
- 9.6.72. All dwelling houses have their own bicycle storage. 60 no. bicycle spaces are proposed for the apartments. 10 no. covered bicycle parking spaces are proposed for the crèche, and 30 no. public bicycle spaces are proposed for Visitors at various locations throughout the site and 14 no. bicycle spaces provided for staff & visitors to the café, retail, office & medical centre. The proposed bicycle parking accords with the Development Plan.
- 9.6.73. The overall car and bicycle parking quantum is acceptable.

Access to Public Transport and Sustainable Travel:

- 9.6.74. The appellants' contend that Ballinacurra lacks sufficient public transport and community infrastructure, that the MMP is unrealistic and that the proposal would remain dependent on the private car. The MMP itself acknowledges that the scheme has characteristics of an out-of-town location, where car usage may traditionally range between 65% and 90%, but seeks to alter that pattern through active-travel infrastructure, public transport information, incentives and travel planning.
- 9.6.75. The Route 241 bus stop located on the R630 is approximately five minutes' walk from the site and the Mount Pleasant stop, serving Routes 240, 241 and 261, as being within approximately ten minutes' walk. The Area Engineer refers to bus services approximately 450 metres from the site and future bus stops proposed on the R629. The public-transport information is linked to the existing footpath network along Church Road.
- 9.6.76. Midleton railway station is approximately 3 to 3.5 kilometres from the site, with Midleton Main Street approximately 2 kilometres away. The MMP indicates that the town centre is within approximately five minutes by bicycle and much of Midleton within ten minutes. A range of schools, community facilities, recreation areas and local services are identified within 25 to 30 minutes' walking distance.

- 9.6.77. I note that the site is not immediately adjacent to a rail station and the reliability or frequency of the bus routes is not quantified in the submitted information. The 30% sustainable-mode target should be an objective rather than a guaranteed outcome.
- 9.6.78. Notwithstanding, the site lies within Ballinacurra village, contains day-to-day services within the proposed scheme and benefits from completed and planned walking and cycling connections towards Midleton. The Council's Traffic and Transportation Engineer concludes that the site has access to walking, cycling, bus and rail options and recommends implementation of the MMP and a special contribution of €68,873.59 towards 230 metres of the Ballinacurra-to-Midleton Cycleway, this is assessed below.
- 9.6.79. Public transport accessibility is moderate, and continued car use is likely. However, the central village location, nearby bus services, cycle connection to Midleton, access to rail by bicycle or connecting modes and the on-site mix of uses provide a credible basis for sustainable travel.

Special Contribution - Ballinacurra-to-Midleton Cycleway:

- 9.6.80. The Planning Authority has attached Condition No. 38 to the grant of permission for the proposed development. This condition requires the developer to pay a special contribution of €68,873.59 to Cork County Council, in respect of specific exceptional costs not covered in the Council's General Contributions Scheme, in respect of works proposed to be carried out, for the provision 230 metres of the Ballinacurra-to-Midleton Cycleway, which shall be provided by Cork County Council and will benefit the site.
- 9.6.81. The Commission should note that I am satisfied that both elements cover works that fall within the definition of 'public infrastructure and facilities' under Section 48(17) of the Act.
- 9.6.82. The Development Contributions: Guidelines for Planning Authorities 2013 states that a 'special development contribution may be imposed under section 48(2)(c) where specific exceptional costs, which are not covered by the general contribution scheme, are incurred by a local authority in the provision of public infrastructure or facilities which benefit very specific requirements for the proposed development, such as a new road junction or the relocation of piped services. The particular works should be specified in the condition. Only developments that will benefit from the

public infrastructure or facility in question should be liable to pay the development contribution.'

- 9.6.83. Contributions imposed under section 48(2)(c) are for specific exceptional costs which are incurred by the local authority in the provision of public infrastructure or facilities which benefit very specific requirements for the proposed development.
- 9.6.84. The question in this case is whether the provision of a roundabout at the junction of the N71 and L-4007-52 and active travel infrastructure on the N-71 & L-4007-52 are specific exceptional costs which benefit very specific requirements for the proposed development.
- 9.6.85. The Cork General Development Contributions Scheme 2004 (rates amended in 2015) breaks down the required Section 48 contribution for residential units into services, including Road Works.
- 9.6.86. The Traffic and Transport Engineers Report notes that the submitted Traffic and Transport Assessment and Mobility Management Plan demonstrate that the assessment shows that the site is situated in an environmentally sustainable area between Ballinacurra and Midleton. It already benefits from multiple public transit and footpath options, including local trains, buses, sidewalks, and bike lanes. Furthermore, upcoming infrastructure projects will soon expand these eco-friendly travel networks, making it even easier to commute to surrounding destinations like Carrigtohill, Youghal, and Cork City. The engineer also notes that *"Given the location walking and cycling will be a mode of travel to the proposed development. The proposed site is approximately 3.5km from Midleton Train Station and 2km from Midleton Main Street. There are bus services 450m from the proposed development on the R630 Whitegate Road with future bus stops proposed in the vicinity of the site on the R629, which would further strengthen accessibility to public transport"*.
- 9.6.87. The engineer considers that it is reasonable that the developer should towards the contribute Ballinacurra to Midleton Cycleway which will benefit the proposed development and therefore has included the condition. The Senior Planner also notes and recommends the inclusion of this condition. There is no detailed assessment within the Area Planner's report in this regard, the report notes, however, that *"A Special Development Contribution has also been recommended by*

the Traffic and Transport Engineer however the calculations informing same will need to be provided”.

9.6.88. CCDP Table D2: Settlement Specific Key Infrastructure of Appendix D Core Strategy Critical Infrastructure. Sets out at a settlement level, the key infrastructure required to be delivered over the life of the Development Plan, to support the delivery of land zoned for development. For Midleton, the key elements of transport infrastructure are as follows:

- Local cycle connection from Banshane and Ballinacurra to town north of N25.
- Cycleway on Whitegate Road to town.
- CMATs implementation.
- Study required re (a) N25 upgrade or north and south connections to possible future Ballyadam interchange.
- Ballinacurra Junction improvements.

9.6.89. CDP Table D3 (D.3 Residential Lands NPF Tiering) does not include the subject site, designated MD-RA-03, as such I consider that the site is serviced and does not require intervention. There is no reference to the need to provide active travel facilities. Volume 4, Section 3.3.153 includes a table with the specific development objectives that apply to Midleton includes no specific reference to the subject site designated MD-RA-03. Table 2.6.67, Specific Objectives, requires that for the development of the subject site, active travel routes be created to deliver a high-quality, permeable development with linkages to adjoining development.

9.6.90. I note that the proposed development includes active travel routes, permeability and linkages to adjoining lands, in particular to the west, within the red line boundary. There is no reference in the specific objective for this site to the provision of active travel facilities or the Ballinacurra to Midleton Cycleway for any new development on this site.

9.6.91. The Development Management Guidelines states that with regard to special development contributions imposed under section 48(2)(c) state: *‘Circumstances which might warrant the attachment of a special contribution condition would include where the costs are incurred directly as a result of, or in order to facilitate, the development in question and are properly attributable to it. Where the benefit*

deriving from the particular infrastructure or facility is more widespread (e.g. extends to other lands in the vicinity) consideration should be given to adopting a revised development contribution scheme or, as provided for in the Planning Act, adopting a separate development contribution scheme for the relevant geographical area’.

9.6.92. Having regard to the recognised need for Local cycle connection from Banshane and Ballinacurra to town north of N25 to improve connectivity to the town centre, as stated in the development plan, I consider that the proposed benefit arising from the provision of a cycle connection from Ballinacurra to Midleton will be widespread and not merely a specific requirement for the proposed development. Having regard to the information on file, I do not consider that Cork County Council has adequately demonstrated that the proposed Ballinacurra to Midleton Cycleway constitute specific exceptional costs that meet only very specific requirements of the proposed development.

9.6.93. I consider that the provision of 230m of the Ballinacurra to Midleton Cycleway, would not constitute exceptional costs to be incurred by the local authority that benefit only the proposed development, but would, on the evidence on file, serve a much broader overall purpose and function, providing benefits to a much wider area. In reaching this conclusion, I considered that the documentation on file did not provide a reasonable basis for determining that these works are required specifically for the proposed development. I consider that the proposed works project would more properly be reflected in a revision to the general development contribution scheme, a separate scheme under Section 48, or perhaps under Section 49 of the Act, as amended. I recommend to the Commission that Condition 38 be removed from any grant of permission.

Overall Conclusion:

9.6.94. The evidence submitted with the planning application demonstrates that the existing road network, and in particular the R630 corridor, the Grotto Junction and the wider Lakeview Roundabout/N25 interchange, experiences significant peak-hour congestion arising from wider strategic transport constraints within Midleton. The submitted Traffic and Transport Assessment acknowledges that the proposed development would generate additional traffic and would incrementally increase delays at the assessed junctions. However, it also demonstrates that these impacts

occur within the context of an already constrained network and that the proposal is not the principal cause of the identified deficiencies. Importantly, the assessment concludes that the resulting development-generated queues would not interfere with the operation of the National Primary Route, and I note that the methodology, assessment scope and future-year modelling were agreed with Cork County Council's Transportation Section.

9.6.95. The Council's Traffic and Transportation Engineer, Area Engineer, Area Planner and Senior Planner have not raised any objection to the proposal on traffic or transportation grounds, while Transport Infrastructure Ireland has similarly raised no objection.

9.6.96. I further have regard to the nature of the proposed development as the regeneration of a centrally located brownfield site incorporating residential, commercial, community and employment uses within walking and cycling distance of Midleton town centre, public transport services and the railway station. The proposal incorporates two vehicular access points, a permeable internal street network designed in accordance with DMURS principles, active travel infrastructure, substantial cycle parking and is supported by a Mobility Management Plan intended to promote modal shift and reduce reliance on the private car.

9.6.97. Having regard to the submitted Traffic and Transport Assessment, the Mobility Management Plan, the responses of the relevant technical consultees, the sustainable location and regeneration objectives of the proposal, and the wider policy support for compact growth, I am satisfied that the traffic impacts arising from the proposed development, while not insignificant, would be acceptable in planning terms and would not give rise to an unacceptable traffic hazard or severe congestion at this location. I am satisfied, should the Commission be minded to grant permission, that the remaining site-specific transportation matters can be satisfactorily addressed by condition, including the delivery of the Kearney's Cross improvement works, implementation of the Road Safety Audit recommendations and subsequent audit stages, preparation of a Construction Traffic Management Plan, provision of durable surface treatments, and implementation of the Mobility Management Plan.

9.7. Flooding, Drainage and Water Infrastructure

- 9.7.1. Flood Risk and prematurity is another area of concern raised by both appellants. It is contended in the appeals that the site remains at risk of flooding and that the proposed development is premature pending the delivery of the Midleton Flood Relief Scheme. Reference is also made to the previous refusal of a comparable development by the former An Bord Pleanála, with the appellants contending that the proposed surface water management strategy has not demonstrated that existing flooding issues would not be exacerbated.

Flooding

- 9.7.2. I note that permission was refused on this site under ABP Ref: PL 04.234288 in 2010, for one reason citing the developer's failure to demonstrate that the project would not worsen local flooding or endanger public health. The proposal was deemed premature and contrary to proper planning standards, with both the initial and alternative drainage plans found inadequate or unproven.
- 9.7.3. The planning inspectors report (under PL 04.234288 – inspectors report dated 10th January 2010) referenced flooding at Carneys Cross and wider issues in the Ballinacurra area and outlined a conflict between existing local flooding issues and proposed drainage solutions for a brownfield site near Carney's Cross and Ballinacurra. As part of the proposal the developer proposed on-site attenuation tanks (rated for a 100-year storm), which they felt would significantly improve the then unmanaged state by dropping peak discharge from 234 l/s to 94 l/s. The developer in this case also offered minor local infrastructure fixes, like replacing a tidal valve and adding debris screens. Ultimately, the planning inspector under this case supported the applicant's proposal as an acceptable interim fix that improved a problematic existing situation. I note, however, that the reason for refusal pertaining to flooding was included by the Board in their recommendation on the case.
- 9.7.4. The applicant in response to the appeals argues that their engineering response comprehensively addresses all flood risks by transforming an uncontrolled brownfield site into a managed system. They assert that implementing Sustainable Drainage Systems (SuDS) and water attenuation will restrict surface water to natural greenfield runoff rates, thereby actively improving the area's current drainage situation.

- 9.7.5. The Area Planners' report notes that the applicant submitted a comprehensive flood risk evaluation confirming that the property sits outside high-risk zones and has no history of flooding. Upon review, the local authority's area engineer verified that the development poses no threat to downstream areas. In fact, because the project's drainage system is engineered to keep water discharge rates below natural, pre-development levels, the local authority considered that the overall flood risk to the surrounding area will be reduced.
- 9.7.6. At the outset I note that the appeal site has not been subject to flooding.
- 9.7.7. I note that the site is located in Ballinacurra at the edge of Midleton and is some 28.7 metres – 62 metres from the KNOCKNAMADDEREE_010, which runs to the north of the site. The stream does not enter the appeal site.
- 9.7.8. A Flood Risk Assessment (FRA) has been submitted as part of the Engineering Design Report and considers the potential sources of flooding affecting the site in accordance with the requirements of The Planning System and Flood Risk Management Guidelines (2009) and Circular PL2/2014. The report identifies potential sources of flooding including fluvial, pluvial, groundwater, sewer, tidal and infrastructure failure. Reference is made to the CFRAM Programme mapping, OPW flood mapping, historical flooding records and site-specific investigations.
- 9.7.9. I have also reviewed the flood maps, in particular the past flood events (Source: [Flood Maps - Floodinfo.ie](https://www.floodinfo.ie) – accessed 27/07/2026). I acknowledge that flooding has occurred in the wider area, in particular to the northwest of the site in the Ballynacorra village area, however this does not relate to the appeal site. I also note that according to the CFRAM maps, the flooding events relate to events in 2014, relating to high tides and strong winds, and in 2013 relating to heavy rainfall resulting in pluvial flooding, whereby the surface water drainage system was overwhelmed. However, no event has been recorded at the application site and the site has not been affected by any recent flooding events i.e. 2023 and 2025 events in the wider Midleton area.
- 9.7.10. The subject lands are not identified within Flood Zone A or Flood Zone B and are therefore considered to lie principally within Flood Zone C. The report acknowledges historical localised surface water flooding within the vicinity, however this is attributed primarily to exceedance of existing drainage infrastructure rather than fluvial

inundation. The proposed drainage strategy has therefore been specifically designed to attenuate runoff to greenfield discharge rates through underground attenuation storage and hydrobrake flow controls.

- 9.7.11. The report concludes that the proposed development is not at significant risk of flooding, will not increase flood risk elsewhere and complies with the sequential approach advocated by the Flood Risk Management Guidelines.
- 9.7.12. I also note Flood Risk Management as referenced in Section 11.11.6 of the Development Plan, which states *“The OPW in partnership with Cork County Council, have recently completed a number of Major Flood Relief Schemes in the county in Mallow, Fermoy, Bandon, Skibbereen and Clonakilty. There are several Flood Relief Schemes at design stage around the County for example at Castlemartyr, Innishannon, Macroom and Midleton and Ballinacurra. There are several more projects at design stage, which may lead to works to mitigate flood risk. Also, a number of smaller schemes / studies are being carried out under the OPW Minor Works Programme. A full list of Flood Relief Schemes across the county can be viewed in the updated SFRA”*.
- 9.7.13. Whilst I note that the permanent flood relief works for Midleton and Ballinacurra have not yet been undertaken, the proposed development is not reliant on the works proposed to alleviate flooding in Midleton and there is no history of flooding on the appeal site.

Conclusion:

- 9.7.14. Having regard to the submitted Flood Risk Assessment, the Engineering Design Report, the responses of the Planning Authority and Area Engineer, the relevant provisions of the Planning System and Flood Risk Management Guidelines (2009) and the Cork County Development Plan, I am satisfied that the proposed development has adequately addressed flood risk. The site is located within Flood Zone C, has no recorded history of flooding, and the proposed SuDS-based drainage strategy, incorporating attenuation storage and controlled discharge to greenfield runoff rates, is designed to ensure that the development will not increase flood risk on or off the site.
- 9.7.15. The Area Planner notes that the site has not been subject to previous flooding, lies outside the identified flood risk zones, and that the submitted assessment has been

reviewed by the Area Engineer. The Area Engineer concludes that the applicant has demonstrated that the proposal will not increase downstream flood risk and, importantly, that the proposed drainage design will reduce runoff rates to below greenfield runoff, thereby improving the existing situation.

- 9.7.16. While I acknowledge the historic flooding issues experienced within the wider Ballinacurra/Midleton area and the previous refusal under ABP Ref. PL 04.234288, I am satisfied that the current proposal is supported by a comprehensive flood risk assessment, an appropriately engineered drainage strategy and positive technical recommendations from the Planning Authority. Accordingly, I consider that the proposed development accords with the principles of the Flood Risk Management Guidelines and the objectives of the Development Plan, and that no objection arises on flood risk grounds, subject to compliance with the recommended drainage and surface water management conditions.

Surface Water

- 9.7.17. The proposed development is to be served by a separate surface water drainage network, independent of the foul drainage system. The Engineering Design Report states that the surface water strategy has been designed in accordance with the principles of the Greater Dublin Strategic Drainage Study (GDSDS) and incorporates a comprehensive Sustainable Urban Drainage System (SuDS).
- 9.7.18. The proposed SuDS strategy includes a combination of attenuation tanks, water butts/rainwater harvesting, permeable paving (grasscrete), tree pits, hydrocarbon interceptors and controlled flow devices. Roof water is collected separately from paved surface runoff, with stormwater conveyed through a dedicated pipe network before discharge to attenuation storage. The attenuation system has been designed to accommodate storm events up to and including the 1 in 100-year return period plus a 20% climate change allowance, with controlled discharge to the existing public surface water network at Rose Lane. The Engineering Design Report confirms that the proposed attenuation measures will reduce runoff rates to below existing greenfield runoff levels.
- 9.7.19. I am satisfied that the proposed SuDS strategy represents a comprehensive and robust approach to the management of surface water runoff, which includes the incorporation of the proposed measures attenuation tanks, rainwater harvesting,

permeable paving, tree pits, hydrocarbon interceptors and controlled flow devices. I note in particular that the attenuation system has been designed to accommodate the 1 in 100-year storm event, together with an appropriate climate change allowance, while limiting discharge to below existing greenfield runoff rates through controlled outflow to the public surface water network. In these circumstances, I am satisfied that the proposed drainage strategy will not give rise to increased flood risk on or off the site.

9.7.20. The use of SuDS is promoted throughout the Cork County Development Plan, 2022-2028 e.g., Objective PL 3-1: Building Design, Movement and Quality of the Public Realm and its associated objectives i.e. (h) Develop and strengthen the use of the green and blue infrastructure in a town / village setting including the retention and enhancement of existing trees and landscape features, the use of SUDs and permeable paving to achieve climate adaptable places, and Objective WM 11-10: Surface Water, SuDS and Water Sensitive Urban Design, which mandates that mandates that all new developments incorporate nature-based Sustainable Urban Drainage Systems (SuDS) to mitigate flood risk, enhance biodiversity, and improve public amenities. It requires minimizing hard, impermeable surfaces, implementing Water Sensitive Urban Design, and maximizing green infrastructure corridors. Furthermore, developments must provide adequate stormwater infrastructure to support county growth, include pollution controls (such as silt traps and hydrocarbon interceptors) when discharging into waterbodies, and preserve national road network drainage capacities. I am satisfied that SuDS has been appropriately taken into consideration in the layout and design of the proposed development and accords with the Development Plan.

9.7.21. The Area Planner notes that a Drainage Impact Assessment was submitted in response to the issues identified during the pre-planning process and records that both the Area Engineer and Environment Officer expressed satisfaction with the proposed surface water management strategy, subject to the imposition of appropriate conditions. The recommended conditions require the implementation of Nature Based Solutions, submission of a detailed Drainage Impact Assessment and SuDS Statement, construction-stage pollution prevention measures, post-construction stormwater auditing and CCTV verification of the drainage infrastructure.

9.7.22. While both appellants raised concerns regarding the adequacy of the proposed drainage arrangements, having regard to the submitted Engineering Design Report, the incorporation of multiple SuDS measures, the provision of attenuation storage and the positive recommendations of both the Area Engineer and Environment Officer, I am satisfied that the proposed surface water drainage strategy is robust and accords with current best practice in sustainable drainage design. Subject to the detailed drainage conditions recommended by the Planning Authority, I am satisfied that the proposal would not give rise to unacceptable surface water impacts.

Foul Drainage

9.7.23. The proposed development is to be served by a separate foul drainage network, with all wastewater discharging to the existing public foul sewer network.

9.7.24. I have reviewed the Uisce Éireann Wastewater Capacity Register (accessed 31st July, 2026), which indicates, as per figures published in April 2026, that the Midleton WWTP has a 'green' status with spare capacity available, I also note that a WWTP Project is Planned/Underway to increase capacity and/or improve treatment performance.

9.7.25. The Engineering Design Report indicates that foul drainage from the development will discharge by gravity to the existing foul sewer within Rose Lane. The proposed foul drainage network has been designed independently of the surface water system in accordance with standard engineering practice.

9.7.26. The Area Planner records that public wastewater infrastructure is available to accommodate the proposed development, and no objection was raised by Uisce Éireann or the Area Engineer in respect of wastewater capacity. Uisce Éireann's Confirmation of Feasibility confirms that a wastewater connection is feasible without requiring upgrades to the public wastewater network, subject to the normal connection application process and the execution of a connection agreement.

9.7.27. Having regard to the Confirmation of Feasibility issued by Uisce Éireann and the, I am satisfied that the proposed foul drainage arrangements are acceptable in principle and can be satisfactorily implemented subject to the standard requirements of Uisce Éireann and the Planning Authority.

Water Supply

- 9.7.28. Potable water is proposed to be supplied from the existing public water network.
- 9.7.29. Uisce Éireann has confirmed that a water connection is feasible, however upgrades to the existing public watermain are required before the development can be served. The Confirmation of Feasibility states that these upgrades comprise the replacement of the existing watermain with a minimum 125 mm internal diameter main, with the cost of these works to be borne entirely by the developer. Uisce Éireann further advises that it has no current plans to undertake these upgrades itself and that a formal connection agreement will be required following the grant of planning permission. Fire flow requirements are also to be addressed separately as part of the detailed design process.
- 9.7.30. The Area Planner notes these requirements and concludes that public services are available to cater for the development, subject to the necessary upgrade works being undertaken by the developer in agreement with Uisce Éireann.
- 9.7.31. Having regard to the Confirmation of Feasibility issued by Uisce Éireann, I am satisfied that an adequate potable water supply can be provided to serve the proposed development. The requirement for off-site watermain upgrades does not, in my opinion, represent an impediment to development but is appropriately addressed through the Uisce Éireann connection process and by condition.
- 9.7.32. If the Commission were minded to grant permission, I recommend the inclusion of a condition in respect to agreements for surface water, water supply and waste water prior to the commencement of development on site.

9.8. Community Facilities and Social Infrastructure

- 9.8.1. Concerns are raised by both appellants in respect to the lack of necessary community infrastructure and services in Ballinacurra to support the proposed development.
- 9.8.2. At the outset I note that the LRD includes the provision of a cafe and a crèche along with reuse of existing vacant mill buildings to provide 2 retail units, 1 medical unit, 1 office unit. The new commercial elements (office, retail and medical centre) are positioned on the ground floor of the existing former mill structures. A new café building proximate to same is also proposed in a standalone unit.

- 9.8.3. As noted in the Section 9.1 of this report café, creche, retail, medical and office uses are all appropriate uses within the land use zoning applicable to the appeal site.
- 9.8.4. I further note Section 18.3.41 of the Plan states that maintaining and enhancing the accessibility, vitality, and viability of existing town centres is critical for ensuring the resilience of the settlement network, according to the text. Future development must consolidate a mix of commercial, leisure, and residential uses while adhering to urban design, conservation, and sustainable development principles.
- 9.8.5. To this end, the proposed development would in my opinion improve the community and infrastructure facilities in the area, to support the proposed development and will provide appropriate uses in tandem with a residential element. Moreover, I consider that the reuse of the former existing mill building to incorporate an element of commercial is appropriate given the historic use of the mill and its location within the overall scheme.
- 9.8.6. The application includes a Childcare Demand Statement and a School Demand Statement in support of the application.

Childcare Demand Statement

- 9.8.7. The submitted Childcare Demand Statement assesses the requirement for childcare provision arising from the proposed Large Scale Residential Development comprising 128 residential units together with a crèche, café, commercial units and associated development at Ballinacurra, Midleton.
- 9.8.8. The assessment has regard to the following planning policy documents:
- Childcare Facilities Guidelines for Planning Authorities (2001), which recommend the provision of one childcare facility (minimum 20 childcare places) for approximately every 75 dwellings, subject to the characteristics of the development and the availability of existing childcare facilities.
 - Sustainable Urban Housing: Design Standards for New Apartments (2020), which clarify that one-bedroom and studio units should generally not contribute towards childcare demand and that the requirement should be

assessed having regard to unit mix, demographics and existing childcare provision⁵.

- Cork County Development Plan 2022–2028, Objective SC6-4, which supports the concurrent provision of childcare facilities within new residential developments.

- 9.8.9. With respect to the existing childcare provision, the statement identifies 13 existing childcare facilities within Midleton, all located within approximately 1.6 km to 4.2 km of the subject site. I note that the report has not provided details with respect to any existing capacity in these existing facilities. It notes that no additional childcare facilities with extant planning permission have been identified since previous Large Scale Residential assessments were undertaken in the town. Travel times by walking, cycling and driving to each facility are provided.
- 9.8.10. The assessment excludes the proposed 11 one-bedroom apartments from the demand calculation in accordance with national apartment guidelines, resulting in an effective total of 117 residential units. I find this to be acceptable.
- 9.8.11. Using the 2022 Census average household size of 2.74 persons, the development is estimated to accommodate approximately 320 residents. Applying Census data indicating that 6.5% of the local population is aged 0–4 years, the report estimates that the development could generate approximately 21 pre-school children.
- 9.8.12. The assessment applies Census data indicating that 56% of children aged 0–4 attend a crèche, resulting in an estimated demand of approximately 12 childcare places arising from the proposed development.
- 9.8.13. In respect to the proposed childcare provision, the proposed development includes an on-site childcare facility with capacity for 30 childcare places.
- 9.8.14. The statement concludes that the proposed facility significantly exceeds the estimated demand generated by the development itself and would also provide additional childcare capacity for the wider Midleton area. The proposal is therefore

⁵ I note the Reference to Design Standards for New Apartments 2022 and 2020 in the submitted documentation from the applicant as part of the LRD application. I note the Design Standards for Apartments, Guidelines for Planning Authorities, 2025 should apply.

considered to satisfy the recommendations of the Childcare Facilities Guidelines and the relevant objectives of the Cork County Development Plan.

- 9.8.15. The methodology adopted is consistent with current national planning guidance by excluding one-bedroom units from the childcare demand calculation, applying current Census household and demographic data, assessing existing childcare provision within the settlement; and comparing projected demand with the proposed childcare capacity.
- 9.8.16. The proposed 30-place childcare facility exceeds the estimated development-generated requirement of approximately 12 places, indicating that adequate childcare provision is incorporated into the scheme.
- 9.8.17. While the applicant's Childcare Demand Statement references the *Sustainable Urban Housing: Design Standards for New Apartments (2020)*, the assessment remains robust and valid when reviewed against the current *2025 Planning Standards for Apartments*. The core methodology—specifically the exclusion of the 11 one-bedroom units from the childcare demand calculation—remains entirely compliant, as the 2025 standards retain this exclusion principle while advocating for a more plan-led approach to local community infrastructure. I am satisfied that the provision of the proposed 30-place on-site crèche fully satisfies the policy thresholds, ensuring the delivery of viable, future-proofed childcare infrastructure on site.

Conclusion:

- 9.8.18. Having regard to the submitted Childcare Demand Statement, I am satisfied that the childcare infrastructure implications of the proposed 128-unit LRD have been robustly assessed in accordance with national guidelines and the Cork County Development Plan 2022–2028. By appropriately excluding the 11 one-bedroom units and applying 2022 Census demographic data, the methodology accurately projects a local demand of approximately 12 childcare places. The proposed development includes a dedicated on-site crèche with a 30-place capacity, which significantly exceeds the development-generated requirement. This provision ensures that the scheme will comfortably accommodate its own internal demand while delivering sustainable, surplus childcare capacity to the wider Midleton and Ballinacurra area. I conclude that the proposal complies fully with the Childcare Facilities Guidelines (2001) and Objective SC6-4 of the Development Plan.

School Demand Statement:

- 9.8.19. The submitted School Demand Statement assesses the educational infrastructure implications of the proposed LRD. The report considers the likely demand for primary and post-primary school places arising from the proposal, the capacity of existing schools, and the relevant policy framework.
- 9.8.20. The assessment has regard to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), which recommended that school demand assessments accompany developments of 200 dwellings or more. The report notes that while the Sustainable Residential Development and Compact Settlements Guidelines (2024) no longer include this requirement, the former threshold remains a useful benchmark. As the proposed development comprises 128 dwellings, it is considered to fall below the threshold at which a detailed school demand assessment would ordinarily be expected.
- 9.8.21. Reference is also made to the Cork County Development Plan 2022–2028, in particular:
- Objective SC 6-5, supporting the provision of educational facilities;
 - Objective SC 6-6, requiring large residential developments to assess likely school demand;
 - The Development Plan's acknowledgement that Midleton is generally well served by educational facilities; and
 - The identification of lands within the Water Rock Urban Expansion Area for two future primary schools, one future post-primary school and the potential expansion of existing educational facilities.
- 9.8.22. With respect to the existing educational provision, the report identifies that Midleton currently contains 5 primary schools, and 4 post-primary schools.
- 9.8.23. Based on available information from previous school capacity assessments, the report estimates approximately 391 available primary school places (following a 10% reduction to reflect possible changes since 2023); and approximately 18 available post-primary places.

- 9.8.24. The report further notes that recent permissions granted by An Bord Pleanála for significant residential developments at Castleredmond (ABP-318403-23) and Maplewood, Ballinacurra (ABP-317290-23) did not identify school capacity as a determining issue.
- 9.8.25. In accordance with national guidance, the assessment excludes the proposed 11 one-bedroom units, resulting in an effective residential yield of 117 family units.
- 9.8.26. Using the 2022 Census average household size of 2.74 persons, the report estimates that the development will accommodate approximately 320 persons.
- 9.8.27. Applying Department of Education planning assumptions, the report estimates that the proposal would generate demand for 38 primary school places, and 27 post-primary school places.
- 9.8.28. With respect to capacity, the report concludes that the existing primary school capacity is sufficient to accommodate the estimated demand generated by the development.
- 9.8.29. It is noted that existing post-primary capacity is currently insufficient to accommodate the estimated future demand in full.
- 9.8.30. However, the statement submits that this shortfall should be considered in the context of national demographic projections indicating that:
- primary enrolment has already peaked and post-primary enrolment is expected to decline after 2025.
 - The fact that school demand from the development will arise gradually over a prolonged period, with primary demand likely emerging over approximately 5 years and post-primary demand over approximately 10 years.
 - Lands already zoned within the Development Plan for two additional primary schools and one additional post-primary school;
 - The potential future expansion of St. Mary's High School; and
 - The responsibility of the Department of Education, rather than the developer, to provide strategic educational infrastructure where required.
- 9.8.31. The methodology adopted is consistent with accepted demographic forecasting techniques, utilising Department of Education pupil generation rates and excluding

one-bedroom units from the assessment. The report also appropriately considers existing educational capacity, demographic trends, relevant planning policy and the planned future expansion of educational infrastructure.

- 9.8.32. The assessment demonstrates that the proposal is unlikely to give rise to any significant primary school capacity issues. While a potential deficit in post-primary school places is identified, the report concludes that this is a strategic infrastructure matter which is expected to be addressed through the implementation of the Cork County Development Plan, future Department of Education investment, expansion of existing schools and the delivery of zoned educational lands within the Water Rock Masterplan area, which is a multi-phase strategic development zone located immediately northwest of Midleton town centre.

Conclusion:

- 9.8.33. Having regard to the submitted documentation, the educational infrastructure implications of the proposed LRD have been robustly assessed. The projected demand for 38 primary places can be comfortably absorbed within the existing local surplus. While the estimated demand for 27 post-primary places marginally exceeds immediate local capacity, this shortfall will emerge incrementally over 10 years and coincides with projected national enrolment declines post-2025. I note that long-term secondary capacity is a strategic matter for the Department of Education, which is systematically provided for under the Cork County Development Plan 2022–2028, through planned expansions and dedicated school zones within the nearby Water Rock Urban Expansion Area.

9.9. Residential Amenity and Residential Standards

- 9.9.1. While not specifically raised as part of the third party appeals, I note that the area planners report and accompanying internal departmental reports, make reference to a number of concerns regarding overlooking, and residential amenity. These issues will be assessed in the following sections.

Residential Amenity:

- 9.9.2. Having regard to the layout of the proposed development relative to the existing site boundaries and the nearest adjoining residential dwellings in particular to the south and east of the site, I am satisfied that the proposed development will not impact

negatively on adjoining residential amenity by means of overlooking, overshadowing or overbearing.

9.9.3. The Areas Planners Report includes a report from the Senior Executive Architect, which references several conditions to be included as part of a grant of permission to address a number of concerns, including “Inadequate separation distance between certain residential units where over-looking, over-shadowing and diminishing of residential amenity and privacy exists. Areas of concerns related to units, 22-23, 08-31, 02-32, 34-14/15”. I note that this has not been included as a condition of the permission and no detailed commentary in respect to the relationship of these specific units has been provided in the Area Planner’s Report.

9.9.4. As such, I consider it reasonable to provide a commentary on the specific issues and recommended conditions as raised in the report by the Senior Executive Architect as referenced above.

- **Units 22–23 (Mill Road / South-Western Periphery)**

Unit 22 forms the western end of a terrace fronting onto Mill Road, while Unit 23 forms part of a perpendicular row running north-south. Both units feature front elevations that face toward the shared public street/junction area, creating a front-to-front urban streetscape relationship.

Because both units face the public realm rather than private rear spaces, the overlooking dynamics change significantly. The front-facing windows of Unit 23 look east toward the front elevation (western elevation) of Unit 22, as such there is no direct, back-to-back overlooking into private rear gardens. I do note however, the Unit 35 and 36 will front the rear amenity space associated with Unit 22, however I consider this to be acceptable.

Unit 23 sits to the west of Unit 22. Due to this layout alignment, Unit 23 will cast localised afternoon shadows across the front entrance and public-facing side of Unit 22. However, because this shadow falls onto a public roadway/parking interface rather than private rear gardens, I am satisfied that it does not diminish the residential amenity or private open space of Unit 22.

The spatial relationship between Unit 22 and Unit 23 is acceptable and represents a standard, well-designed urban street corner configuration. By orienting the fronts of

both dwellings toward the public circulation zone, the private rear gardens of both properties remain fully protected from mutual overlooking.

- **Units 08–31 (Maltings Road to Mill Road Block)**

Unit 08 is oriented on an east-west axis, while Unit 31 forms the eastern end of a terrace block (Units 28–31) oriented on an south-north axis. The southern gable wall of Unit 08 directly faces the rear private amenity space and part of the side elevation of Unit 31. There are no windows proposed on the rear (east) elevation of Unit 08, therefore overlooking is not an issue. Unit 08 is located immediately to the north-east of Unit 31. Due to this northern positioning, the physical massing of Unit 08 will not cast any significant afternoon or evening shadows over the private rear amenity space of Unit 31. Equally, because the terrace block (28–31) sits to the southwest of Unit 08, Unit 31 will cast some mid-to-late afternoon shadows across the private area located directly south of Unit 08. This transient overshadowing is a standard characteristic of compact urban layout designs and does not fundamentally compromise residential amenity. Therefore, I consider that the layout between Unit 08 and Unit 31 is acceptable as the arrangement satisfies standard urban design metrics for medium-density developments.

- **Interface between Unit 02 and Unit 32 (Eastern Courtyard / Coppinger's Way)**

Unit 02 is located within the eastern terrace row, running parallel to Coppinger's Way, while Unit 32, which is part of a pair of semi-detached dwellings sits directly southeast of it. This interface represents a perpendicular, corner- courtyard relationship. Unit 02 forms the northernmost end of the eastern terrace, with its rear elevation facing east. Unit 32 forms the western half of a semi-detached pair facing south, with its rear elevation and private garden facing north. Because these blocks are arranged perpendicularly around a shared central parking area, there is no direct, opposing back-to-back window relationship. Any sightlines from the upper floors of Unit 02 looking towards the rear of Unit 32 are highly oblique and filtered across the open parking courtyard, which provides a buffer. The separation distance and perpendicular orientation are acceptable. The layout prevents direct overlooking and ensures that neither unit causes unacceptable over-shadowing to the other's private amenity spaces.

- **Interface between Unit 34 and Units 14/15 (South Green to The Kiln/Malt House)**

9.9.5. Unit 34 sits to the southeast of the linear southern row (Mill Road terrace), interacting with Units 14 and 15, which form a pair of semi-detached dwellings positioned immediately to the east. The primary concern relates to the eastern elevation of Unit 34, which sits in close proximity to, and shares a boundary with, the private rear garden of Unit 15. However, there is no window proposed to the rear (east) elevation of Unit 34 (House Type M4). Unit 34 is positioned to the south-west of the rear garden of Unit 15. Due to this orientation, the massing of Unit 34 will cast localised shadows over the western portion of Unit 15's private garden during the late afternoon and evening hours. Notwithstanding, the layout interface between Unit 34 and Units 14/15 is acceptable. I am satisfied that the structural relationship will not result in a significant or unacceptable diminishing of daylight or sunlight to the private amenity spaces of the adjoining semi-detached pair. The layout is acceptable for the proposed residential scheme.

Separation Distances:

9.9.6. Section 4.10.8 of the Plan requires all residential proposals—especially apartment blocks over three storeys—to maintain adequate separation distances to prevent overlooking, overshadowing, and overbearing impacts. While a standard minimum clearance of 22 metres is required between opposing windows for blocks up to three storeys, greater distances may be necessary for taller buildings or steep topography. Conversely, reduced distances may be permitted in dense, built-up urban areas or favourable orientations, provided the applicant submits a detailed daylight availability analysis to justify the layout. However, the proposed development does not include new apartment blocks, it provides for apartments within the existing buildings.

9.9.7. All proposed residential units are set back from site boundaries and are orientated so that they are either face/rear 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.

9.9.8. 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 be 16 metres. There are instances where 16 metres is not achieved, however these units do not have opposing windows, as such the separation distances are not applicable. I do note that the design provides for that all habitable rooms face in different directions when buildings are closer than 16m.

- 9.9.9. As such, the minimum clearance distance of 22m set out in the CCDP is not achieved in all cases. However, having regard to the proposed development i.e. the proposed apartment units within the existing structures on site, the height and layout of the proposed housing units and the flexibility regarding separation distances within the Development Plan, I do not consider the extent of deviation from the standard identified in the CCDP to be deemed a material contravention.
- 9.9.10. 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.
- 9.9.11. The CCDP further 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. This is assessed in the following subsection.

Sunlight/Daylight:

- 9.9.12. A Daylight and Sunlight Assessment was submitted with the application to assess the impact of the proposed development on both future residents and adjoining properties. The assessment was undertaken in accordance with BRE BR209 (3rd Edition) and BS EN 17037:2018 using 3D computer modelling.

- 9.9.13. The assessment demonstrates that 100% of the 87 habitable rooms assessed within the retained Mill Buildings comply with the daylight standards of BS EN 17037:2018. In addition, the proposed communal open spaces significantly exceed the BRE recommendation for sunlight, with 99.5% of the communal amenity area receiving at least two hours of sunlight on 21 March.
- 9.9.14. The assessment also examined the quality of sunlight available within the proposed communal open spaces. The analysis found that approximately 99.5% of the communal amenity area receives at least two hours of direct sunlight on 21 March, significantly exceeding the BRE guideline requirement that at least 50% of the space should receive two hours of sunlight.
- 9.9.15. The potential effects on neighbouring properties were assessed through Vertical Sky Component (VSC), garden overshadowing and shadow studies. The assessment concludes that the proposal would not result in an unacceptable loss of daylight or sunlight to adjoining windows or garden areas, with all neighbouring properties satisfying the relevant BRE guideline criteria.
- 9.9.16. The Area Planner accepted the findings of the submitted assessment and raised no concerns regarding residential amenity arising from daylight or sunlight impacts. Having regard to the submitted analysis, I am satisfied that the proposed development would provide a satisfactory level of daylight and sunlight for future occupants while avoiding unacceptable impacts on the amenities of adjoining properties.

Overlooking to Creche:

- 9.9.17. The Areas Planners Report includes a report from the Senior Executive Architect, which references several conditions to be included as part of a grant of permission to address a number of concerns, including over-looking from unit 11 into rear dedicated outdoor play area of proposed Creche – this has been noted in Section 9.10 above. I further note that the planners report references this issue as follows, *“The location and appearance of the creche on the site is deemed suitable/appropriate however there may be an overlooking concern relating to a neighbouring dwelling which would need to be addressed. A condition to this effect shall apply”*.

- 9.9.18. Having regard to the proposed site layout plan, the proposed creche is positioned to the western section of the site, near the entrance off Rose Lane. The creche is adjoined by two no. dwellings, i.e. House Type H6 to the north and House Type K1 to the west. Both dwellings align with the front and side elevation of the proposed creche building.
- 9.9.19. The concern raised relates to unit 11 i.e. House Type H6 to the north of the proposed creche. This is a two storey dwelling with two first floor windows to the rear elevation, serving the proposed landing area and W.C. The bedroom windows are orientated to the front elevation.
- 9.9.20. House 11 (Type H6) sits perpendicular/angled relative to the main body of the creche, rather than directly facing its rear windows. The rear western elevation of House 11 looks onto the creche's designated outdoor play area (203m²). Because the windows in question serve a bathroom and landing area (non-habitable rooms), I consider that there is not a serious issue with respect to prolonged, invasive overlooking into the sensitive open space area (i.e. the creche play area) from the adjoining dwelling.
- 9.9.21. I also note that House 11 has a lower Finished Floor Level (FFL 6.3) compared to the Creche (FFL 7.8). This 1.5m level difference naturally restricts the relative height and angle of view from House 11 towards the creche ground level, reducing the severity of any perceived overlooking.
- 9.9.22. Removing these windows entirely would leave the landing and bathroom of House 11 completely dependent on artificial light and mechanical extraction, as such I would not recommend that these windows be omitted. I do, however, recommend that the proposed bathroom window at first floor level contain obscure glazing. In the event the Commission are minded to grant permission, I recommend the inclusion of a condition with respect to obscure glazing at first floor level.

Floor Areas:

- 9.9.23. I reference Section 3.9 of the Plan which states "the design of quality housing needs to be responsive to changing community needs where the provision of integrated and different housing typologies can be delivered in a more compact way including options for more centrally located units in a town or village"... "Reference to National and Local Government guidance and best practice documents such as the Quality

Housing for Sustainable Communities, Guidance for Residential Developments in Urban Areas, Design Standards for New Apartments, Urban Development & Building Height Guidelines, RIAI Urban Design Toolkit are other related guidance documents is encouraged”.

- 9.9.24. The applicant’s Housing Quality Assessment demonstrates that all apartments in the proposed development meet the minimum floor area requirements set out in the guidelines and 80% exceed the minimum floor area by 10%.
- 9.9.25. The submitted HQA provides an overview of all units proposed against the required standards which should be met. Overall, the minimum standards have been met or in some circumstances exceeded.

Housing Quality:

- 9.9.26. In terms of the quality of accommodation on offer, I have assessed the plans and particulars submitted in support of the application including the Housing Quality Assessment and I am satisfied on the basis of the information provided that all residential units meet or exceed the relevant minimum requirements in terms of unit size, floor area, ceiling height and internal storage. I note that all proposed units are either dual, triple or quadruple aspect and that suitable arrangements have been made within the scheme for bike and bin storage. I further note that the proposed scheme, if permitted, would be subject to an Operational Waste Management Plan.

9.10. Ecology – First Party Appeal

- 9.10.1. The first party appeal relates to the decision of the Council, in particular the wording of Condition 21, attached to the grant of permission. The applicant argues that Condition 21, which bans all site-wide construction from March to September, is an unreasonable and unnecessary restriction that conflicts with targeted mitigation measures already established in Condition 18. The appeal contends that a blanket ban is disproportionate, unsupported by ecological evidence, and creates significant, unjustified delays and costs, offering no additional environmental benefits over the approved species-specific protections.
- 9.10.2. Condition No. 21 states “*Works shall not be undertaken between the 1st of March and 30th September. Reason: To protect biodiversity*”.

- 9.10.3. I note that there is no reference in the area planners' report or within the ecology report, or other departmental reports with respect to the inclusion of this condition. The first party appellant notes Condition 18, which states that *"All works shall be implemented in accordance with mitigation measures specified in the NIS, EclA and Green Infrastructure Plan submitted with the planning application unless updated by conditions of planning herein. A compliance monitoring report shall be submitted to the planning authority at the end of the main construction period. Reason: To protect biodiversity on site"*.
- 9.10.4. The applicant submitted an Ecological Impact Assessment (EclA) which evaluates the potential ecological effects arising from the proposed LRD. The assessment considers designated sites, habitats, protected species, water quality, ecological connectivity and cumulative effects, together with proposed mitigation and enhancement measures.
- 9.10.5. The EclA contains a number of explicit seasonal and timing restrictions designed to protect biodiversity during construction as follows:

Ecological Receptor	Restriction / Timing Requirement
Breeding birds	Structure demolition is to avoid the bird breeding season. If active nests are present, they must not be removed until the nesting attempt has been completed. Screening for active nests (including Kestrel) is required immediately before works.
Bats	Works affecting bat roosts are subject to seasonal avoidance measures, described as "timing of works/seasonal avoidance (structure specific)".
Bat roost structures/trees	No works affecting structures or trees where bats may roost may commence unless a valid NPWS Regulation 54 Derogation Licence is in place and all licence conditions are complied with.
Daytime working	Construction will generally occur during daylight hours (7:00 am–7:00 pm). Lighting is to be directed away from ecological features, with no lighting left on overnight to minimise disturbance to bats.
Eastville House / structures used by bats and birds	The report specifically notes that both bat seasonal restrictions and bird breeding restrictions must be considered together when programming demolition to avoid conflicts between protected species.
Trees / vegetation	Pre-felling surveys and ecological supervision are required before tree removal. Vegetation removal in hedgehog habitat is to be supervised using hand tools.

9.10.6. The report outlines targeted, flexible ecological controls rather than fixed, site-wide seasonal restrictions. In practice, specific construction and demolition timing restrictions generally align with the breeding season—typically March to August inclusive, subject to ecological confirmation—but vary depending on the particular building and bat roost involved. Furthermore, these measures effectively prohibit the commencement of certain demolition works until licensing requirements are satisfied, a constraint designed to protect commuting and foraging bats. Ultimately, this approach demonstrates that the demolition programme will demand careful ecological sequencing and supervision rather than unrestricted site-wide activity.

9.10.7. I note the following legislation, which is of relevance to the first party appeal:

- Section 40 of the Wildlife Act 1976 - prohibits the cutting, grubbing, burning or other destruction of 'vegetation growing in any hedge or ditch' between 1st March and 31st August.
- Section 70(2) (a) of the Roads Act 1993 provides that "The owner or occupier of land shall take all reasonable steps to ensure that a tree, shrub, hedge or other vegetation on the land is not a hazard or potential hazard to persons using a public road and that it does not obstruct or interfere with the safe use of a public road or the maintenance of a public road". NPWS recommends that such "reasonable steps" are taken between 1 September and 28 February, where possible.
- It is an offence under Section 22 of the Wildlife Act 1976 to wilfully destroy, injure, or mutilate the eggs or nest of a wild bird or to wilfully disturb a wild bird on or near a nest containing eggs or un-flown young birds at any time of the year.

9.10.8. I consider that the inclusion of a condition extending a general work ban to 30th September without site-specific, species-driven justification lacks a statutory basis under wildlife legislation. Moreover, a blanket planning condition prohibiting all vegetation works within a set window would directly conflict with the Section 70(2) (a) of the Roads Act 1993, as noted above.

9.10.9. Accordingly, I consider that there is no reasonable basis for the inclusion of Condition No. 21 of the planning authority grant of permission and as highlighted by the first party appellant Condition 21 conflicts with Condition 18, which requires

implementation of the ecological mitigation measures contained within the Ecological Impact Assessment. If the Commission were minded to grant permission I would recommend that Condition 21 be omitted from any grant of permission.

Evaluation of Ecological Impact Assessment:

9.10.10. The EclA has been prepared in accordance with current best practice, including CIEEM Ecological Impact Assessment Guidelines (2024), EPA Guidelines on EIARs (2022) and TII ecological evaluation guidance. Surveys were undertaken between 2023 and 2025 and comprised:

- Desktop review of designated sites and species records.
- Habitat and botanical surveys.
- Surveys for protected mammals.
- Detailed bat roost inspections and activity surveys.
- Breeding and winter bird surveys.
- Assessment of hydrological pathways and ecological connectivity.

9.10.11. With respect to the existing ecological environment, the subject lands comprise a previously developed brownfield site containing derelict industrial buildings, protected structures and areas of recolonising vegetation. The dominant habitats are artificial surfaces and recolonising ground of relatively low ecological value, together with locally important scrub, mature woodland and treelines. The site does not contain any Annex I habitats or significant invasive plant species.

9.10.12. The site lies approximately 200 metres from the Great Island Channel SAC, Cork Harbour SPA and Great Island Channel pNHA, with the West Ballynacora Stream providing a hydrological connection to Cork Harbour. Potential effects on European sites are considered separately within the accompanying Appropriate Assessment documentation.

9.10.13. The principal ecological constraints identified on the site comprise of:

- Confirmed bat roosts within Rosehill House and Eastville House, although these are assessed as being of relatively low conservation significance;

- Suitable bat foraging and commuting habitat associated with mature trees and scrub;

The confirmed bat roosts within Rosehill House and Eastville House will be affected by the proposed works, and the EclA acknowledges that disturbance to roosting bats will occur. A derogation licence has been obtained (Licence Ref. DER-BAT-2026-52, valid until the end of 2027). The Ecology Officer confirms that the current licence has been secured. No works affecting bat roosts may proceed unless a valid derogation licence is in place and all licence conditions are complied with.

The mitigation strategy is based on replacement rather than retention of the existing roosts. Continued bat roosting is to be facilitated through the installation of artificial bat boxes, adaptation of roof spaces within the Rosehill House outbuildings and the Kiln Building, protection of retained commuting corridors, sensitive lighting design, and post-construction monitoring.

- A locally uncommon population of bee orchid (*Ophrys apifera*);

The locally uncommon bee orchid population is not proposed to be removed without mitigation. Instead, the orchids are to be retained and managed within a dedicated bee orchid meadow, supported by protection of the existing population; establishment of a managed meadow specifically for the species; and complementary native hedgerow and tree planting together with flowering lawns to enhance pollinator habitat.

- The presence of hedgehog, a nationally declining protected mammal;

The EclA recognises that hedgehogs will lose some foraging and nesting habitat during construction. To address this, it proposes pre-construction ecological supervision during vegetation clearance; installation of artificial hedgehog nest domes; mammal-friendly fencing to maintain movement through the site; replacement tree and hedgerow planting to restore habitat connectivity; and post-construction ecological monitoring.

- Confirmed breeding by Red-listed Kestrel together with Amber-listed Barn Swallow, with potential for other protected bird species including Swift, House Martin and House Sparrow to utilise the existing buildings.

The EclA recognises that the existing buildings provide important nesting habitat for protected bird species. As the existing nesting sites will be lost through redevelopment, a comprehensive mitigation strategy is proposed. Demolition works will be seasonally restricted to avoid disturbance of active nests, with pre-construction inspections by a qualified ecologist and exclusion zones established where necessary.

For Kestrel, the existing nest within the mill complex will be replaced by a purpose-built Schwegler Kestrel Nest Box located on the western elevation of the Malt House/Kiln Building, with restrictions on demolition until any breeding attempt has concluded. For Barn Swallow, the nesting site within Eastville House will be replaced by 10 artificial swallow nest cups integrated beneath balconies within the redeveloped buildings. In addition, the scheme provides 20 integrated Swift nest boxes, while continued opportunities for House Martin and House Sparrow are provided through the incorporation of nesting features within the development. As such, bird breeding will continue through the integration of these replacement nesting structures throughout the site.

9.10.14. The proposed development will see the loss of bat roosting features within both structures and trees, however, the bat derogation license (DER-BAT-2026-52), authorises roost disturbance.

9.10.15. Overall, the ecological receptors associated with the site are assessed as being of Local Importance (Higher Value).

Assessment of Potential Impacts:

9.10.16. The report identifies potential impacts during both construction and operation, including:

- Disturbance or loss of habitat;
- Impacts on bats associated with demolition and renovation works;
- Disturbance to breeding birds;
- Impacts on hedgehog and other fauna during site clearance;
- Risks to surface water quality and downstream designated sites through sedimentation or pollution;

- Cumulative ecological effects arising from surrounding development.

9.10.17. The EclA indicates that ecological considerations have informed the evolution of the design through a mitigation-by-design approach, including consultation with Cork County Council during the Section 32B process.

9.10.18. The principal mitigation measures include:

- retention of significant mature trees and woodland where practicable;
- implementation of a Construction Environmental Management Plan and water quality protection measures;
- ecological supervision during construction;
- timing restrictions on vegetation clearance to avoid the bird breeding season;
- installation of integrated bat roosting features and artificial bat boxes;
- retention and enhancement of bat commuting corridors through sensitive lighting design;
- installation of bird nesting features for Kestrel, Barn Swallow and other urban bird species;
- protection and long-term management of the identified bee orchid population through dedicated meadow habitat;
- extensive native tree, hedgerow and biodiversity planting;
- post-construction ecological monitoring for habitats, bats and birds.

9.10.19. The report concludes that during construction, residual ecological effects are predicted to be slight negative at a local level. Following completion of construction, ecological effects are expected to be neutral. Once landscaping and biodiversity enhancement measures become established, the proposal is predicted to result in a slight positive ecological effect at local level. Applying the CIEEM Ecological Impact Assessment Guidelines (2024), the overall ecological effect is assessed as not significant.

9.10.20. The EclA has been prepared in accordance with recognised national guidance and is informed by an extensive programme of ecological surveys undertaken over multiple survey seasons. The assessment identifies the principal

ecological sensitivities associated with the site, namely protected bat roosts, breeding birds, locally important woodland and scrub habitats, bee orchid and hedgehog, together with the site's hydrological relationship with Cork Harbour.

9.10.21. The report demonstrates that these ecological constraints have informed the layout and design of the development through avoidance, retention and enhancement measures. Particular emphasis has been placed on maintaining bat commuting routes, providing replacement roosting and nesting opportunities, protecting water quality and retaining locally important vegetation.

9.10.22. While temporary construction-related impacts are acknowledged, the proposed mitigation measures are considered comprehensive and proportionate to the ecological sensitivities identified. Subject to the implementation of the recommended ecological mitigation, construction management measures, ecological clerk of works supervision and post-construction monitoring, the report concludes that no significant adverse ecological effects are likely to arise. Furthermore, the proposed landscaping and biodiversity enhancement measures are expected to provide biodiversity gain relative to the existing condition of the largely derelict brownfield site.

Bats:

9.10.23. The site contains two confirmed bat roosting locations within buildings alongside some localised suitable foraging and commuting habitat; but the Annex II species Lesser horseshoe bat was not recorded or likely to be present based on the species known distribution.

9.10.24. The report notes that *“Roosting by bats was confirmed within both Eastville House and Rosehill House and this roosting is of low conservation significance; no evidence of maternity roosting was identified. While no roosting by bats was confirmed within the mill buildings complex, the buildings contain an abundance of crevices which suggests that bats may sporadically roost individually or in small numbers. While no roosting is evident within the former residence, the intact nature of the structure presents a high suitability roosting location for bats should it become accessible to them. The site in general presents low value foraging habitat for bats with portions of mature mixed broadleaf woodland and scrub habitat providing locally important foraging and commuting habitat for bats”*.

- 9.10.25. I note that measures for the protection of bat species during the construction and operational phases have been included in the EclA.
- 9.10.26. A Regulation 54 Derogation (i.e. derogation licence) has been granted by the National Parks and Wildlife Service to permit works which will disturb roosting bats during the proposed development (Ref: DER/BAT 2026-52) (included as Appendix D of EclA). I note that the terms and conditions of this licence states that the actions which this derogation authorise shall be completed between 22nd January 2026 – 31st December 2027, inclusive.
- 9.10.27. I further note that Appendix D also includes a previous derogation licence granted to the applicant (Ref: DER/BAT 2025-227), which authorised works to be completed between 25th April – 31st December 2025, inclusive. The current licence is valid and will not expire until 31st December, 2027, as noted above.

Conclusion:

- 9.10.28. Accordingly, based on the information submitted, the proposed development is not considered likely to give rise to significant adverse ecological effects and is considered capable of proceeding without unacceptable impacts on biodiversity or ecological integrity, subject to compliance with the mitigation measures contained within the Ecological Impact Assessment, the accompanying Natura Impact Statement and associated environmental documentation.

9.11. Planning Authority Conditions

- 9.11.1. As noted in Section 5.1 above Cork County Council granted permission subject to 38 conditions, some of which have been referenced above. I note that the remainder of the conditions are briefly summarised in the following table, and I also indicate whether I have included or incorporated them in my recommended conditions in section 15. Some conditions, while indicated as being included in the recommended conditions, may have been reworded for clarity, brevity, or other reasons, but are essentially consistent with the CCC condition.

Table 9.9 – CCC Conditions

Cond. No.	Summary	Included or Excluded in Recommended
-----------	---------	-------------------------------------

		Conditions/Reference in assessment, where relevant
1.	Development as per plans and particulars	Included as standard condition 1
2.	Detailed method statement compiled by a suitably qualified accredited conservation architect/consultant for the temporary stabilisation of all historic structures on site as part of phase 1 of the development.	Included as Condition 11
3.	Mill Buildings - Industrial archaeologist/built heritage specialist to record all surviving interior fabric in the mill buildings and create report on same to include mitigation of impacts where necessary.	Included as Condition 12
4.	Development Contribution	Included as standard condition 45
5.	Conservation Expert employed – all works carried out in accordance with the Architectural Heritage Protection Guidelines.	Included as condition 13
6.	Mitigation measures in relation to Archaeology & Industrial Heritage set out	Included as condition 14

	in the set out in Section 4.3 of the Archaeological and Industrial Heritage Impact Assessment shall be implemented.	
7.	Resource Waste Management Plan	Included as standard Condition 36
8.	Operational Waste Management	Included as standard Condition 37
9.	Construction Environmental Management Plan	Included as standard Condition 34
10.	Pollution Incident Response – in the event of an accidental spillage of wastewater, organic fertiliser, fuel, machine oil or any other substance which may threaten the quality of any watercourse or groundwater body either at construction or operational phase.	Included as standard Condition 12
11.	Surface Water Protection During Construction	Included as Condition 22
12.	Sustainable Drainage (SuDS)	Included as Condition 28
13.	Design Revisions – (a) Unit 11 and overlooking to creche; (b) Use of resin on public pathways is not	(a) Included as Condition 4 – (b) Included as Condition 5.

	considered a suitable long term solution.	
14.	Revised Phasing of Development – (a) Completion of Mill complex structures under Phase 4; (b) Delivery of Part V units.	Included as Conditions 10.
15.	Part V Housing Agreement	Included as standard Condition 42
16.	Section 47 Occupancy Restriction	Included as standard Condition 43
17.	Noise Impact Assessment	Included as Condition 23.
18.	Mitigation measures specified in the NIS, EcIA and Green Infrastructure Plan submitted shall be implemented	Included as Condition 3
19.	All works on site shall be implemented in accordance with the Construction Environmental Management Plan (CEMP) submitted	Included as Condition 34 – not as a standalone condition.
20.	Landscaping	Included as Condition 36
21.	Works shall not be undertaken between the 1st of March and 30th September	This Condition formed part of the First Party Appeal – omitted as included within the requirements of Condition 3 with respect to mitigation measures.

22.	All works will take place in accordance with the mitigation measures and license conditions set out in the Wildlife Act Derogation License issued by the NPWS in respect of the proposed development	Included as Condition 19, with additional note in respect of a revised derogation licence prior to the commencement of development on site.
23.	Bat Survey	Included as Condition 18
24.	Ecological Monitoring Programme	Included as Condition 20
25.	Ecological Clerk of Works	Included as Condition 8
26.	Ecological Monitoring	Not included – captured under Condition 20
27.	Uisce Eireann – Connection Agreement	Included as Condition 26
28.	Operational Lighting	Included as Condition 7
29.	Road Safety Audit – Kearneys Cross Junction	Included as Condition 31
30.	Accordance with Road Safety Audit – including revised layout plan	Not standalone condition - included as Condition 31
31.	Road Improvement works - L-3625-0 Upper Road (Rose Lane) and Kearneys Cross.	Not standalone condition - Included as Condition 5
32.	DMURS Compliance	Included as Condition 6
33.	Estate Management Coordination – Estates	Indlcuded as Condition 9

	Department of the Planning Authiorty	
34.	Boundary treatments to houses along southern boundary	Not standalone condition - Included as Condition 4
35.	Internal Traffic Management	Not standalone condition - Included as Condition 5
36.	Details of play areas	Not standalone condition - Included as Condition 4
37.	Security Bond	Included as standard Condition 44
38.	Cycleway Contribution – Ballinacurra to Midleton Cycleway.	Not included – Assessed in Sections 9.6.80 of my report.

9.12. Other Matters

This section assessing the remaining **planning relevant matters** raised in the assessment of the LRD including third party appeals and further responses as noted above.

Phasing

9.12.1. The applicant has provided a proposed phasing of the works to include:

Phase	Element of Work
Phase 1	Mill Road 01-15 Rose Hill House - External Envelope
Phase 2	Electricity Substation Cloyne Road 01-06 Mill Road 32-33 Coppinger's Way 01-07

	Rose Lane 25-26 Smarts Store - External Envelope* Crèche Rose Hill Drive 11 -12 Rose Lane 23
Phase 3	Mill Road 16-31 & 34-37 Maltings Road 01-05 & 08 Malt House & Malt Store - External Envelope*
Phase 4	Rose Hill Drive 01-10 Kiln Building & Cereal Stn. - External Envelope*
Phase 5	Eastville 01-04 Rose Lane 24 Maltings Road 06-07 South Green 01-08 Coppinger's Way 08 Café Smarts Store - Completion Malt House & Malt Store - Completion Kiln Building & Cereal Station - Completion
Phase 6	West Green 02-05 Rose Hill 03-05 Rose Hill House - Completion

9.12.2. The Architectural Design Statement also states that:

** “Works to historic buildings are linked to commence and be completed in various Works Phases of the development to ensure that all works are carried out in*

reasonable time by the completion of each Phase and by the completion of the entire project. Each Phase relating to the Mill complex begins with the safe retrieval of industrial archaeology and subsequent recording, study, labelling, issuing and storage of found objects”.

- 9.12.3. The Senior Planners’ report highlights a key planning concern in respect to the project’s phasing, the stabilisation of protected structures (Rosehill House and the Mill complex) in Phase 1, and the delivery of Part V housing units. Accelerating the redevelopment of these heritage buildings to Phase 4, rather than Phase 5, is required to align with site progression and provide a fallback strategy for housing delivery, it is recommended that these issues can be addressed via planning conditions. Condition 14 of the grant of permission relates, which states that

“(a) The development shall be carried out on a phased basis as per the phasing plan submitted however the phasing plan shall be amended such that the protected former Mill complex structures on the site identified for completion under phase 5 shall be completed as part of identified phase 4; and (b) in the event the part V units cannot be provided in accordance with the proposed re-development of the mill buildings (as per phase 4 under (a) above) and or/ failure to deliver the re-development of the mill buildings part V dwelling shall be delivered by way of phase 5 units or otherwise as may be agreed in writing with the Planning Authority”.

- 9.12.4. The proposed conservation-led regeneration of this historic site aligns with County Development Plan objectives, offering high-density development that safeguards protected structures. While the proposed phasing plan is generally compliant, I would concur with the recommendation of the Senior Planner that the proposed phasing plan requires adjustment to bring the redevelopment of RPS structures in particular forward from the suggested Phase 5 to Phase 4, this is to ensure logical sequencing and enabling improved management of site works and will also provide the timely delivery of Part V social housing. I also note that the proposed creche will be delivered in Phase 2, which I welcome.

- 9.12.5. If the commission were minded to grant permission, I recommend the inclusion of Condition 14 to any grant of permission.

10.0 Water Framework Directive (WFD)

- 10.1.1. The closest watercourse is the West Ballynacora Stream which is approx. 10 – 20 metres north of the site, which is a recorded waterbody on the EPA catchments database, i.e. KNOCKNAMADDEREE_010 (IE_SW_19K630910). This waterbody has a good WFD status. The West Ballynacora Stream provides a viable source-receptor pathway to the Owenacurra Estuary, an ecologically sensitive site that comprises a portion of both the wider Cork Harbour SPA and Great Island Channel SAC, located approximately 200m northwest of the proposed development.
- 10.1.2. In terms of the groundwater body, Midleton (Site Code: IE_SW_G_058) is the applicable groundwater body and is a recorded waterbody on the EPA catchments database. This groundwater body has a good WFD status.
- 10.1.3. The proposed development comprises demolishing 1,165 sq.m of former mill structures and vacant dwellings to construct 128 residential units, comprising 92 new houses, 25 apartments converted from old mill buildings, and 11 homes created by converting or repairing historic structures like Rosehill and Eastville Houses. The mixed-use project also features a new crèche, café, substation, and the conversion of mill buildings into two retail units, an office, and a medical centre. Supporting infrastructure includes roads, open spaces, a play area, 214 car spaces, 114 cycle spaces, EV charging, and two access points off Rose Lane and Cloyne Road and all associated site works at former Ballinacurra Mill Buildings (Protected Structure Ref. 523), Rosehill House (Protected Structure Ref. 520), and Eastville House (NIAH Ref. 20907636), Ballinacurra, Ballynacorra West, Midleton, Co. Cork. I note that the proposed development does not include the provision of a basement.
- 10.1.4. I have assessed the residential development at Ballinacurra, Ballynacorra West, Midleton, Co. Cork and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.
- 10.1.5. I have undertaken a WFD Impact Assessment Stage 1: Screening and which is included in Appendix D after my report. This assessment considered the impact of the development on the:

- Waterbody
- Groundwater

10.1.6. The impact from the development was considered in terms of the construction and operational phases. Through the use of best practice and implement of a CEMP at the construction phase and through the use of SuDS during the operation phase, all potential impacts can be screened out.

10.2. **Conclusion:**

10.2.1. 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 **Appropriate Assessment**

11.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the of the Great Island Channel SAC, the Cork Harbour SPA and the Ballycotton Bay SPA in view of the conservation objectives of this site and the Appropriate Assessment under the provisions of Section 177U was required.

11.2. 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 of the Great Island Channel SAC, the Cork Harbour SPA and the Ballycotton Bay SPA 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.

11.3. 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.

12.0 Environmental Impact Screening

- 12.1. An Environmental Impact Assessment Screening Report has been submitted in support of the application in accordance with the requirements of the Planning and Development Act 2000 (as amended) and Schedule 7A of the Planning and Development Regulations 2001 (as amended). The report concludes that the proposed development would not be likely to give rise to significant effects on the environment and that the preparation of an Environmental Impact Assessment Report (EIAR) is therefore not required.
- 12.2. The proposed development comprises the redevelopment of a previously developed brownfield site extending to approximately 3.67 hectares and providing 128 residential units, together with commercial, community and ancillary uses. The proposal falls within Class 10(b) of Schedule 5, Part 2 of the Planning and Development Regulations but remains substantially below the mandatory EIA thresholds of 500 dwellings and 10 hectares applicable to urban development projects. Accordingly, the proposal constitutes a sub-threshold development requiring screening only.
- 12.3. The submitted Screening Report examines the proposal having regard to:
- Characteristics of the development;
 - Location of the development;
 - Types and characteristics of potential impacts;
 - Cumulative effects with other permitted developments; and
 - Schedule 7A criteria.
- 12.4. The report identifies that the site occupies a largely derelict brownfield former mill complex within the existing settlement of Ballinacurra and is surrounded principally by residential development. While ecological receptors occur within and adjoining the site, including the West Ballynacora Stream and nearby European sites, these matters are addressed separately through the Natura Impact Statement, Ecological Impact Assessment and Construction Environmental Management Plan. The

Screening Report concludes that, subject to the embedded mitigation measures contained within those documents, significant environmental effects are not likely to arise.

12.5. The assessment also considers cumulative effects arising from other permitted Large-scale Residential Developments within the Midleton area, including Maple Woods, Lakeview and Castleredmond. The report concludes that cumulative impacts relating to habitat loss, disturbance and wastewater loading have been assessed and can be satisfactorily addressed through mitigation measures, including the restriction preventing occupation of the development until the planned upgrade of Midleton Wastewater Treatment Plant has been completed by Uisce Éireann.

12.6. The Screening Report further concludes that no significant adverse effects are likely in respect of:

- Population and human health;
- Biodiversity;
- Land, soil and water;
- Air quality;
- Climate;
- Material assets;
- Cultural heritage;
- Landscape; or
- The interaction of these factors,

And, therefore, determines that an EIAR is not required.

12.7. The Area Planner separately considers the requirement for Environmental Impact Assessment under Section 172 of the Planning and Development Act and Schedule 5 of the Planning and Development Regulations. The report notes that the proposal comprises 128 residential units on a site of approximately 3.67 hectares, which is significantly below the mandatory EIA thresholds.

12.8. The planner specifically references the requirement to consider sub-threshold EIA, having particular regard to Schedule 7A, including the cumulative effects criterion

contained within paragraph 3(g). The report records that the applicant submitted a detailed EIA Screening Report addressing these matters, including cumulative impacts arising from surrounding development in accordance with both Schedule 7A and issues identified during the statutory pre-planning process.

12.9. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application.

Screening Conclusion:

12.10. Having regard to: -

1. The criteria set out in Schedule 7, in particular

(a) the nature and scale of the proposed development, within the existing site context

(b) the absence of any significant environmental sensitivity in the vicinity, and the location of the proposed development outside of the designated archaeological protection zone

(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, i.e. Natura Impact Statement, Ecological Impact Assessment and Bat Derogation licence (Ref: DER/BAT 2026-52) (see Appendix D Ecological Impact Assessment), was provided in support of the application.

3. The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment including the proposed demolition of 1,165sq.m of structures associated with the former Mill and

demolition of 3 no. vacant dwellings, outbuilding associated with Eastville House and an extension to the rear of Rosehill House.

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.

12.11. A Screening Determination was carried out within the required timeframe – as noted in Appendix C of this Report (Form 3).

13.0 Recommendation

13.1. Having considered the contents of the application the provision of the Development Plan, the grounds of the first and third party appeals, and further responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be GRANTED for the following reason and considerations and subject to the conditions outlined below.

14.0 Recommended Commission Order

Planning and Development Act 2000, as amended

Planning Authority: Cork County Council

Planning Register Reference Number: 260282

Appeal

First Party Appeal by Ballinacurra Project Limited Partnership against Condition No. 21 of the grant of permission made on the 7th day of April 2026, by Cork County Council to grant permission for the proposed development.

Third Party Appeals by Tim O’Leary and Patrick Foley against the decision made on the 7th day of April 2026, by Cork County Council to grant permission for the proposed development.

Proposed Development

Large-scale Residential Development (LRD) consisting of:

- The demolition of 1,165sq.m of structures associated with the former Mill and demolition of 3 no. vacant dwellings, outbuilding associated with Eastville House and an extension to the rear of Rosehill House.
- The provision of 128 residential units, (103 dwellings and 25 no. apartments) as follows:
 - (i) Construction of 92 no. new dwelling houses ranging from 2 to 3 storeys in height (comprising of 39 no. 2 bedroom houses, 36 no. 3 bedroom houses and 17 no. 4 bedroom houses),
 - (ii) The conversion/change of use of existing structures to 8 no. dwelling houses (1 no. 3 bedroom dwelling in Rosehill House outbuildings and 3 no. 2 bedroom dwellings and 4 no. 3 bedroom dwellings in the Mill Buildings),
 - (iii) The repair and conservation of Rosehill House to 1 no. 4 bedroom dwelling, and conversion of Eastville House to 1 no. 2 bedroom dwelling and 1 no. 3 bedroom dwelling,
 - (iv) The conversion/change of use of existing mill building structures ranging from 3 to 4 storeys in height, to 25 no. apartments (comprising of 1 no. ground floor Studio and 10 no. 1 bedroom apartments and 14 no. 2 bedroom apartments in existing Mill buildings from first to third floor).
- The construction of 1 no. single storey creche, 1 no. single storey café and 1 no. ESB substation and the conversion/change of use of former mill buildings into 2 no. ground floor retail units, 1 no. ground floor commercial office unit and 1 no. ground floor medical centre unit.
- Ancillary works are also proposed including provision of roads, footpaths, public open space, communal open space, private open spaces,
- 214 car park spaces, 114 cycle spaces, EV charging spaces, drainage infrastructure,
- 2 no. access points (one off Rose Lane and one off Cloyne Road, R629) and all associated site works including play area, landscaping and boundary treatments.
- It is also proposed to carry out new car parking arrangements along part of Rose Lane to the north of the site measuring c.0.057 hectares (bringing gross site area to c.3.677 ha).

The proposed development also includes all hard and soft landscaping, boundary

treatments, surface water and foul drainage connections and all associated site and development works at former Ballinacurra Mill Buildings (Protected Structure Ref. 523), Rosehill House (Protected Structure Ref. 520), and Eastville House (NIAH Ref. 20907636), Ballinacurra, Ballynacorra West, Middleton, Co. Cork.

An Environmental Impact Screening Report, an Appropriate Assessment Screening and A Natura Impact Statement have been prepared in respect of the development proposal and accompanies the application.

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.

Matters Considered:

In making its decision, the Coimisiún 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 Coimisiún had regard to the following:

- (i) Policies and objectives set out in the National Planning Framework 2040 (First Revision, 2025) and the Regional Spatial and Economic Strategy for the Southern Region 2020-2032,
- (ii) Policies and objectives set out in the Cork County Development Plan 2022 – 2028, including the location of the site on lands subject to Zoning Objective New Residential where the objective is to provide for new residential development in tandem with the provision of the necessary social and physical infrastructure,
- (iii) The Architectural Heritage Protection Guidelines for Planning Authorities (2011)

- (iv) Delivering Homes Building Communities 2025 - 2030, issued by the Department of Housing, Local Government and Heritage in November 2025,
- (v) The provisions of the Sustainable Residential and Compact Settlement Guidelines for Planning Authorities (January 2024),
- (vi) The Planning Design Standards for Apartments Guidelines for Planning Authorities, 2025,
- (vii) The Climate Action Plan 2024 and the Climate Action Plan 2025,
- (viii) Urban Development and Building Heights, Guidelines for Planning Authorities, 2020,
- (ix) Design Manual for Urban Roads and Streets, 2013, updated 2019,
- (x) Childcare Facilities, Guidelines for Planning Authorities, 2001,
- (xi) Development Management, Guidelines for Planning Authorities, 2007,
- (xii) The availability in the area of a wide range of social and transport infrastructure,
- (xiii) To the pattern of existing and permitted development in the area,
- (xiv) Planning Report and supporting technical reports of Cork County Council,
- (xv) To the submissions and observations received,
- (xvi) The grounds of appeal, observations and further responses on appeal,
- (xvii) The report and recommendation of the planning inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment, environmental impact assessment, and water status impact assessment.

Appropriate Assessment (AA) Stage 1:

An Coimisiún Pleanála 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 a suitably zoned and adequately serviced urban site, the Appropriate Assessment Screening Reports submitted with the application, the Inspectors' Reports, and submissions on file.

In completing the screening exercise, An Coimisiún Pleanála adopted the reports 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 Great Island Channel SAC, the Cork Harbour SPA and the Ballycotton Bay SPA, which are European Sites for which there is a likelihood of significant effects.

Appropriate Assessment (AA) Stage 2:

An Coimisiún Pleanála 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 Great Island Channel SAC, the Cork Harbour SPA and the Ballycotton Bay SPA 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.

Environmental Impact Assessment (EIA):

An Coimisiún Pleanála completed an environmental impact assessment screening of the proposed development and considered that the Environment Impact Assessment Screening Report submitted by the applicant, which contains information set out in Schedule 7A to the Planning & Development Regulations, 2001 (as amended), identifies and describes adequately the effects of the proposed development on the environment.

Having regard to:

- a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(i) and 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- b) the location of the site on lands governed by Zoning Objective 'town centre' and Existing Residential/Mixed Residential and Other Uses (including being identified as a regeneration area) of the Cork County Development Plan 2022 – 2028 and the results of the Strategic Environmental Assessment of the Cork County Development Plan 2022 – 2028 undertaken in accordance with the SEA Directive (2001/42/EC),
- c) the brownfield nature of the site and its location within Midleton, which is served by public services and infrastructure,
- d) the pattern of development in the surrounding area,
- e) the planning history related to the wider area of the site,
- f) the absence of any significant environmental sensitivity in the vicinity,
- g) the location of the development outside of any sensitive location specified in

article 109(4)(a) of the 2001 Regulations,

h) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage, and Local Government (2003),

i) The criteria set out in Schedule 7 and 7A of the Planning and Development Regulations 2001 as amended, and

j) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment as outlined in the plans and particulars, including Ecological Impact Assessment, Appropriate Assessment Screening and Natura Impact Statement, Bat Derogation License and Construction and Environmental Management Plan.

It is 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 would not, therefore, be required.

Water Status Impact Assessment Screening

An Coimisiún Pleanála completed a Water Status Impact Assessment screening exercise with regard being had to the objectives of Article 4 of the Water Framework Directive, taking into account the nature of the proposed development, site and receiving environment, the hydrological and hydrogeological characteristics of proximate waterbodies, the absence of any meaningful pathways to any waterbody, the standard pollution controls and project design features, the information and reports submitted as part of the application and appeal, and the Planning Inspector’s report.

In completing the screening exercise, the Coimisiún adopted the report of the Planning Inspector, and concluded that proposed development will not result in a risk of deterioration to any waterbody (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any waterbody in reaching its Water Framework Directive objectives, and that a Water Status Impact Assessment would not, therefore, be

required.

Conclusions on Proper Planning and Sustainable Development:

The Coimisiún considers that, subject to compliance with the conditions set out below, the proposed development would be consistent with the applicable Zoning Objective 'town centre' and Existing Residential/Mixed Residential and Other Uses (including being identified as a regeneration area) and other policies and objectives of the Cork County Development 2022 – 2028, would result in an appropriate density of residential development, would constitute a satisfactory mix and quantum of residential development, would provide acceptable levels of residential amenity including public open space, for future occupants, would not seriously injure the residential or visual amenities of property in the vicinity, would not cause adverse impacts to biodiversity, and would be acceptable in terms of water and surface water proposals.

The proposal would also be acceptable from a built heritage and archaeological perspective by safeguarding the existing Protected Structures and buildings of heritage importance, whilst safeguarding the Industrial architecture on site.

Moreover, having regard to the proposed access and egress arrangements, the proposed additional traffic volumes and the location of the site within an existing residential area that the development as proposed would be acceptable in terms of pedestrian, cyclist and traffic safety and convenience, and would not impact negatively on the immediate vicinity of the site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 submitted on the 9th day of February, 2026 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination. Reason: in the interest of clarity.
2.	(a) The development hereby permitted shall contain: 128 number residential units, creche, cafe, ESB substation, 2 no. ground floor retail units, 1 no. ground floor commercial office unit and 1 no. ground floor medical centre unit. (b) Each residential unit shall be used and occupied as a single unit for residential purposes and shall not be sub-divided or used for any commercial purpose (including short-term letting) without a separate planning permission. Reason: In the interest of clarity and to ensure the maintenance of a residential community.
3.	The mitigation and monitoring measures contained in the submitted Natura Impact Statement, Ecological Impact Assessment Report, EIA Screening Report, and Green Infrastructure Plan received by the Planning Authority on 9th day of February, 2026, shall be implemented. Reason: To protect the environment.
4.	Prior to the commencement of development, the developer shall submit, for the written agreement of the planning authority, revised drawings to indicate the following:

	(a) The first floor rear window serving the proposed bathroom in proposed dwelling no. 11 shall be fitted with permanently obscure fixed glazing. (b) All rear gardens along the southern boundary of the site shall be bounded by a 2 metre high block wall, capped, and rendered on both sides. (c) Details of [all neighbourhood play areas and local play areas (including low maintenance equipment, natural play features and facilities) proposals] within the open space amenity areas. Proposals shall have regard to the CCC Recreation and Amenity Interim Policy 2019 and any successor policy. (d) Details regarding the management and maintenance of the proposed wildlife areas. Reason: In the interests of residential amenity.
5.	Prior to the commencement of development, the developer shall submit, for the written agreement of the planning authority, revised drawings to indicate the following: (a) The use of resin on public pathways is not considered a suitable long term solution – this material should be revised. (b) The final design improvements to both the L-3625-0 Upper Road (Rose Lane) and Kearneys Cross. (c) The developer shall prepare and submit an internal traffic management plan prior to commencement of development identifying the locations of stop lines, pedestrian crossings, traffic calming measures and finalising the kerb lines/radii. The plan shall be finalised to satisfaction of the Planning Authority. Reason: In the interests of traffic safety.
6.	(a) The layout and services for the estate shall comply with the standards set down in DMURS (2019); and (b) Specification details for the below ground works shall comply with the with the standards set down in 'Recommendations for Site Development

	Works for Housing Areas' (Dept. of the Environment and Local Government, 1998) unless otherwise agreed with the Planning Authority. Reason: To ensure satisfactory standards of development.
7.	(a) 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. (b) Any amendments to the proposed lighting associated with the operational phase of development shall be agreed with the ecology office to minimise impacts to bats and birds. Reason: In the interest of amenity and to minimise impacts to bats and birds.
8.	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
9.	The developer shall contact the Estates Dept. of the Planning Authority prior to any works commencing on site to arrange a meeting to discuss general working arrangements with the Estates Dept, and any issues that may be specifically linked to the proposed development. Reason: To provide for the satisfactory future maintenance of the development in the interest of residential amenity.
10.	The development shall be carried out on a phased basis as follows:

	(a) The development shall be carried out on a phased basis as per the phasing plan submitted however the phasing plan shall be amended such that the protected former Mill complex structures on the site identified for completion under phase 5 shall be completed as part of identified phase 4. (b) In the event the part V units cannot be provided in accordance with the proposed re-development of the mill buildings (as per phase 4 under (a) above) and or/ failure to deliver the re-development of the mill buildings part V dwelling shall be delivered by way of phase 5 units or otherwise as may be agreed in writing with the Planning Authority. Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings
11.	Prior to the commencement of development on site the applicant/developer shall submit, for the written agreement of the planning authority a detailed method statement compiled by a suitably qualified accredited conservation architect/consultant for the temporary stabilisation of all historic structures on site as part of phase 1 of the development. This is to include (a) schedule of works with a full specification, including details of materials and methods, to ensure the buildings are propped/structurally secured/stabilised such as to ensure their preservation in their current pending subsequent phases of the development. (b) details of any features to be temporarily removed/relocated during construction works where identified and their final re-instatement. Once the final strategy has been agreed, there shall be no further changes unless otherwise agreed in writing with the Planning Authority. Reason: In the interest of the protection of architectural heritage in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.
12.	As soon as may be subsequent to the stabilisation of the mill buildings sufficient to facilitate safe interior access, the applicant/developer shall

	engage the services of a suitably qualified and experienced industrial archaeologist/built heritage specialist to record all surviving interior fabric in the mill buildings and create report on same to include mitigation of impacts where necessary. This detailed report shall be submitted to the planning authority and any necessary additional mitigation measures agreed in writing. This may include amended or revised design or structural details or services interventions to mitigate impacts detected after obtaining full access and investigation of RPS 523. Reason: In the interest of the protection architectural heritage in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.
13.	a) A conservation expert (grade 1 conservation architect or equivalently qualified/skilled and experienced conservation professional) shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric of the Protected Structure and NIAH buildings during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric. (b) All repair works to the protected structure shall be carried out in accordance with best conservation practice and the "Architectural Heritage Protection Guidelines for Planning Authorities" issued by the Department of Arts, Heritage and the Gaeltacht in October, 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and fittings and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement. (c) The conservation expert / architect will also certify that all works were carried out as per agreement with the Planning Authority on completion of the project.

	(d) A written and photographic record of all works shall be maintained throughout the course of the project and submitted to the planning authority and the national architectural archives on completion of the project. Full details to ensure compliance with the requirements of this condition shall be submitted to and agreed with the Planning Authority prior to the commencement of development. Reason: In the interest of the protection of architectural heritage in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.
14.	All mitigation measures in relation to the archaeology and Industrial heritage as set out in Section 4.3 of the Archaeological and Industrial Heritage Impact Assessment, Shanarc Archaeology Ltd. and Dr. Colin Rynne dated December 2025 included in application documents shall be implemented in full and a full methodology agreed with the Local Authority providing all phases of work proposed, prior to the commencement of development. The Planning Authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer. Reason: To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest.
15.	All works to the Mill Buildings, Rosehill House and Eastville House shall be carried out in accordance with the following: (i) The method statements submitted to the planning authority on the 9th of February 2026.

	(ii) Under the management and supervision of a suitably qualified conservation consultant, that being a Grade 1 Accredited Conservation Architect or conservation consultant/professional of equivalent qualifications and experience. (iii) A written description and photographic record of all works shall be maintained throughout the course of the project and submitted to the planning authority on completion of conservation works. (iv) A statement of completion by the appointed conservation consultant that said works have been completed in accordance with conditions of permission and agreements with the planning authority. Reason: In the interest of the protection of architectural heritage.
16.	Prior to the commencement of works the applicant shall submit for the written agreement of the planning authority; a detailed method statement compiled by a suitably qualified accredited conservation architect and/or engineer for the temporary stabilisation of all historic structures on site as part of phase 1. This method statement shall include the following: (i) A written schedule of proposed stabilisation works including detailed material specifications and supported by scaled drawings as relevant. (ii) Details of all features and fabric to be temporarily removed and/or relocated during stabilisation and/or construction works, their storage arrangements for the duration of the project and proposals for final reinstatement. On approval of the method statement by the planning authority, no further changes shall be made without the agreement in writing of planning authority. Reason: In the interest of the protection of architectural heritage.
17.	On completion of stabilisation works or within a specified timeframe agreed in writing with the planning authority, the applicant shall engage

	the services of a suitably qualified and experienced industrial archaeologist/built heritage specialist to undertake the following: (i) A record (written and photographic) of all surviving interior fabric within the mill buildings. (ii) Details of any necessary revisions and/or amendments in relation to works which may be necessitated on foot of gaining full access to the building and suggested mitigation measures where relevant. This report shall be submitted for the written approval and agreement of the planning authority. Reason: In the interest of the protection of architectural heritage.
18.	A bat survey shall be carried out by a competent, experienced bat ecologist during the bat activity seasons, in the year of construction and for the first two years of operation of the development. Proposed survey methodologies shall be submitted to the Planning Authority for approval prior to the commencement of development. The results of these surveys shall be submitted to Cork County Council annually for review. Reason: To protect biodiversity.
19.	All works will take place in accordance with the mitigation measures and license conditions set out in the Wildlife Act Derogation License issued by the NPWS in respect of the proposed development. Reason: To protect biodiversity.
20.	Monitoring of the construction phase shall be carried out by a suitably qualified and experienced ecologist in accordance with a monitoring programme, which shall be submitted for agreement with the Planning Authority prior to the commencement of development. The ecologist will be responsible for ensuring the implementation of ecological and / or water quality protection mitigation measures as specified in the planning documents and these conditions. The qualifications and experience of the ecologist shall be cited in the monitoring programme. Reason: To protect biodiversity

21.	In the event of an accidental spillage of wastewater, organic fertiliser, fuel, machine oil or any other substance which may threaten the quality of any watercourse or groundwater body either at construction or operational phase, the planning authority and Inland Fisheries Ireland, shall be notified in writing. A copy of the clean up plan shall be submitted to the planning authority. Reason: In the interest of environmental protection and public health.
22.	Prior to any construction work (including site clearance, grading, well boring, levelling etc.) at the proposed development site, appropriate surface water management controls shall be in place to prevent the discharge of sediment contaminated water to adjacent water courses. Unvegetated slopes shall be temporarily scarified during construction to minimise runoff velocities. Controls shall be inspected daily and maintained regularly. Reason: To prevent water pollution.
23.	Prior to commencement of development, the applicant shall submit a Noise Impact Assessment to assess the impact on nearby noise sensitive locations. Any noise mitigation measures in place/proposed must be clearly illustrated and detailed to allow audit of the measures. All calculations must be included and clearly shown along with any assumptions made. Reason: To reduce or prevent the intrusion of noise (or vibration), in the interest of residential amenity.
24.	Prior to the commencement of development, the following shall be submitted to, and agreed in writing with, the planning authority: (a) Details of the materials, colours and textures of all the external finishes to the proposed dwellings and creche. (b) Details of any advertisements / signage relating to the creche facility, café, and retail units. Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.
25.	Proposals for a naming / numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to

	commencement of development. Thereafter, all signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names 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 place names for new residential areas.
26.	Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Eireann (Irish Water) to provide for a service connection to the public water supply and wastewater collection network. Reason: in the interest of public health and to ensure adequate water/wastewater facilities.
27.	Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services, and details of same shall be submitted by the developer, for the written agreement of the planning authority. Reason: in the interest of public health and surface water management.
28.	Storm water attenuation and treatment measures utilizing Nature Based Drainage Solutions and SUDS best management practices shall be incorporated into the proposed storm water system. The developer shall submit a Drainage Impact Assessment (DIA) and SUDS statement per Practice Note No. 2 Surface Water Management (Cork County Council, 2022). This DIA will inter alia demonstrate a net biodiversity gain by the implementation of Nature-Based Solutions (NBS) into the overall drainage solution. Details of the number, location and catchment drained by each element shall be marked on a site SUDS-NBS drawing.

	This DIA shall have regard to Best Practice Guidance on the Design of SuDS as contained in The Greater Dublin Strategic Drainage Study (GDSDS) (2005) and Nature-based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas - Best Practice Interim Guidance Document (DHLG, 2022) and A development completion stage storm-water audit shall be carried out within 3 months of substantial occupation of the development to ensure the SUDS/NBS measures were installed and working as designed, no misconnections have taken place and that damage has not occurred to any of the stormwater or foul drainage infrastructure during construction. A CCTV Survey shall be carried out of all stormwater pipes and foul pipes and the survey and report forwarded to the Planning Authority. Reason: To prevent flooding, and improve the quality of the storm water discharge, and allow some ground water recharge.
29.	All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works. Reason: in the interests of visual and residential amenity.
30.	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.
31.	(a) Prior to the commencement of development, A stage 1/2 and 3/4 Road safety audit shall be carried out by an approved consultant of the Kearneys cross junction for the written agreement of the Planning Authority. Measures to address issues raised in the audit

	shall be agreed in writing and associated costs borne by the applicant unless otherwise agreed in writing. (b) The layout shall strictly accord with and incorporate the recommendations of the road safety audit. Full details, including revised layout plan, shall be submitted to the Planning Authority for agreement in writing prior to commencement of development Reason: In the interest of orderly development.
32.	(a) All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. (b) 5% of vehicular parking spaces shall be for mobility impaired users. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Reason: in the interest of sustainable transportation.
33.	Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays 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.
34.	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 EIAR and NIS for the application. 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.
35.	Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a Construction Traffic Management Plan (CTMP) for the construction phase of the development for the written agreement of the planning authority. The Plan shall incorporate details of the road network to be used by construction traffic including oversized loads, detailed proposals for the protection of bridges, culverts and other structures to be traversed, as may be required. The agreed CTMP shall be implemented in full during the course of construction of the development. Reason: in the interest of traffic safety and convenience and residential amenity.
36.	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 Environmental Protection Agency'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.
37.	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 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.
38.	The site shall be landscaped in accordance with the plans and particulars, including the Landscape Design lodged with the application, received by the planning authority on the 9th day of February 2026, and shall be carried out within the first planting season following substantial completion of external construction works. 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.
39.	No dwelling unit 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 the proper planning and sustainable development of the area.
40.	(a) All areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company. (b) Details of the management company contract, and drawings /particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation. Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

41.	(a) The developer shall engage a suitably qualified archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the Planning Authority (following consultation with the Development Applications Unit of the Department of Housing, Local Government and Heritage). The testing shall take place in advance of any site preparation works or groundworks (other than those which may be necessary to fulfil this condition, e.g. demolition) including site investigation works / topsoil stripping / site clearance / dredging / underwater works and / or construction works. The report shall include an archaeological impact statement and mitigation strategy. (b) Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record [archaeological excavation] and/or monitoring may be required. (c) Any further archaeological mitigation requirements specified by the planning authority, following consultation with the Department, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to the National Monuments Service and the Planning Authority and approval to proceed is agreed in writing with the planning authority. (d) The planning authority and the Department of Housing, Local Government and Heritage shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post excavation work. All resulting and associated archaeological costs shall be borne by the developer. Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.
-----	---

42.	Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An 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 of the area.
43.	(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, that is, 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.
44.	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.
45.	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.
--	--

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

Emma Nevin

Planning Inspector

5th August 2026

Appendix 1 (a) Screening for Appropriate Assessment

Step 1: Description of the project and local site characteristics

Brief description of project

Demolishing 1,165 sq.m of former mill structures and vacant dwellings to construct 128 residential units, comprising 92 new houses, 25 apartments converted from old mill buildings, and 11 homes created by converting or repairing historic structures like Rosehill and Eastville Houses. The mixed-use project also features a new crèche, café, substation, and the conversion of mill buildings into two retail units, an office, and a medical centre. Supporting infrastructure includes roads, open spaces, a play area, 214 car spaces, 114 cycle spaces, EV charging, and two access points off Rose Lane and Cloyne Road.

It is also proposed to carry out new car parking arrangements along part of Rose Lane to the north of the site measuring c.0.057 hectares, which is included in the total gross site area noted above.

Foul water from the proposed development will discharge to the existing Uisce Éireann (UÉ) foul sewer, located along the L3625 and to the Midleton WWTP for treatment, which discharges directly into the Owenacurra Estuary.

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

	discharging offsite. Treated surface water will be discharged stream north of the development via the public storm sewer present on Rose Lane while the attenuated systems for Storm Network 2 are to discharge into the public storm sewer present on the R629 northeast of the development. Water supply to the proposed development will be from the existing UÉ watermain, which requires an upgrade and as part of this upgrade it will be developed in conjunction with Uisce Eireann.
Brief description of development site characteristics and potential impact mechanisms	The proposed development occurs within a brownfield, peri-urban landscape. The site is exposed and dominated by artificial surfaces and built structures with portions of scrub and woodland along the southern and western borders. Adjoining land uses include residential and agricultural land uses. Great Island Channel SAC (1058) and Cork Harbour SPA (4030) are located approximately 200m northwest of the proposed development. The site is bordered to the north by the West Ballynacora Stream (IE_SW_19K630910). The West Ballynacora Stream flows westwards, discharging directly into the Owenacurra Estuary (IE_SW_060_0400) which comprises a portion of the wider Cork Harbour SPA and Great Island Channel SAC. The development site is not located within a Natura 2000 site. Four designated Natura 2000 Sites are present within 15km of the proposed site boundary.

No Annex I habitats listed under the EU Habitats Directive or those associated with surrounding SACs are present within the proposed works area, and the dominant habitats present (consisting mostly of buildings and artificial surfaces) are of low botanical value. No botanical species protected under the Flora (Protection) Order 20225, listed in Annex II or IV of the EU Habitats Directive (9/3/EEC), or Red listed in Ireland (Wyse Jackson et al., 2016) were recorded. No invasive plant species were recorded on site.

The most proximal records for Schedule III plant are limited to Japanese knotweed and Indian balsam located approximately 1.6km northwest of the proposed development within Midleton town. No evidence of underground dwellings attributed to any protected non-volant mammal species was identified onsite. No evidence of otter was observed onsite, with the proposed development considered generally unsuitable for this species.

The site contains two confirmed bat roosting locations within buildings alongside some localised suitable foraging and commuting habitat; but the Annex II species Lesser horseshoe bat was not recorded or likely to be present based on the species known distribution.

The nearest designated site is Cork Harbour SPA is the most proximal designated site to the proposed development, located 200m west at its nearest point. The Great Island Channel SAC is similarly located 200m west at its nearest point. Potential impact

	mechanisms are via topographical gradient, surface water runoff and proximity. There are no watercourses within the site.
Screening report	Yes, submitted with the planning application as received by the planning authority on the 9 th of February 2026
Natura Impact Statement	Yes, submitted with the planning application as received by the planning authority on the 9 th of February 2026
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	
Two European sites, the Great Island Channel SAC (1058) and Cork Harbour SPA (4030), are potentially within a zone of influence of the proposed development.	

I note that the screening report considered a further two sites in the wider area namely the Ballycotton Bay SPA (4022) - 10.6km southeast of the proposed development; and the Ballymacoda (Clonpriest and Pillmore) SAC (0077) c located 14.7km east of the proposed development, but rules these out for further examination due to distance (> 10km) and with no viable hydrological pathway present.

I will consider each site in the following table.

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
Great Island Channel SAC (1058)	• Mudflats and sandflats not covered by seawater at low tide [1140] • Atlantic salt meadows (<i>Glauco Puccinellietalia maritima</i>) [1330]	0.20	Located 200m west at its nearest point. The proposed development presents a viable hydrological pathway via the West Ballynacora Stream which flows approximately 10m north of the site and discharging into Cork Harbour.	Yes
Cork Harbour SPA (4030)	• Little Grebe (<i>Tachybaptus ruficollis</i>) [A004] • Great Crested Grebe (<i>Podiceps cristatus</i>) [A005] • Cormorant (<i>Phalacrocorax carbo</i>) [A017] • Grey Heron (<i>Ardea cinerea</i>) [A028] • Shelduck (<i>Tadorna tadorna</i>) [A048]	0.20	Located 200m west at its nearest point, the proposed development presents a viable hydrological pathway via the West Ballynacora Stream which flows	Yes

	• Wigeon (<i>Anas penelope</i>) [A050] • Teal (<i>Anas crecca</i>) [A052] • Pintail (<i>Anas acuta</i>) [A054] • Shoveler (<i>Anas clypeata</i>) [A056] • Red-breasted Merganser (<i>Mergus serrator</i>) [A069] • Oystercatcher (<i>Haematopus ostralegus</i>) [A130] • Golden Plover (<i>Pluvialis apricaria</i>) [A140] • Grey Plover (<i>Pluvialis squatarola</i>) [A141] • Lapwing (<i>Vanellus vanellus</i>) [A142] • Dunlin (<i>Calidris alpina</i>) [A149] • Black-tailed Godwit (<i>Limosa limosa</i>) [A156] • Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] • Curlew (<i>Numenius arquata</i>) [A160] • Redshank (<i>Tringa totanus</i>) [A162] • Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] • Common Gull (<i>Larus canus</i>) [A182] • Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183] • Common Tern (<i>Sterna hirundo</i>) [A193] • Wetland and Waterbirds [A999]		approximately 10m north of the site and discharging into Cork Harbour. In addition, a viable ex-situ disturbance pathway exists between the proposed development and the bird species associated with Cork Harbour SPA.	
Ballycotton Bay SPA (4022)	• Teal (<i>Anas crecca</i>) [A052] • Ringed Plover (<i>Charadrius hiaticula</i>) [A137] • Golden Plover (<i>Pluvialis apricaria</i>) [A140] • Grey Plover (<i>Pluvialis squatarola</i>) [A141] • Lapwing (<i>Vanellus vanellus</i>) [A142]	10.6	Considerable marine environments buffer this site, with no viable hydrological pathway present. A remote ex-situ disturbance pathway exists between the	Yes

	• Black-tailed Godwit (<i>Limosa limosa</i>) [A156] • Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] • Curlew (<i>Numenius arquata</i>) [A160] • Turnstone (<i>Arenaria interpres</i>) [A169] • Common Gull (<i>Larus canus</i>) [A182] • Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183] • Wetland and Waterbirds [A999]		proposed development and the bird species associated with Ballycotton Bay SPA which may be utilising Cork Harbour.	
Ballymacoda (Clonpriest and Pillmore) SAC (0077)	• Estuaries [1130] • Mudflats and sandflats not covered by seawater at low tide [1140] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows (<i>Glauco Puccinellietalia maritimae</i>) [1330] • Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]	14.7	No viable hydrological pathway present	No
Step 3. Describe the likely effects of the project (if any, alone <u>or</u> 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		
Site 1:	Direct:			

Great Island Channel SAC (1058) • Mudflats and sandflats not covered by seawater at low tide [1140] • Atlantic salt meadows (<i>Glauco Puccinellietalia maritima</i>) [1330]	No direct habitat loss or land take as the development is located approximately 200m from the SAC. Indirect: • Potential deterioration in water quality from sediment, silt, concrete or accidental pollution via the West Ballynacora Stream. • Potential increase in wastewater loading. • Potential in-combination impacts with other developments.	Potential impacts on Annex I estuarine habitats, mudflats and Atlantic salt meadows through deterioration in water quality if unmitigated. <u>Midleton WWTP</u> Uisce Éireann provided a Confirmation of Feasibility on 5th December 2025 with regards to foul water connection. Upgrade works are noted to be currently ongoing on Midleton WWTP (MHL, 2025b). The submitted NIS (dated December 2025) states that “The ‘Annual Environmental Report’ from 2023 notes that Midleton WWTP was non-compliant with Emission Limit Values (ELVs), specifically faecal coliforms, with no remaining organic capacity (PE) (Uisce Éireann, 2023)”. The submitted NIS states that “<i>Two projects are currently being progressed by Irish Water to provide the additional wastewater treatment capacity. Uisce Éireann has confirmed that following these upgrades there will be sufficient capacity to adequately process</i>
---	---	--

		<i>the additional input from the operational demand of the proposed development. In order to avoid the possibility of significant adverse negative effects on the qualifying interests of the relevant Natura 2000 sites, the proposed development will not be occupied until such time that upgrade works are completed by Uisce Éireann and capable of catering for the additional wastewater loading”.</i> Notwithstanding, I have undertaken my own assessment of the NIS and note that the Uisce Eireann Capacity Register (reviewed 31/08/2026) identified that there was capacity at the Midleton WWTP, i.e. Green status, spare capacity available, published on the Uisce Eireann website in April 2026. The operational phase of the proposed development will add additional loading on the Midleton WWTP, which discharges directly into the Owenacurra Estuary. Given the predicted additional foul water loading and current upgrade works at Midleton WWTP, the
--	--	--

		possibility of significant negative effects occurring on the Great Island Channel SAC cannot be ruled out, in the absence of appropriate mitigation measures.
Likelihood of significant effects from proposed development (alone):		Yes
If No, is there likelihood of significant effects occurring in combination with other plans or projects?		
	Impacts	Effects
Site 2: Cork Harbour SPA (004030) • Little Grebe (Tachybaptus ruficollis) [A004] • Great Crested Grebe (Podiceps cristatus) [A005] • Cormorant (Phalacrocorax carbo) [A017] • Grey Heron (Ardea cinerea) [A028] • Shelduck (Tadorna tadorna) [A048] • Wigeon (Anas penelope) [A050] • Teal (Anas crecca) [A052] • Pintail (Anas acuta) [A054]	Direct: No direct habitat loss or land take as the development is located approximately 200m from the SPA. No direct impacts on designated bird habitat. Indirect: • Potential deterioration in water quality. Potential disturbance to SCI bird species from construction activity.	Temporary disturbance to qualifying bird species and indirect impacts on supporting wetland habitats if unmitigated. <u>Midleton WWTP</u> Uisce Éireann provided a Confirmation of Feasibility on 5th December 2025 with regards to foul water connection. Upgrade works are noted to be currently ongoing on Midleton WWTP (MHL, 2025b).

• Shoveler (Anas clypeata) [A056] • Red-breasted Merganser (Mergus serrator) [A069] • Oystercatcher (Haematopus ostralegus) [A130] • Golden Plover (Pluvialis apricaria) [A140] • Grey Plover (Pluvialis squatarola) [A141] • Lapwing (Vanellus vanellus) [A142] • Dunlin (Calidris alpina) [A149] • Black-tailed Godwit (Limosa limosa) [A156] • Bar-tailed Godwit (Limosa lapponica) [A157] • Curlew (Numenius arquata) [A160] • Redshank (Tringa totanus) [A162] • Black-headed Gull (Chroicocephalus ridibundus) [A179] • Common Gull (Larus canus) [A182] • Lesser Black-backed Gull (Larus fuscus) [A183] • Common Tern (Sterna hirundo) [A193] • Wetland and Waterbirds [A999]	• Potential increase in wastewater loading. Potential cumulative impacts.	The submitted NIS states that “The ‘Annual Environmental Report’ from 2023 notes that Midleton WWTP was non-compliant with Emission Limit Values (ELVs), specifically faecal coliforms, with no remaining organic capacity (PE) (Uisce Éireann, 2023)”. The submitted NIS states that “<i>Two projects are currently being progressed by Irish Water to provide the additional wastewater treatment capacity. Uisce Éireann has confirmed that following these upgrades there will be sufficient capacity to adequately process the additional input from the operational demand of the proposed development. In order to avoid the possibility of significant adverse negative effects on the qualifying interests of the relevant Natura 2000 sites, the proposed development will not be occupied until such time that upgrade works are completed by Uisce Éireann and capable of catering for the additional wastewater loading</i>”. Notwithstanding, I have undertaken my own assessment of the NIS and note that the Uisce Eireann
--	--	---

		Capacity Register (reviewed 31/08/2026) identified that there was capacity at the Midleton WWTP, i.e. Green status, spare capacity available published on the Uisce Eireann website in April 2026. The operational phase of the proposed development will add additional loading on the Midleton WWTP, which could result in significant negative impacts on nearby sensitive receptors. Given the predicted additional foul water loading and the current upgrade works at Midleton WWTP, the possibility of significant negative effects occurring on the Cork Harbour SPA cannot be ruled out, in the absence of appropriate mitigation measures.
Likelihood of significant effects from proposed development (alone):		Yes

If No, is there likelihood of significant effects occurring in combination with other plans or projects?		
	Impacts	Effects
Site 3: Ballycotton Bay SPA (004022) • Estuaries [1130] • Mudflats and sandflats not covered by seawater at low tide [1140] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows (Glauco Puccinellietalia maritimae) [1330] • Mediterranean salt meadows (Juncetalia maritimi) [1410]	Direct: No direct impacts. Indirect: • Remote ex-situ disturbance pathway through highly mobile bird species that may utilise both Cork Harbour and Ballycotton Bay.	Potential for an ecological (bird) pathway. No hydrological pathway. No likely significant effects identified.
Likelihood of significant effects from proposed development (alone):		Yes – precautionary approach as a credible source–pathway–receptor linkage could exist.
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 Great Island Channel SAC, the Cork Harbour SPA and the Ballycotton Bay SPA.

Appendix 1(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 Great Island Channel SAC, the Cork Harbour SPA and the Ballycotton Bay SPA based on scientific information provided by the applicant.

The information relied upon includes the following:

- Part 1 - Stage 1 Screening for Appropriate Assessment prepared by O'Donnell Environmental.
- Part 2 - Natura Impact Statement (NIS) prepared by O'Donnell 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

I note that there were no issues raised by submissions in relation to Appropriate Assessment or Natura Impact Statement.

Great Island Channel SAC (1058)**Summary of Key issues that could give rise to adverse effects (from screening stage):**

- Potential deterioration in water quality from sediment, silt, concrete or accidental pollution via the West Ballynacora Stream.
- Potential increase in wastewater loading.
- Potential in-combination impacts with other developments.

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures (summary)
Mudflats and sandflats not covered by seawater at low tide 1140	Maintain favourable conservation condition by maintaining habitat area, community distribution and natural ecological functioning.	• Potential deterioration in water quality from sediment, silt or accidental pollution during construction. • Potential indirect impacts on estuarine habitats through altered water quality. • Potential cumulative wastewater impacts during operation. • Potential in-combination effects with other permitted developments.	<u>Construction Phase</u> • Construction & Environmental Management Plan (CEMP). • Pollution prevention measures. • Separate foul and surface water drainage systems. • SuDS including attenuation, permeable paving, hydrocarbon interceptors and controlled discharge. • Ecological monitoring.
Atlantic Salt Meadows (Glauco-Puccinellietalia maritima) 1130	Restore favourable conservation condition by maintaining/restoring habitat area and	• Potential deterioration in water quality from sediment, silt or accidental pollution during construction.	<u>Operational Phase</u>

	distribution, natural sediment processes, tidal flooding regime, creek and pan morphology, vegetation structure, vegetation composition and preventing significant expansion of <i>Spartina anglica</i>.	• Potential indirect impacts on estuarine habitats through altered water quality. • Potential cumulative wastewater impacts during operation. • Potential in-combination effects with other permitted developments.	The NIS notes under Section 4.1 Mitigation Measures, that <i>“In order to avoid the possibility of significant adverse negative effects on the qualifying interests of the relevant Natura 2000 sites, the proposed development will not be occupied until such time that upgrade works are completed by Uisce Éireann and capable of catering for the additional wastewater loading”</i>. As per my assessment, I note that the Uisce Eireann Capacity Register (reviewed 31/08/2026) identified that there was capacity at the Midleton WWTP, i.e. Green status, spare capacity available, published on the Uisce Eireann website in April 2026. There are also WWTP Project Planned/Underway. Uisce Éireann has confirmed that following these upgrades there will be sufficient capacity to adequately process the additional input from the operational demand of the proposed development. As such, I do not consider that mitigation measures with respect to occupancy are required.
--	---	---	--

Cork Harbour SPA (004030) Summary of Key issues that could give rise to adverse effects (from screening stage): • Potential deterioration in water quality. • Potential disturbance to SCI bird species from construction activity. • Potential increase in wastewater loading. • Potential cumulative impacts.			
Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures (summary)
Little Grebe (A004)	Maintain favourable conservation condition by ensuring: • Long-term population trends remain stable or increasing. • No significant decrease in the range, timing or intensity of use of supporting habitats.	• Potential disturbance to qualifying bird species during construction. • Potential deterioration in water quality affecting supporting wetland habitats. • Potential operational wastewater impacts. • Potential cumulative effects with other permitted developments.	<u>Construction Phase</u> CEMP. • Pollution prevention measures. • Noise, dust and lighting controls. • SuDS. • Winter bird surveys. • Ecological monitoring. <u>Operational Phase</u> The NIS notes under Section 4.1 Mitigation Measures, that “ <i>In order to avoid the possibility of significant adverse negative effects on the qualifying interests of the relevant Natura 2000 sites, the proposed development will not be occupied until such</i>

			<i>time that upgrade works are completed by Uisce Éireann and capable of catering for the additional wastewater loading”.</i> As per my own assessment, I note that the Uisce Eireann Capacity Register (reviewed 31/08/2026) identified that there was capacity at the Midleton WWTP, i.e. Green status, spare capacity available, published on the Uisce Eireann website in April 2026. There are also WWTP Project Planned/Underway. Uisce Éireann has confirmed that following these upgrades there will be sufficient capacity to adequately process the additional input from the operational demand of the proposed development. As such, I do not consider that mitigation measures with respect to occupancy are required.
Great Crested Grebe (A005)	Maintain favourable conservation condition by ensuring: • Long-term population trends	As above	As above

	remain stable or increasing. • No significant decrease in the range, timing or intensity of use of supporting habitats.		
Cormorant (A017)	Maintain favourable conservation condition by ensuring: • Long-term population trends remain stable or increasing. • No significant decrease in the range, timing or intensity of use of supporting habitats.	As above	As above
Grey Heron (A028)	Maintain favourable conservation condition by ensuring: • Long-term population trends remain stable or increasing. • No significant decrease in the range, timing or	As above	As above

	intensity of use of supporting habitats.		
Shelduck (A048)	Maintain favourable conservation condition by ensuring: • Long-term population trends remain stable or increasing. • No significant decrease in the range, timing or intensity of use of supporting habitats.	As above	As above
Wigeon (A050)	Maintain favourable conservation condition by ensuring: • Long-term population trends remain stable or increasing. • No significant decrease in the range, timing or intensity of use of supporting habitats.	As above	As above
Teal (A052)	Maintain favourable conservation condition by ensuring:	As above	As above

	• Long-term population trends remain stable or increasing. • No significant decrease in the range, timing or intensity of use of supporting habitats.		
Pintail (A054)	Maintain favourable conservation condition by ensuring: • Long-term population trends remain stable or increasing. • No significant decrease in the range, timing or intensity of use of supporting habitats.	As above	As above
Shoveler (A056)	Maintain favourable conservation condition by ensuring: • Long-term population trends remain stable or increasing. • No significant decrease in the	As above	As above

	range, timing or intensity of use of supporting habitats.		
Red-breasted Merganser (A069)	Maintain favourable conservation condition by ensuring: • Long-term population trends remain stable or increasing. • No significant decrease in the range, timing or intensity of use of supporting habitats.	As above	As above
Oystercatcher (A130)	Maintain favourable conservation condition by ensuring: • Long-term population trends remain stable or increasing. • No significant decrease in the range, timing or intensity of use of supporting habitats.	As above	As above
Golden Plover (A140)	Maintain favourable conservation	As above	As above

	condition by ensuring: • Long-term population trends remain stable or increasing. • No significant decrease in the range, timing or intensity of use of supporting habitats.		
Grey Plover (A141)	Maintain favourable conservation condition by ensuring: • Long-term population trends remain stable or increasing. • No significant decrease in the range, timing or intensity of use of supporting habitats.	As above	As above
Lapwing (A142)	Maintain favourable conservation condition by ensuring: • Long-term population trends remain stable or increasing.	As above	As above

	• No significant decrease in the range, timing or intensity of use of supporting habitats.		
Dunlin (A149)	Maintain favourable conservation condition by ensuring: • Long-term population trends remain stable or increasing. • No significant decrease in the range, timing or intensity of use of supporting habitats.	As above	As above
Black-tailed Godwit (A156)	Maintain favourable conservation condition by ensuring: • Long-term population trends remain stable or increasing. • No significant decrease in the range, timing or intensity of use of supporting habitats.	As above	As above

Bar-tailed Godwit (A157)	Maintain favourable conservation condition by ensuring: • Long-term population trends remain stable or increasing. • No significant decrease in the range, timing or intensity of use of supporting habitats.	As above	As above
Curlew (A160)	Maintain favourable conservation condition by ensuring: • Long-term population trends remain stable or increasing. • No significant decrease in the range, timing or intensity of use of supporting habitats.	As above	As above
Redshank (A162)	Maintain favourable conservation condition by ensuring: • Long-term population trends	As above	As above

	remain stable or increasing. • No significant decrease in the range, timing or intensity of use of supporting habitats.		
Black-headed Gull (A179)	Maintain favourable conservation condition by ensuring: • Long-term population trends remain stable or increasing. • No significant decrease in the range, timing or intensity of use of supporting habitats.	As above	As above
Common Gull (A182)	Maintain favourable conservation condition by ensuring: • Long-term population trends remain stable or increasing. • No significant decrease in the range, timing or	As above	As above

	intensity of use of supporting habitats.		
Lesser Black-backed Gull (A183)	Maintain favourable conservation condition by ensuring: • Long-term population trends remain stable or increasing. • No significant decrease in the range, timing or intensity of use of supporting habitats.	As above	As above
Common Tern (A193)	As above, including to: Maintain breeding population, productivity and colony distribution.	As above	As above
Wetlands (A999)	Maintain the wetland habitat area as a resource for migratory birds	As above	As above
Ballycotton Bay SPA (4022) Summary of Key issues that could give rise to adverse effects (from screening stage): • Disturbance of mobile species - a possible ecological linkage through mobile bird species			

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures (summary)
A052 Teal <i>Anas crecca</i>	To maintain the favourable conservation condition of Teal in Ballycotton Bay SPA, which is defined by the following list of attributes and targets:	Very limited ex-situ pathway through highly mobile bird species. No hydrological pathway.	<u>Construction Phase</u> Implementation of CEMP. Standard construction environmental controls. Protection of water quality during construction.

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

The principal impact pathway identified within the Natura Impact Statement relates to the potential deterioration in water quality affecting the Great Island Channel SAC and Cork Harbour SPA. The site is located approximately 10 metres south of the West Ballynacora Stream, which provides a direct hydrological pathway to the Owenacurra Estuary and subsequently to both European sites. Construction activities, including demolition, excavation and earthworks, have the potential to generate sediment-laden runoff,

accidental spillages of fuels, oils, concrete washings or other contaminants. During the operational phase, the principal issue identified relates to additional foul wastewater loading on the Midleton Wastewater Treatment Plant. In the absence of mitigation, this could contribute to deterioration in the receiving waters of Cork Harbour and adversely affect the qualifying interests of the Great Island Channel SAC and Cork Harbour SPA.

Mitigation Measures

The Natura Impact Statement relies upon the following mitigation measures:

- Full implementation of the Construction and Environmental Management Plan (CEMP).
- Industry standard pollution prevention measures to protect surface water and groundwater during construction.
- Sustainable Urban Drainage Systems (SuDS), including attenuation tanks, permeable paving, tree pits, hydrocarbon interceptors, grit traps and controlled discharge at below greenfield runoff rates.
- Separate foul and surface water drainage systems.
- Surface water attenuation designed for the 1 in 100 year storm event plus climate change allowance.
- Connection of foul drainage to the public wastewater network.
- Uisce Éireann has confirmed that following the upgrades to the Midleton WWTP, there will be sufficient capacity to adequately process the additional input from the operational demand of the proposed development. As per the Uisce Eireann wastewater capacity register, there is spare capacity available at the Midleton WWPT.

Conclusion on Water Quality Degradation:

I am satisfied that the preventative measures, which are aimed at interrupting the source-pathway-receptor linkage, are appropriately targeted at the principal threats to the qualifying interests of the Great Island Channel SAC and Cork Harbour SPA. The proposed mitigation reflects established industry best practice and, in conjunction with the restriction on occupation pending wastewater treatment upgrades, will reduce potential impacts on water quality to a non-significant level. Accordingly, I am satisfied that adverse effects on the conservation objectives of the relevant European sites can be avoided.

(b) Damage / loss / fragmentation of riparian habitats:

The proposed development is located adjacent to the West Ballynacora Stream, which provides an ecological corridor linking the site to the Owenacurra Estuary and the adjacent European sites. While no Annex I habitats occur within the application site, inappropriate construction practices could result in indirect impacts on adjoining riparian habitats through accidental encroachment, sedimentation or pollution. The NIS notes that the development itself does not involve direct habitat loss within any European site.

Mitigation Measures

The mitigation relied upon within the Natura Impact Statement includes:

- Protection of the adjoining watercourse through implementation of the CEMP.
- Surface water and groundwater protection measures during construction.
- Pollution prevention measures to prevent sediment or contaminants entering the West Ballynacora Stream.
- SuDS measures are designed to control both the quantity and quality of runoff during the operational phase.
- Appropriate construction management procedures throughout the works.

Conclusion on Damage / Loss / Fragmentation of Riparian Habitats:

I am satisfied that the proposed development has been designed to avoid direct impacts on riparian habitats and that the mitigation measures proposed are appropriate to prevent indirect deterioration of adjoining habitats. Subject to full implementation of the mitigation measures contained within the Natura Impact Statement and supporting documentation, I am satisfied that the measures proposed are adequate and will be effective in ensuring minimal impact to riparian habitats in the vicinity of the proposed works.

(c) Disturbance of mobile species

The Natura Impact Statement considers the potential for disturbance to mobile qualifying species, principally the Special Conservation Interest bird species associated with Cork Harbour SPA and Ballycotton Bay SPA. Project-specific winter bird surveys confirmed that the proposed site and surrounding lands are not utilised by significant aggregations of qualifying bird species and that no important ex-situ foraging habitat occurs within or adjacent to the development site. While a remote ex-situ disturbance pathway exists in relation to Ballycotton Bay SPA, no significant ecological linkage was identified. The Ecological Impact Assessment also notes that no evidence of Otter was recorded within the site and that the site is generally unsuitable for the species.

Mitigation measures and Conditions

The mitigation measures relied upon include:

- Full implementation of the Construction and Environmental Management Plan.
- Standard dust, noise and pollution control measures during construction.
- Surface water protection measures to prevent indirect effects on aquatic habitats supporting qualifying species.
- Implementation of the approved lighting strategy.

- Compliance with all ecological mitigation measures contained within the Natura Impact Statement, Ecological Impact Assessment and Construction and Environmental Management Plan, secured by planning condition.

Conclusion on Disturbance of Mobile Species:

Having regard to the project-specific ecological surveys, the absence of significant use of the site by qualifying bird species, the lack of evidence of Otter within the site and the implementation of the proposed mitigation measures, I am satisfied that disturbance to mobile species will be negligible. I am further satisfied that the measures proposed are adequate and will be effective in ensuring that the attributes required to restore or maintain the favourable conservation condition of Otter and the qualifying bird species of the nearby European sites will not be adversely affected and that the proposed development will not prevent or delay the attainment of the relevant conservation objectives.

(d) Spread of Invasive Species

The Natura Impact Statement records that no invasive alien plant species listed under Schedule 3 of the European Communities (Birds and Natural Habitats) Regulations 2011 were identified during ecological surveys or the accompanying desk study. Nevertheless, it recognises that there remains a potential risk of introducing invasive species during construction activities if appropriate controls are not implemented.

Mitigation Measures:

The mitigation measures relied upon comprise:

- Implementation of the Construction and Environmental Management Plan.

- Adoption of standard industry environmental control measures during construction to prevent the introduction or spread of invasive species.
- Appropriate management of imported materials and construction activities throughout the construction period.

Conclusion on Spread of Invasive Species

Having regard to the absence of invasive alien plant species recorded within the site and the implementation of the proposed construction management measures, I am satisfied that the proposed mitigation measures are capable of being effectively implemented and supervised and will be effective in preventing the introduction or spread of invasive species.

All Mitigation measures will be captured in planning condition number 3 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 Great Island Channel SAC, the Cork Harbour SPA, the Ballycotton Bay SPA or any other Natura 2000 site, individually or in combination with other plans or projects.

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 Great Island Channel SAC, the Cork Harbour SPA, the Ballycotton Bay SPA. Adverse effects on site integrity can be excluded, and no reasonable scientific doubt remains as to the absence of such effects.

Appendix B Form 1- EIA Pre-Screening

An Bord Pleanála	ACP-324245-26		
Case Reference			
Proposed Development Summary	Demolishing 1,165 sq.m of former mill structures and vacant dwellings to construct 128 residential units, comprising 92 new houses, 25 apartments converted from old mill buildings, and 11 homes created by converting or repairing historic structures like Rosehill and Eastville Houses. The mixed-use project also features a new crèche, café, substation, and the conversion of mill buildings into two retail units, an office, and a medical centre. Supporting infrastructure includes roads, open spaces, a play area, 214 car spaces, 114 cycle spaces, EV charging, and two access points off Rose Lane and Cloyne Road.		
Development Address	Former Ballinacurra Mill Buildings (Protected Structure Ref. 523), Rosehill House (Protected Structure Ref. 520), and Eastville House (NIAH Ref. 20907636), Ballinacurra, Ballynacorra West, Middleton, 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	10. Infrastructure projects: 10(b)(i) <i>Construction of more than 500 dwelling units;</i> 10 (b)(iv) <i>Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</i>	Proceed to Q3.

		*(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 note that Neither Part 1 nor Part 2 of Schedule 5 in the Planning and Development Regulations 2001 refers to works or demolition to protected structures.	
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	X	The proposed development does not equal or exceed the 500 unit threshold.	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	Class 10(b)(i) construction of more than 500 dwelling units. The development is for 128 residential units.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No		
Yes	X	Environmental Impact Assessment Screening Report Submitted EIAR Form 3 - completed

Inspector: _____

Date: 5th August 2026

Appendix C – Form 3 – EIA Screening Determination

A. CASE DETAILS		
An Coimisiún Pleanála Case Reference	ACP-324245-26	
Development Summary	Demolishing 1,165 sq.m of former mill structures and vacant dwellings to construct 128 residential units, comprising 92 new houses, 25 apartments converted from old mill buildings, and 11 homes created by converting or repairing historic structures like Rosehill and Eastville Houses. The mixed-use project also features a new crèche, café, substation, and the conversion of mill buildings into two retail units, an office, and a medical centre. Supporting infrastructure includes roads, open spaces, a play area, 214 car spaces, 114 cycle spaces, EV charging, and two access points off Rose Lane and Cloyne Road at former Ballinacurra Mill Buildings (Protected Structure Ref. 523), Rosehill House (Protected Structure Ref. 520), and Eastville House (NIAH Ref. 20907636),, Ballinacurra, Ballynacorra West,, Midleton, Co. Cork.	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	
2. Has Schedule 7A information been submitted?	Yes	An Environmental Impact Assessment Screening Report has been submitted.
3. Has an AA screening report or NIS been submitted?	Yes	Stage 1 (AA) and Stage 2 (NIS) have been submitted with the application.
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	N/A	

B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith			
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The proposal comprises a residential scheme of housing, and the partial demolition and reuse of the existing Ballinacurra Mill Buildings (Protected Structure Ref. 523), Rosehill House (Protected Structure Ref. 520), and Eastville House (NIAH Ref. 20907636), to form residential apartments and dwellings, including the provision of a creche, café, ground floor retail units and associated works.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	The proposed residential development, including, will result in the demolition of 1,165sq.m of structures associated with the former Mill and demolition of 3 no. vacant dwellings, outbuilding associated with Eastville House and an extension to the rear of Rosehill House, site excavations and the construction of a new development within the existing brownfield site, which is subject to the zoning objective 'town centre', and "Existing Residential/Mixed	No

		Residential and Other Uses”, the site is also located in a regeneration area, as per the Cork County Development Plan 2022 – 2028, that applies to these lands.	
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	Construction materials will be typical for the type of development proposed. The loss of natural resources as a result of the development of the site are not regarded as significant in nature.	No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	No	Some potentially contaminating construction materials. Such construction impacts would be local and temporary in nature and with the implementation of standard measures outlined in Construction Environmental Management Plan would satisfactorily mitigate the potential impacts.	No
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Yes	Construction activities will require the use of potentially harmful materials, such as fuels and other similar substances, and will give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local. and temporary in nature and with the implementation of standard measures outlined in Construction Environmental Management Plan would satisfactorily mitigate the potential impacts. Operational waste would be managed. Other significant operational impacts are not anticipated.	No
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface	No	No significant risks are identified.	No

waters, groundwater, coastal waters or the sea?			
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	There is potential for the construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts would be suitably mitigated by the operation of standard measures listed in a Construction Environmental Management Plan. A Noise Impact Assessment will also be prepared and submitted prior to the commencement of development on site (as per the condition of permission).	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Yes	Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of standard measures within a Construction Environmental Management Plan would satisfactorily address potential risks on human health.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	No risk from the proposed development and the site is not located in vicinity of any major accident sites.	No
1.10 Will the project affect the social environment (population, employment)	Yes	The population in the area will increase and employment would be provided in the café, creche and retail elements of the proposed development. It is anticipated that the development will positively affect the social environment.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	No significant cumulative negative effects on the environment will arise.	No
2. Location of proposed development			

2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: • 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	No National or European sites are located on the site. The closest Natura 2000 sites are: • Cork Harbour SPA, located 200m west at its nearest point. • Great Island Channel SAC, located 200m west at its nearest point • Ballycotton Bay SPA is located 10.6km southeast, and; • Ballycotton (Clonpriest and Pillmore) SAC is located 14.7km east. Stage 1 Screening for Appropriate Assessment and Stage 2 Natura Impact Assessment were provided in support of the application. 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 Great Island Channel SAC, the Cork Harbour SPA, the Ballycotton Bay SPA. Adverse effects on site integrity can be excluded, and no reasonable scientific doubt remains as to the absence of such effects.	No
2.2 Could any protected, important or sensitive species of flora or fauna which use	Yes	No European sites located on or adjacent to the site.	No

areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	However, as per the Ecological Impact Assessment Report the landscape in which the proposed site is located is of moderate to high suitability for bats in general. Of the nine confirmed resident Irish species, seven were recorded within the proposed development; but some of these species were only recorded infrequently. The Annex II listed lesser horseshoe bat was not recorded, and the proposed development is located outside of their known range. Roosting occurs in the existing buildings on site i.e. Rosehill House, Eastville House and low levels of activity were recorded surrounding the mill buildings complex alongside the roadway immediately outside the development site. The proposed works involve The demolition of 1,165sq.m of structures associated with the former Mill and demolition of 3 no. vacant dwellings, outbuilding associated with Eastville House and an extension to the rear of Rosehill House. A Bat Derogation Licence has been granted by NPWS to permit works which will disturb roosting bats during the proposed development (Ref: DER/BAT 2026-52). This licence is valid until 22nd January 2026 – 31st December 2027, inclusive.	
--	--	--

2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	Yes	Having regard to the statutory protection afforded to Rosehill House and the Ballinacurra Mill Buildings as Protected Structures and Recorded Monuments, together with the inclusion of Eastville House on the National Inventory of Architectural Heritage, I am satisfied that the proposed development has been informed by a comprehensive suite of conservation reports, architectural impact assessments and archaeological assessments which adopt a conservation-led approach to the repair, restoration and adaptive re-use of the historic buildings. The submitted Archaeological and Industrial Heritage Impact Assessment concludes that the site possesses archaeological significance extending beyond the standing structures and that below-ground archaeological remains may survive across the site. The assessment includes recommendations for archaeological monitoring, industrial archaeological recording, preservation in situ where feasible, and detailed mitigation measures to protect both standing structures and below-ground archaeological remains. It further recommends the salvage, cataloguing and interpretation of surviving industrial artefacts where retention in situ is not possible.	No

		A condition can be included to ensure sustainable development and the protection of the architectural and archaeological heritage on site.	
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No	No significant risks are identified.	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	No	The development will implement SUDS measures to control surface water run-off and reduce surface run off from that of the existing condition on site. Potential impacts arising from the discharge of surface waters to receiving waters are not likely or anticipated. I reference the WFD Impact Assessment Stage 1 Screening report in this regard. The site does not contain any watercourses but is bordered to the north by the West Ballynacora Stream (IE_SW_19K630910) at approximately 10m distance from the site boundary. A 'Flood Risk Assessment' (MHL, 2025b) was carried out and determined that there is no risk associated with coastal or fluvial flooding, and the proposed development location is appropriate from a flood risk perspective in that it meets the requirements of the Flood Risk Management Planning guidelines (2009).	No

		I am satisfied that the applicant has provided adequate information in relation to water supply and drainage. From the available information I am satisfied that the proposed development will not be impacted by flooding and will not give rise to flooding of adjoining lands.	
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	No significant risks are identified.	No
2.7 Are there any key transport routes(e.g. 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	The site is essentially proposed to be split into two with an entrance proposed from the L3625-0 upper road to the north and also off the R629 Ballinacurra to Cloyne Rd. to the east. Adequate car parking is proposed to serve the development. I also note that there are bus services 450m from the proposed development on the R630 Whitegate Road with future bus stops proposed in the vicinity of the site on the R629, which would further strengthen accessibility to public transport. A stage 1/2 Road Safety Audit and Traffic and Transportation Assessment have been submitted. Several conditions are recommended by the Planning Authority, which are reasonable. Notwithstanding, construction traffic may impact on the area, however this will be	No

		short term and will be managed via a Construction Environmental Management Plan.	
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	No impact is anticipated in respect to air pollution on the nearest adjoining sensitive land uses.	No
3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project. Any cumulative traffic impacts that may arise during construction would be subject to a project construction traffic management plan.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No transboundary considerations arise.	No
3.3 Are there any other relevant considerations?	No	No	No
C. CONCLUSION			
No real likelihood of significant effects on the environment.	☒	EIAR Not Required	
Real likelihood of significant effects on the environment.	☐	EIAR Required	
D. MAIN REASONS AND CONSIDERATIONS			
EG - EIAR <u>not</u> Required			
Having regard to: -			
1. The criteria set out in Schedule 7, in particular (a) the nature and scale of the proposed development, within the existing site context (b) the absence of any significant environmental sensitivity in the vicinity, and the location of the proposed development outside of the designated archaeological protection zone			

(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, i.e. Screening Report for Appropriate Assessment and Natura Impact Statement, and Environmental Impact Assessment Screening Report were provided in support of the application.
3. The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment as outlined in the plans and particulars, including Ecological Impact Assessment Report, Bat Derogation License and Construction and Environmental Management Plan.

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.

Inspector _____

Date 5th August 2026

Approved (ADP) _____

Date 5th August 2026

Appendix D: WFD IMPACT ASSESSMENT STAGE 1: SCREENING

Step 1: Nature of the Project, the Site and Locality

An Coimisiún Pleanála ref. no.	ACP-324245-26	Townland, address	former Ballinacurra Mill Buildings (Protected Structure Ref. 523), Rosehill House (Protected Structure Ref. 520), and Eastville House (NIAH Ref. 20907636),, Ballinacurra, Ballynacorra West,, Midleton, Co. Cork.
Description of project		Demolishing 1,165 sq.m of former mill structures and vacant dwellings to construct 128 residential units, comprising 92 new houses, 25 apartments converted from old mill buildings, and 11 homes created by converting or repairing historic structures like Rosehill and Eastville Houses. The mixed-use project also features a new crèche, café, substation, and the conversion of mill buildings into two retail units, an office, and a medical centre. Supporting infrastructure includes roads, open spaces, a play area, 214 car spaces, 114 cycle spaces, EV charging, and two access points off Rose Lane and Cloyne Road.	
Brief site description, relevant to WFD Screening,		The 3.67-hectare brownfield site in central Ballinacurra village features a disused mill complex on its eastern side and Rosehill House on its western side. The mill consists of attached building blocks situated along the northern boundary, flanked by Eastville House to the west and a separate two-storey dwelling to the northeast. Industrial sheds, stores, and grain silos sit behind the main mill complex, while a steep, mature tree-lined embankment runs along the	

	southern boundary to provide a natural buffer between the site and the adjacent residential estate. The site does not contain any watercourses but is bordered to the north by the West Ballynacora Stream (IE_SW_19K630910) at approximately 10m distance from the site boundary. The West Ballynacora Stream flows westwards and discharges directly into the Owenacurra Estuary (IE_SW_060_0400) which comprises a portion of the wider Cork Harbour SPA and Great Island Channel SAC. No surface water pathways were visible on site, and it appears drainage currently discharges to ground. A height differential between the south-west and north-east portions of the development footprint was visible. Due to the high degree of impermeable surfaces onsite, there is likely a degree of overland flow also. The proposed development lands benefit from an existing foul sewer connection to the public mains under Rose Lane. It is proposed that the scheme foul water will connect to the public mains at this location. Foul waters from the proposed development will then be discharged to Midleton WWTP for treatment. A 'Flood Risk Assessment' (MHL, 2025b) was carried out and determined that there is no risk associated with coastal or fluvial flooding, and the proposed development location is appropriate from a flood risk perspective in that it meets the requirements of the Flood Risk Management Planning guidelines (2009).
--	--

Proposed surface water details	The proposed development utilises a Sustainable Urban Drainage System (SuDS) featuring water butts, grasscrete permeable paving, tree-pits, and attenuation tanks to manage rainwater conveyance, interception, and storage. Completely separate from the foul water system, the surface water drainage network collects roof runoff via downpipes and paved surface runoff via drainage channels, gullies, and underground pipes. To regulate outflows, a series of attenuation tanks are designed to contain storm events up to a 100-year return period, including a 20% climate change allowance. This controlled surface water will be discharged at an acceptable rate into the existing Rose Lane stormwater network, which has confirmed adequate capacity.
Proposed water supply source & available capacity	A 100mm diameter HDPE watermain is proposed to supply potable water to all units and fire hydrants within the development. The construction of the water supply pipe network shall be in accordance with Uisce Eireann Code of Practice for Water Infrastructure Doc IW-CDS-5020-03. Service layout distances to comply with Uisce Eireann Detail STD-W-11. A Pre-Connection Enquiry Form and Statement of Design Acceptance has been submitted to Uisce Eireann to progress connection details. As per the confirmation of feasibility received from Uisce Eireann 110m of the existing watermain requires an upgrade and as part of this upgrade it will be developed in conjunction with Uisce Eireann to ensure the that the flow will achieve the Fire Authority Requirements. This will be agreed with Uisce Eireann and the Fire Authority at connection application stage during construction.

Proposed wastewater treatment system & available capacity, other issues			The operational phase of the proposed development will see an increase in foul water flow due to the occupation of 128 residential and other mixed-use units. No foul wastewater will be discharged on-site during the operational phase. A pre-connection enquiry form was submitted to Uisce Éireann in relation to the nearby existing connection point along the L3625. Uisce Éireann provided a Confirmation of Feasibility on 5th December 2025 with regards to foul water connection. Upgrade works are noted to be currently ongoing on Midleton WWTP (MHL, 2025b).			
Others?			N/A			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	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 run-off, drainage, groundwater)
Transitional waterbody	To the north of the site – 10 - 20 metres from	KNOCKNAMADD EREE_010 (West Ballynacora Stream)	Good	Review	None	Yes – indirect pathways via surface water drainage network

	the site boundary	(IE_SW_19K630 910)					
Groundwater body	Underlying site	Midleton (Site Code: IE_SW_G_058)	Good	Review	None	Yes – Development site is inside this groundwater body, hydraulically linked	
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.	Site clearance & Construction	KNOCKNAM ADDEREE_0 10 (West Ballynacora Stream)	No direct hydrological pathways	Water Pollution - Deterioration of surface water	Use of Standard Construction Practice and CEMP	No	Screen out at this stage.

		(IE_SW_19K 630910)		quality from pollution of surface water run-off during site construction			
2.	Site clearance & Construction	Midleton (Site Code: IE_SW_G_0 58)	Drainage through soil / bedrock	Reduction in groundwater quality from pollution of surface water run-off	Use of Standard Construction Practice and CEMP	No	Screen out at this stage.
OPERATIONAL PHASE							
1.	Surface Water Run-off	KNOCKNAM ADDEREE_0 10 (West Ballynacora Stream) (IE_SW_19K 630910)	No direct hydrological pathways.	None	Subject to the implementation of the proposed SuDS strategy, drainage design and standard construction mitigation measures, the identified source- pathway-	No	Screen out at this stage.

					receptor linkages will be appropriately managed		
2.	Surface Water Run-off	Midleton (Site Code: IE_SW_G_058)	Drainage through soil/bedrock	Reduction in groundwater quality	The proposed drainage design, impermeable attenuation tanks, pollution prevention measures and construction controls ensure that the development will not adversely affect groundwater quality or groundwater status	No	Screened out at this stage
DECOMMISSIONING PHASE							

1.	N/A	N/A	N/A	N/A	N/A	N/A	N/A
----	-----	-----	-----	-----	-----	-----	-----