



**Development**

The demolition and removal of existing agricultural sheds/structures; The construction of 72 no. residential units and all associated development works. A Natura Impact Statement (NIS) was submitted with this application.

**Location**

Monfieldstown and, Mounthovel, (Townlands), Rochestown Cork

**Planning Authority**

Cork City Council

**Planning Authority Reg. Ref.**

2543910

**Applicant(s)**

Diamond Development Limited

**Type of Application**

Permission

**Planning Authority Decision**

Grant Permission & Conditions

**Type of Appeal**

Third Party Normal Planning Appeal

**Appellant(s)**

- 1) Lucy McGrath O'Dwyer and John Dwyer
- 2) Margaret McGrath Fitzgerald and Declan Fitzgerald
- 3) Parish of Douglas/Rochestown

4) Anthony Gaffney

5) Declan O'Toole

**Observer(s)**

None

**Date of Site Inspection**

1<sup>st</sup> April 2026

**Inspector**

Mary Crowley

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## 1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 1.35 ha is located at Monfieldstown and, Mounthovel, (Townlands), Rochestown, Cork. The site comprises an existing area of undeveloped land that is bounded to the north by the Douglas Rive Estuary waterfront, to the west and southwest by the existing N28 dual carriageway (currently being upgraded to M28), to the east by dwellings and an existing St Patricks Church and associated car parking to the southeast. The site is for the most part flat and level with the lands to the east and the north. The N28 road is located at a much higher level to the west and south. There are existing former farm buildings and sheds on the site that are to be demolished as part of the proposed development.
- 1.2. The site forms part of the Rochestown residential suburb, located 1.6 km from Douglas Village and less than 10.4 km from Cork City Centre. Access to the site is via the L6744 Local Road which abuts the R610 Rochestown Road connecting to Douglas Village and Cork City Centre via the N40. Adjacent to the site is the Bloomfield Interchange and N28 to Carrigaline/Ringaskiddy providing connections to the wider area.
- 1.3. The character of the immediate area is primarily residential. The lands bounding the site to the east consist of individual dwellings. The site is bounded to the north by the Cork Harbour Special Protection Area (SPA Code: 004030) and the Douglas River Estuary Proposed Natural Heritage Area (PNHA Code: 004046).
- 1.4. I refer to the photos and photomontages available to view throughout the file. Together with a set of photographs of the site and its environs taken during the course of my site inspection serve to describe the site and location in further detail.

## 2.0 Proposed Development

### 2.1. Planning Application

- 2.1.1. Planning Permission was sought on the 23<sup>rd</sup> May 2025 for the following:
  - 1) The demolition and removal of existing agricultural sheds/structures (716 sqm);
  - 2) The construction of 72 no. residential units comprising 10 no. 3-bed dwelling houses and 62 no. apartments (comprising 21 no. 1 bed units and 41 no. 2 bed

units) in 2 no. blocks ranging in height from 4-5 storeys with solar panels at roof level;

- 3) The provision of landscaping and amenity areas and all associated access, infrastructure and services including vehicular and pedestrian access to the Woodbrook Road / Rochestown Road Roundabout; and
- 4) All associated ancillary development works including vehicular and pedestrian access, car and bicycle parking, footpaths, lighting, drainage, plant (including 1 no. ESB substation and 1 no. water break tank room) bike and bin storage.

A Natura Impact Statement (NIS) was prepared and submitted with the application.

2.2. The application was accompanied by the following:

- Cover Letter
- Planning & Design Statement
- EIA Screening Report
- Part V Costs and Methodology
- Infrastructure Report
- Construction Environmental Management Plan
- Operational and Construction Resources Waste Management Plans
- Drainage Impact Assessment
- Flood Risk Assessment
- Traffic and Transport Assessment
- Mobility Management Plan
- Road Safety Assessment – Combined Stage 1 & 2 Road Safety Audit
- Landscape and Visual Impact Assessment
- Landscape Design Statement
- Natura Impact Assessment
- Ecological Impact Assessment
- Tree Survey / Tree Appraisal & Arboricultural Assessment
- Inward Noise Impact Assessment & Acoustic Design Statement
- Air Quality Assessment
- Outdoor Lighting Report

- Housing Quality Assessment
- Letter of Consent by Cork City Council

2.3. The principal development statistics are as shown below:

Site Area (including site entrance works)	1.35 ha	13,489 sqm
Area of Riparian Corridor	0.11 ha	1,071 sqm
Area of Site Entrance Works	0.34 ha	3,360.9 sqm
Net Site Area (excluding site entrance works)	1.01 ha	10,127.8 sqm
Total Net Site Area (excluding site entrance and riparian corridor)	0.91 ha	9,056.8 sqm
No of Units	72	
Building Height	2 - 3 storey	
Building Footprint	1,682 sqm	
Site Coverage	12%	
Plot Ratio	1:0.6	
Public Open Space	2,437 sqm	
Open Space as a % of Gross Site Area	18.1%	
Open Space as % of total Net Site Area	24.1%	
Communal Open Space	392.0 sqm	
Demolition Area	716 sqm	
Density (gross)	53.4 units / ha	
Density (net site – based on exclusion on site entrance works)	71.1 units / ha	
Density (net site – based on exclusion of riparian corridor and entrance works)	79.5 units / ha	

<b>Apartment</b>				<b>Dual Aspect</b>	
<b>Block</b>	<b>1 bed</b>	<b>2 bed</b>	<b>Total</b>	<b>Number</b>	<b>%</b>
A	8	18	26	18	69.2%
B	13	23	36	25	69.4%
<b>Total</b>	21	41	62	43	69.4%

<b>Houses</b>				<b>Dual Aspect</b>	
	<b>1 / 2 bed</b>	<b>3 bed</b>	<b>Total</b>	<b>Number</b>	<b>%</b>
	0	10	10	10	100%
<b>Total</b>	0	10	10	10	100%

<b>Car Parking</b>	
Apartments – No of car spaces	26
Apartments – Car Parking Ratio	0.42
Houses – No of car spaces	20
Houses – Car Parking Ratio	2

<b>Bicycle Parking</b>	
Apartments – No of Bicycle Spaces	104
Apartments – Bicycle Parking Ratio	1.68
Apartments – No of Visitor Bicycle Spaces	30
Apartments – Bicycle Visitor Parking Ratio	0.48

## 2.4. Further Information

2.4.1. Further Information was submitted on 16<sup>th</sup> October 2025 and may be summarised as follows:

2.4.2. **Item 1 Response** - Revised and accurately scaled site layout plan on Dwg. No. 22052-OMP-01-00-DR-A-1010 and 22052-OMP- 01-00-DR-A-1015 which clearly illustrates the proposed separation distances between all open spaces and the three residential blocks in relation to the adjacent road and the proposed noise barriers.

2.4.3. **Item No 2 Response** - The Landscape and Visual Impact Assessment (LVIA) has been updated and now provides visuals to show the proposed development when viewed from the N40 to the north and the N28/M28 to the west and southwest. The LVIA also includes short range views, medium range views and long-range views.

2.4.4. **Item No 3 Response** - An accurately scaled section through the site at the narrowest point of the proposed vehicle entrance which passes directly adjacent to the west/southwest of the Church has been provided on Dwg. No. OMP-01-ZZ-DR-A-3005. Section C-C on Dwg. No. 7158-0011 also shows the development at the narrowest point of the proposed vehicle entrance.

2.4.5. **Item No 4 Response** - As per Dwg. No. 22052-OMP-00-00-DR-A-1030, the area shaded blue outlines the land within the ownership of Cork City Council and where the applicant sought consent to facilitate the infrastructural works.

### 2.4.6. Item No 5 Response

a) The site plan has been amended to include a new north-south path, proposed within the southern open space which will provide additional permeability and address a potential desire line from this space towards the main entrance of Block B and the northern half of the housing terrace. The entrance to Block A has been revised to provide a large horizontal projecting bay at ground level.

b) The communal open space between Block A and Block B has been reconfigured. The private amenity spaces for units BA.00.02 and BB.00.05 have also been revised.

c) The site plan has been amended to include a new north-south path

d) The substation has been relocated

### 2.4.7. Item No 6 Response

- a) Exact process and mitigation measures for ensuring that the Block A internal noise levels are fully compliant with both Pro PG 2017 and BS 8233 criteria
- b) Western entrance to Block B has been revised to include a horizontally projecting bay at ground level, mirroring the design treatment of the eastern elevation entrance
- c) Fire-rated glazed screens have now been introduced at the entrances to apartment access corridors from the lift lobbies,
- d) Further detail has been added to the elevation of apartment blocks with proposed images and material palettes provided
- e) The elevation drawings for the apartment blocks have been revised to enhance clarity regarding the locations of balconies and wintergardens
- f) The western entrance to Block B has been revised. The southernmost section of the communal open space has been reconfigured

2.4.8. **Item No 7 Response** - Terraced units have been revised to include side access within the curtilage of the end house.

2.4.9. **Item No 8 Response**

- a) Site layout plan has been updated to show the location of the noise barrier to the western boundary
- b) The noise barrier wall will be constructed from timber (with minimum surface mass of 10 kg/m<sup>2</sup>). It will be 3m in height and imperforate with no gaps or holes.
- c) The developer will be responsible for maintaining the barrier

2.4.10. **Item No 9 Response** - The noise emission levels from the proposed development construction noise activities together with the new M28 motorway are not expected to have a significant impact on the qualifying interest waterbirds of Cork Harbour SPA (004030). External lighting will not incur any spillage over the SPA/Estuary area.

2.4.11. **Item No 10 Response** - Confirmation of Feasibility submitted confirms that the water and wastewater connection are feasible subject to upgrades.

2.5. The principal development statistics as amended by FI are as shown below:

Building Footprint	2,068 sqm
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Site Coverage	15%
Plot Ratio	1 : 0.7
Public Open Space	2,337 sqm
Open Space as a % of Gross Site Area	17.3%
Open Space as % of total Net Site Area	23.1%
Communal Open Space	443 sqm

2.6. The further information was accompanied by the following:

- Landownership
- Noise Barrier Details
- Schedule of Accommodation
- Landscape & Visual Impact Assessment
- Housing Quality Assessment
- Ecology Report (Noise, Lighting & Buffer Landscape)
- Acoustic Report
- Letter of Consent from Cork City Council
- Email Correspondence from Cork City Council re Landownership & CPO
- Uisce Eireann – Confirmation of Feasibility with water connection subject to upgrades. Wastewater connection is feasible without infrastructure upgrade.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. Cork City Council issued a notification of decision to grant permission on the 10<sup>th</sup> December 2025 subject to 44 no conditions summarised as follows:

1.	Compliance with the plans and particulars submitted to the planning authority on 23/05/2025 and as amended on 16/10/2025.
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2.	Section 47 Agreement that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.
3.	External finishes as per drawings submitted
4.	Prior to all proposed noise abatement barriers and structures located on the western boundary of the site are to be fully completed and operational.
5.	Glazing in Block B shall be extended to a portion of the stairwell wall facing the west entrance to the corridor so that the visual connection is improved
6.	Before occupation the construction of the proposed pedestrian footpath connecting the development with Rochestown Road shall be completed.
7.	Revised details providing a footpath to the south of the proposed parking spaces located to the south of Block B.
8.	Final geometric layout and construction details (including landscaping) for the approach road to the west of St Patrick's Church shall be finalised in consultation with the Cork National Roads Office & Cork City Council
9.	Approach road to the west of St Patrick's Church connecting Rochestown Road to the development shall be delivered in its entirety by the applicant.
10.	Barriers or gates are not permitted to control access to any off-curtilage parking spaces
11.	All parking shall be for the residents only and 9 shall be set aside to support the delivery of EV charging points.
12.	Public lighting to be agreed
13.	No construction of either the approach road or the proposed development will be permitted prior to the completion of the M28 motorway retaining structures to the west of St Patrick's Church
14.	No construction access serving the proposed development will be permissible from the N28 National Road.
15.	Final Construction Traffic Management Plan to be agreed

16.	Public roads and footpaths in the vicinity of the site shall be maintained in a tidy condition by the developer during the construction phase.
17.	Drainage layouts and details shall be in accordance details and calculations submitted.
18.	All drainage shall be separated throughout.
19.	The operation and maintenance of the drainage system shall be the responsibility of a suitably qualified and experienced management company.
20.	Compliance with the Water Services Act 2007 (as amended) and Part H of the Building Regulations 2016
21.	Upon completion, the Applicant shall submit a SuDS Assessment Report based on the as-constructed development.
22.	Management / Taking in Charge of the proposed development.
23.	Construction Management Plan and Waste Management Plan to be agreed.
24.	Noise compliance and follow up assessment
25.	Developer shall constitute a waste management company or structure for dealing with waste arising in the development
26.	Noise limits & working hours
27.	No appreciable negative environmental impacts shall occur because of the construction works associated with this development with particular attention to dust, noise, odour, litter, dirt on public roads, surface water runoff and spillage of fuel oils.
28.	Tree felling and clearing of vegetation shall take place outside of the bird nesting season. No silt or run-off from stockpiles shall enter any watercourse. Riverbanks and their habitats for fish, mammals and birds shall not be negatively impacted upon by the construction works.
29.	Upward Light Ratio of the complete installation shall not exceed 5%

30.	The developer shall endeavour to use sustainable sources of energy, and to operate an energy conservation policy on the design and operation of the complex.
31.	Construction and Demolition Resource Waste Management Plan (RWMP) to be agreed.
32.	Part V.
33.	Water and/or wastewater connection agreement(s) with Uisce Eireann.
34.	Site clearance works, including removal of existing vegetation and buildings, are not permitted during the bird nesting season (1st March to 1st September). All records of breeding birds are to be submitted to the National Biodiversity Data Centre.
35.	Qualified ecologist who is an NPWS-licensed bat worker to survey the site for bats prior to commencement of site clearance works.
36.	Ecological Clerk of Works (ECoW) to be present on site for the duration of the construction phase.
37.	Wildflower seeds shall be of native species, of local provenance and sourced within 50kms of the proposed site.
38.	Alien invasive species management plan to be agreed. The public lighting shall be friendly towards nocturnal wildlife and follow guidance note from Bat Conservation Trust & Institute of Lighting Engineers, 2023. Biodiversity Enhancement Management Plan to be agreed.
39.	Landscaped and earthworks to be carried out in accordance with the detailed Landscape Masterplan and associated planting schedule submitted
40.	The landscaping scheme shall be implemented fully before any of the units are made available for occupation.
41.	Details of all Nature based Solutions for Suds to be agreed.
42.	Full details of the proposed Natural Play areas to be agreed.
43.	Bond.

44.	Section 47 General Development Contribution
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**3.2. Planning Authority Reports**

**3.2.1. Planning Application**

**3.2.2. Case Planner** – In their first report and having considered the proposed development had serious concerns in relation to the proposed developments overall design, form and layout. There were serious concerns in relation to the residential amenity for future residents specifically with regard to the proximity of the proposed development to the proposed N28/M28 road that runs along the western and southwestern boundary of the site. The visual impact of the proposed development was also a serious concern and needed to be addressed further. Matters relating to specific design and layouts issues, site ecology impacts as well as noise impacts also required to be examined further by the applicant. Therefore, and in order to carry out a full assessment the applicant was requested to submit revised details as well as accurately scaled site layout plans, floor plans and elevations to address and revise the following matters:

1. Residential Amenity / Separation Distances
2. Visual Impact
3. Site Sections
4. Land Ownership
5. Site Layout
6. Apartment Block Layout
7. Housing Units
8. Noise
9. Ecology
10. Uisce Eireann

**3.2.3. Senior Executive Planner** – Having read the Report and Recommendation of the Area Planner, they concurred with their recommendation to request further information.

**3.2.4.** Further Information (FI) was sought on the 17th of July 2025

### 3.2.5. **Further Information**

3.2.6. **Case Planner** – Having considered the FI submitted was satisfied that the principle of the proposed development was considered acceptable at this location and that the structures proposed are appropriate in scale given the size of the site and surrounding grounds. There was no objection to the proposed development in terms of design, scale and layout subject to conditions. The Case Planner recommended that permission be granted subject to 45 no conditions. Condition No 20 of the Case Planners Recommendation was omitted in the notification of decision to grant permission, as follows, as it was the same as Condition No 18 of the Notification.

*All drainage shall be separated throughout. All paved and roofed areas shall discharge to the storm drainage system. All toilets, urinals, wash hand basins, sinks, showers, baths, dishwashers and washing machines shall discharge to the foul drainage system.*

*Reason: In the interest of public health.*

3.2.7. **Senior Executive Planner** – Having read the Report and Recommendation of the Area Planner, concurred with their recommendation to grant permission subject to 44 no conditions. The notification of decision to grant permission issued by Cork City Council reflects this recommendation.

### 3.3. **Other Technical Reports**

#### 3.3.1. **Planning Application**

- **Area Engineer** – No object to a grant of permission subject to conditions as set out in their report. Conditions No 16, 17, 18 and 19 of the notification of decision to grant permission issued by CCC reflects this recommendation.
- **Housing/Part V** - No objection subject to conditions as set out in their report. Condition No 32 of the notification of decision to grant permission issued by CCC reflects this recommendation.
- **Traffic: Regulation & Safety** - No objection subject to conditions as set out in their report. Condition No 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 of the notification of decision to grant permission issued by CCC reflects this recommendation.

- **Drainage** - No objection subject to conditions as set out in their report. Condition No 18, 21 and 22 of the notification of decision to grant permission issued by CCC reflects this recommendation.
- **Biodiversity** – Requested further information to provide evidence-based information that this proposed development with the new M28 motorway will not have a significant impact on the qualifying interest waterbirds of Cork Harbour SPA (004030).
- **Environment** – Requested further information in relation to the proposed noise barrier and noise barrier extension along the N28 and future M28.
- **City Architect** – Considered that while the site layout is generally understood there were some specifics about the layouts which raise concerns and a lack of information in some instances. Requested further information in relation to site layout, apartment layout and housing units.
- **Parks & Recreation** - No objection subject to conditions as set out in their report. Condition No 37, 39, 41, 42 and 40 of the notification of decision to grant permission issued by CCC reflects this recommendation.
- **Contributions** – No objection subject to a General Development Contribution. Condition No 44 of the notification of decision to grant permission issued by CCC reflects this recommendation.

### 3.3.2. Further Information

- **Traffic: Regulation & Safety** – No objection to a grant of permission subject to the conditions noted in their original report. See above.
- **Biodiversity** - No objection subject to conditions as set out in their report. Condition No 34, 35, 36, 37 and 38 of the notification of decision to grant permission issued by CCC reflects this recommendation.
- **Environment** - No objection subject to conditions as set out in their report. Condition No 23, 24, 25, 26, 27, 28, 29, 30 and 31 of the notification of decision to grant permission issued by CCC reflects this recommendation.

- **City Architect** - No objection subject to conditions as set out in their report. Condition No 5 of the notification of decision to grant permission issued by CCC reflects this recommendation.
- **Parks & Recreation** - No objection subject to conditions as set out in their report. Condition No 37, 39, 40, 41 and 42 of the notification of decision to grant permission issued by CCC reflects this recommendation.
- **Contributions** - No objection subject to a General Development Contribution. Condition No 44 of the notification of decision to grant permission issued by CCC reflects this recommendation.

### 3.4. Prescribed Bodies

- 3.4.1. **Inland Fisheries Ireland** - Requested that Irish Water/Cork City Council signifies there is sufficient capacity in existence so that it does not a) overload either hydraulically or organically existing treatment facilities b) result in polluting matter entering waters or c) cause or contribute to non-compliance with existing legislative requirements. Should permission be granted IFI request that planning conditions require there is no interference with, bridging, draining, or culverting of any watercourse, its banks or bankside vegetation to facilitate this development without the prior approval of IFI.
- 3.4.2. **Transport Infrastructure Ireland** – Application is at variance with official policy in relation to control of development on/affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), as the proposed development by itself, or by the precedent which a grant of permission for it would set, would adversely affect the operation and safety of the national road network.
- 3.4.3. **Cork National Roads Office (NRO)** - No objection subject to conditions as set out in their report. Condition No 8, 9, 13, 15, 24 and 40 of the notification of decision to grant permission issued by CCC reflects this recommendation

### 3.5. Third Party Observations

- 3.5.1. There are 9 no observations recorded on the planning file from:

- 1) Anthony Gaffney
- 2) Brigid McGrath
- 3) Declan O'Toole
- 4) Jim & Maura Long
- 5) Kieran O'Donoghue
- 6) Lucy McGrath O'Dwyer & Others
- 7) Margaret McGrath Fitzgerald & Declan Fitzgerald
- 8) Mary Frances Gordon
- 9) Canon Teddy O'Sullivan, Co-PP & Fr. Patrick O'Mahony SMA CC

3.5.2. The issues raised relate to

- non - compliance with zoning and density objectives for the area
- negative impact on adjacent road users and pedestrians given the limited capacity of the existing road infrastructure in the immediate area
- negative ecological and environmental impact on the Douglas Estuary and Cork Harbour
- design, height scale and overall layout are inconsistent with the surrounding area
- negative visual and residential amenity impact
- significant impact on the proposed N28 road upgrade
- contrary to TII national guidelines
- parts of the site are not within the applicant's ownership and OS maps are inaccurate
- Traffic and Transport Assessment is inaccurate
- entrance and egress will be of insufficient standard to cater for additional traffic
- inadequate bicycle provision and space for bicycles on the proposed bicycle lane to access the proposed development
- development will have a negative impact on the operation of the nearby church
- planning history on site to refuse residential development should not be ignored
- development does not take account of existing stone wall on eastern boundary and is not sufficient enough to screen the proposed development

- full nature and extent of proposed solar panels have not been set out
- proposed maps and details are inaccurate and do not reflect the current and proposed site layout accurately
- light pollution from the proposed apartments, street lights and vehicle lights will have a negative impact on adjacent properties to the east of the site;
- loss of privacy and light for existing adjacent properties
- increased noise from residents and construction workers
- poor access for emergency vehicles in the area will be made worse
- inadequate public transport in the area
- cumulative construction conflict with the M28 road project upgrade
- failure to integrate the proposed development site layout with the future M28 layout
- insufficient parking provision will lead to a spill over into adjacent third-party residences
- inadequate assessment of foul drainage capacity

## 4.0 Planning History

4.1. **Reg. Ref. 044481 / ABP Reg. Ref. PL.04.212624** - Cork City Council granted permission for demolition of galvanised building and construction of 106 no. apartments in one structure varying in height from 3 to 5 storeys, car parking (surface and underground) and all ancillary site works including acoustic absorption barrier along southwestern boundary. Following a third-party appeal the Board refused permission for the following 3 reasons as summarised:

1. The development, which is remote from local facilities and which is constrained by its location between the estuary of the Douglas River, a proposed Natural Heritage Area and the elevated N28 road way, would represent overdevelopment, notwithstanding the high density zoning of this site.
2. The scale of the development and the access arrangements would endanger public safety by reason of traffic hazard, due to the restricted access to the site.
3. The design of the development, which includes apartments accessed off long internal corridors, and apartments with balconies in close proximity to the N28, would result in a substandard level of residential amenity for future occupants.

- 4.2. Noted that in 2018 An Bord Pleanála granted planning permission to Cork County Council for the M28 Cork to Ringaskiddy Motorway Scheme. Construction works has started for this development.

## 5.0 Policy Context

### 5.1. Project Ireland 2040 - National Planning Framework (NPF)

- 5.1.1. The NPF (First Revision, April 2025) is the Government's high-level strategic plan for shaping the long-term strategic planning framework to guide national, regional and local planning and investment decisions over the next 15 years. Part of the vision of the NPF is managing growth and targeting at least 40% of all new housing in existing built-up areas of cities, towns and villages through infill and brownfield sites while the rest of new homes will be targeted on greenfield edge of settlement areas and within rural areas. Key elements of the NPF include commitments towards 'compact growth', 'sustainable mobility', 'sustainable management of environmental resources', 'transition to a carbon neutral and climate resilient society', and 'enhanced amenity and heritage'. The NPF also sets out a number of National Strategic Outcomes which include Compact Growth and Strengthened Rural Economies and Communities. These include:

- NSO 1 - Compact Growth
- NSO 7 - Enhanced Amenity and Heritage
- NPO 3a - Securing Compact & Sustainable Growth
- NPO 3c - Securing Compact & Sustainable Growth
- NPO 4 - Why Urban Places Matter (Community)
- NPO 5 - Why Urban Places Matter (Economy/Prosperity)
- NPO 6 - Why Urban Places Matter (The Environment)
- NPO 9 - Planning for Ireland's Urban Growth (Ireland's Towns)
- NPO 11 - Achieving Urban Infill/Brownfield Development
- NPO 13 - Performance-Based Design Standards
- NPO 32 - Housing
- NPO 33 - Housing (Location of Homes)
- NPO 34 - Housing (Building Resilience in Housing - Lifetime Needs)

- NPO 35 - Housing (Building Resilience in Housing - Density)

## 5.2. **Climate Action Plan 2025**

5.2.1. The Climate Action Plan 2025 builds upon and should be read in conjunction with the Climate Action Plan 2024. It refines and updates the measures and actions required to deliver carbon budgets and sectoral emissions ceilings and provides a roadmap for taking decisive action to halve Ireland's emissions by 2030 and achieve climate neutrality by no later than 2050. All new dwellings will be designed and constructed to Nearly Zero Energy Building (NZEB) standard by 2025, and Zero Emission Building standard by 2030. In relation to transport, key targets include a 20% reduction in total vehicle kilometres travelled, a 50% reduction in fossil fuel usage, and significant increases to sustainable transport trips and modal share. These legally binding objectives are set out in the Climate Action and Low Carbon Development (Amendment) Act 2021. The Commission is required to perform its functions in a manner consistent with the Climate & Low Carbon Development Act.

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

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

- Objective 1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity
- Objective 2 - Meet Urgent Conservation and Restoration Needs
- Objective 3 - Secure Nature's Contribution to People
- Objective 4 - Enhance the Evidence Base for Action on Biodiversity
- Objective 5 - Strengthen Ireland's Contribution to International Biodiversity Initiatives

#### 5.4. **National Guidance**

- Design Manual for Urban Roads and Streets (2013)

#### 5.5. **Section 28 Ministerial Guidelines**

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

- Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness (2025)
- Rebuilding Ireland: Action Plan for Housing & Homelessness (2016)
- Appropriate Assessment Guidelines (2009)
- Architectural Heritage Protection Guidelines (2011)
- Childcare Facilities Guidelines (2020)
- Environmental Impact Assessment Guidelines (2018)
- Flood Risk Management Guidelines (2009)
- Regulation of Commercial Institutional Investment in Housing Guidelines (2021)
- Urban Development and Building Heights Guidelines (2018)
- Best Practice Urban Design Manual (2009)
- Quality Housing for Sustainable Communities (2007)
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023)
- Childcare Facilities Guidelines for Planning Authorities (2020)
- Part V of the Planning and Development Act 2000 Guidelines (2017)
- Local Area Plans Guidelines for Planning Authorities (2013)

#### 5.6. **Regional Guidelines**

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

5.6.2. The Southern Regional Assembly Regional Spatial Economic Strategy 2019 published its Regional Spatial Economic Strategy (RSES) in 2019. The purpose of the Strategy is to support the implementation of Project Ireland 2040 through providing a long-term strategic planning and economic framework for the development of the Regions.

5.6.3. Regional Policy Objective 10 ‘Compact Growth in Metropolitan Areas’:

*To achieve compact growth, the RSES seeks to:*

- a) Prioritise housing and employment development in locations within and contiguous to existing city footprints where it can be served by public transport, walking and cycling.*
- b) Identify strategic initiatives in Local Authority Core Strategies for the MASP areas, which will achieve the compact growth targets on brownfield and infill sites at a minimum and achieve the growth targets identified in each MASP.*

5.6.4. **Cork Metropolitan Area Strategic Plans (CMASP)**

5.6.5. Guiding Principles for the Cork MASP area, include

- *A Living City and suburbs.*
- *Compact sustainable growth: Promote consolidation of Cork City and suburbs, refocus on the development of brownfield and infill lands.*
- *Integrated transport and land use: Target growth along high quality public transport corridors and nodes linked to the delivery of key public transport projects under the development of a CMATS.*
- *Accelerate housing delivery: Activate strategic residential development areas and support the steady supply of sites to accelerate housing supply and the adoption of performance-based design standards*

5.6.6. **Cork Metropolitan Area Transport Strategy 2040**

5.6.7. The Cork Metropolitan Area Transport Strategy 2040 (CMATS) was published in February 2020. It focuses upon reducing car dependency and the delivery of infrastructure. CMATS supports the delivery of the 2040 population growth target for the Cork Metropolitan Area. It will provide the opportunity to integrate new development at appropriate densities with high-capacity public transport infrastructure in conjunction with more attractive walking and cycling networks and associated public realm improvements.

## 5.7. Development Plan

5.7.1. The operative plan for the area is the **Cork City Development Plan 2022 – 2028**. The site is zoned **ZO 1 – Sustainable Residential Neighbourhoods** where it is an objective “*to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.*”

- **Section ZO 1.1** - The provision and protection of residential uses and residential amenity is a central objective of this zoning. This zone covers large areas of Cork City’s built - up area, including inner - city and outer suburban neighbourhoods. While they are predominantly residential in character these areas are not homogenous in terms of land uses and include a mix of uses. The vision for sustainable residential development in Cork City is one of sustainable residential neighbourhoods where a range of residential accommodation, open space, local services and community facilities are available within easy reach of residents.
- **Section ZO 1.2** - Development in this zone should generally respect the character and scale of the neighbourhood in which it is situated. Development that does not support the primary objective of this zone will be resisted.
- **Section ZO 1.3** - Primary uses in this zone include residential uses, crèches, schools, home - based economic activity, open space and places of public worship

5.7.2. The following extracts from the Cork City Development Plan 2022 - 2028 are also relevant:

- SO 1 : Compact Liveable Growth
- SO 2: Delivering Homes and Communities
- SO 3: Transport and Mobility
- SO 4: Climate and Environment
- SO 5: Green & Blue Infrastructure, Open Space and Biodiversity
- SO 8: Environmental Infrastructure
- SO 9: Placemaking and Managing Development
- Objective 2.28 Population Growth
- Objective 3.4 Compact Growth

- Objective 3.5 Residential Density
- Objective 3.6 Housing Mix
- Objective 11.1 Sustainable Residential Development
- Objective 11.2 Dwelling Size Mix
- Objective 11.4 Daylight Sunlight and Over shadowing (DSO)

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. There are 5 no third party appeals from:

1. Lucy McGrath O Dwyer and John O Dwyer, Fresno, Bloomfield, Rochestown Road, Douglas, Cork.
2. Anthony Gaffney, 5 Woodbrook, Rochestown; Cork.
3. Margaret McGrath Fitzgerald and Declan Fitzgerald, The Orchards, Bloomfield Rochestown Road, Douglas, Cork.
4. Declan O'Toole, 3 Woodbrook, Rochestown Road, Cork.
5. Canon Teddy O'Sullivan & Father Patrick O'Mahony, Parochial House, Douglas, Cork.

6.1.2. These issues raised may be summarised under the following general headings:

#### 6.1.3. Access Road

- Due to the construction at present of an extra lane on the N28, (soon to become the M28 Motorway Cork to Ringaskiddy), adjacent to the proposed development entrance, the area for the proposed access roadway will be physically changed on completion. There is inadequate access and egress to the proposed development on the approach road. The inadequate space provision is particularly acute for the distance the access/approach road runs parallel with the existing St. Patricks Church and is insufficient to accommodate two-way traffic along with a foot path in particular heavy goods vehicles for services and also emergency service vehicles should the need arise.
- The typical width of an entrance road to a development should be 5 -5.5 meters and footpath 1.8 — 2 meters. The proposed 3.57m wide carriageway does not

comply with the National Cycle Manual which requires a minimum of 3.9m to allow a car to pass a cyclist safely.

- Condition 8 (details of approach road to the west of St Patricks Church) suggests that Cork City Council is satisfied with the proposed chicane, including the approx. 60m single lane element of the proposed scheme, and that the final details can be finalised between the National Roads Office and the develop. This is considered unworkable, unsafe and totally unacceptable.
- Further Information noted that Drawings 7158 1000D and 7158 001 IA contain a note referring to the Church building saying:

*"Forward Visibility to be Maintained -free from High Level Vegetation."*

This is unacceptable to the Parish as it needs to be free to screen churchgoers from cars passing up and down as close as 4.5m to the church building.

- Noted from the TTA, that if permitted, the traffic on the proposed access road adjacent to St. Patrick's Church will increase significantly, by up to 41%, with a resulting increase in noise nuisance, traffic back-up and delays of up to 13 minutes. This is unacceptable and will inevitably reduce the number of people attending church services.

#### 6.1.4. **Traffic Impact**

- The Traffic Impact Assessment fails to model or address congestion caused by regular services at St. Patrick's Church (daily at 9:30am, and Sundays at 11 am and 12:30pm), as well as ad hoc religious events (funerals, weddings). The proposed development would worsen existing bottlenecks and increase safety risks to pedestrians and children in the absence of a robust Construction Traffic Management Plan or traffic-calming measures around Woodbrook and the R610.
- Additional traffic projections of only 50 cars in the morning and 41 in the evening using the approach road to/from the development; is not a realistic figure based on the number of units. At the best of times, it is challenging gaining access to the R610, particularly morning and evening during work time traffic.

#### 6.1.5. **Density & Height**

- The planning application involves a High-Density Residential Development with a mix of 2.5 storey houses and two apartment blocks ranging in height from 4 to 5 storey. The proposed development does not take due regard of the established

densities of contiguous land. The proposed height of the apartment blocks is out of character with the immediate area and is more suited to a downtown or to a prime city centre location.

- The height of such a development in such close proximity to the M28 soon to be a Motor Way /Bloomfield Interchange will be distracting to motorists and may potentially cause accidents.

#### **6.1.6. Mix of Housing**

- The proposed development is not in keeping with the surrounding area. There is a mix of housing in in the area from bungalows to two storey detached houses close to St. Patricks Church.

#### **6.1.7. Stonewall**

- The proposed development does not take due regard of the established stone wall on the eastern boundary, nor is the proposed wall high enough to offer adequate screening

#### **6.1.8. Inadequate Drainage & Sewer Capacity Assessment**

- No evidence has been provided of a hydraulic capacity assessment or Irish Water's confirmation of sufficient downstream sewer capacity.
- The foul drainage network is shown to connect into a sewer that runs beneath 5 Woodbrook.

#### **6.1.9. Poor Public Transport Provision and Policy Conflict**

- Rochestown currently suffers from inadequate public transport. The development would exacerbate this issue without any commitments to improve services or link with BusConnects.
- No Mobility Management Plan was submitted. No condition requires engagement with NTA or CMATS objectives.

#### **6.1.10. Lack of Local Amenities and Social Infrastructure**

- The proposed development contains a wholly inadequate provision for community spaces / green spaces / playground, café or any amenities of any sort of social and affordable housing, this raises serious issues of liveability, especially for families and those without cars.

#### **6.1.11. Parking**

- Considering the size of the development and the number of units involved 72 in total, the proposed number of 46 parking spaces is totally inappropriate. 20 of these are allocated to the 10 3-bed dwellings -2 per dwelling which is reasonable. The balance of 26 parking spaces for the remaining 62 units, comprising of 21 1-bed apartments and 41 2-bed apartments is incredulous. Visitor car parking is also queried.
- Onsite parking provision is wholly inadequate, and will cause spillover into adjacent church car park and residential estates including Woodbrook
- There is a huge emphasis placed on the provision of bicycle spaces, however there is no cycle lane to and from the development to the R610, and there are no cycle lanes on the R610 either to Douglas or Rochestown.

#### 6.1.12. **Conditions**

- Despite being extensive, the 44 conditions attached to the planning decision:
  - Do not resolve critical infrastructure conflicts (e.g. sewer line under my residence at No. 5 Woodbrook, M28 access conflict, church-area congestion).
  - Fail to comply fully with policies in the Cork City Development Plan, CMATS and NPF - especially regarding transport, phased development, and coordinated infrastructure.
  - Rely heavily on future compliance and approvals - rather than requiring key assessments (traffic modelling, Irish Water capacity letters, BusConnects integration) prior to approval.
- The 44 conditions issued by Cork City Council do not require
  - A Construction Management Plan (CMP)
  - Public consultation on road layout near St. Patrick's Church
  - Early delivery of community infrastructure or bus stop upgrades
- Condition No 8 (geometric layout and construction details (including landscaping) for the approach road to the west of St Patrick's Church) - Final details of any such arrangement are essential in the interest of public safety and that those details should be the subject of a private arrangement between the developer and Cork City Council.

- Condition No 10 (barriers or gates are not permitted to control access to any off-curtilage parking spaces) - It is unclear as to the intent of this condition. Clarified that the Church carpark is reserved exclusively for church goers and those engaged in activities related to the church. When not in use vehicular access has, for some years now, been denied using bollards to prevent anti-social behaviour. There is no question of the church carpark being made available for use by residents of the proposed development
- The Council has conditioned that the development must wait until the M28 is completed. However, no clear coordination plan exists.

#### 6.1.13. Access Road Land Ownership

- A key portion of the proposed site development access road includes lands owned by the Trustees of the Parish close to the Church. No consultation was sought nor permission given to including this area in the planning application. Details of lands owned by the Parish are outlined in the maps in their submission. Attention is drawn in particular to the lands marked 105a.102 and 105a.103. In 2017 Cork County Council commenced the process of temporarily acquiring this land for the duration of the M28 construction works. It is submitted that on completion of construction the land will revert to the Parish and be restored to a two-lane road.
- In the response to the request for Further Information, reference is made to a letter of consent from Cork City Council and accompanying drawing (prepared by the applicant) showing the land within the ownership of Cork City Council, inferring that lands owned by the Parish are in fact in the control of Cork City Council. The consent letter does not include any map from Cork City Council and makes a general statement that:
 

*"I confirm that Cork City Council hereby consents to you including land in its control and/or ownership including the works proposed in your planning application."*
- It also encloses correspondence between Cork City Council and Cork Council. It is noteworthy that this correspondence makes no reference to the lands marked 105a.102 and 105a.103.
- The developer is mistaken in stating that the lands marked 105a.102 and 105a.103 are in the ownership and/or control of Cork City Council.

- Submitted that if the County owned the land in dispute in 2017, why would they have sought temporary acquisition of those lands from the Parish to facilitate construction of the M28.
- Parish is disappointed that Cork City Council failed to investigate the land ownership situation properly.
- The Parish stated that they will not be in a position to consent to the inclusion of the lands marked 105a.102 and 105m 103 unless the issues raised can be resolved satisfactorily.

## 6.2. Applicant Response

6.2.1. The consolidated first party response to the third-party appeals x 5 has been prepared and submitted by McCutcheon Halley Planning Consultants and may be summarised as follows:

### 6.2.2. Traffic Impact and Access

- The traffic assessment has been professionally prepared, independently reviewed, and expressly supported and guided by the Planning Authority, subject to appropriate conditions. The appellants' concerns rely on speculative assumptions and do not provide technical evidence to counter the findings of the TTA or the Councils Traffic: Regulation & Safety Sections assessment.
- In light of the thorough assessments undertaken by the Design Team and the Planning Authority throughout the planning process, it is submitted that the proposed traffic and access arrangements have been appropriately designed to manage and mitigate congestion.

### 6.2.3. Parking Provision and Overspill

- The proposed level of car parking has been deliberately calibrated in accordance with the Cork City Development Plan (CCDP) and national sustainable transport policy, having regard to the site's urban location, accessibility to services, and availability of public transport.
- The grant of permission includes conditions requiring that all parking spaces be reserved for residents of the development and prohibiting unauthorised or informal parking arrangements (Conditions 10 & 11 refer)

- Any existing parking pressures associated with St. Patrick's Church are not attributable to the proposed development and fall outside the scope of this application.
- The parking strategy has been professionally prepared and expressly supported by the Planning Authority, subject to appropriate conditions.

#### **6.2.4. Scale, Density and Visual Impact**

- The subject site is located within the functional area of Cork City and benefits from direct access to strategic road infrastructure, established services and facilities in Rochestown and Douglas, and existing and planned public transport and active travel connections.
- The CCDP 2022-2028 expressly supports compact growth, consolidation of serviced lands, and the delivery of higher-density residential development in appropriate urban locations, in order to optimise the use of serviced land and reduce urban sprawl.
- The Planning Authority gave detailed consideration to the height, massing, layout and visual impact of the proposal through the Further Information (FI) process, including a comprehensive review of revised site layouts, elevations, cross-sections and a Landscape and Visual Impact Assessment (LVIA). This assessment concluded that, while the development would be visible in short-range views, it would result in no significant or unacceptable visual impact, and that medium- and long-range views would experience only minor or negligible effects.
- The site layout plan and site sections, show appropriate distances are provided between the proposed units and the existing dwellings in the area along with suitable distances between the proposed apartments and future M28.
- The density and scale of the proposed development have been fully assessed, refined through FI stage, and expressly supported by the Planning Authority as being appropriate to the site and its context. The appellants have not identified any policy conflict or technical deficiency that would warrant a refusal of permission on density or height grounds.

#### **6.2.5. Roads Width**

- The revised proposals as part of the planning application provide a 5.5 metre carriageway for the majority of the access route, together with a 1.8 metre footpath, narrowing to a short section of two way single-lane working adjacent to the church.
- The inclusion of the localised narrowing of the approach road to the side of St Patrick's Church is a very effective traffic speed control measure as approaching traffic has to yield to on - coming traffic ensuring a low-speed environment.
- A swept path analysis submitted as part of the FI response confirms that service vehicles and emergency vehicles, including fire vehicles and ambulances, can safely access and egress the site under this arrangement.
- This layout has been specifically designed to operate as a traffic-calmed environment, with low vehicle speeds and controlled yielding.
- The concerns raised by the appellants regarding inadequate road width, emergency access and congestion at the church pinch point have been fully assessed, addressed through revised design, and independently reviewed by the Planning Authority. No technical evidence has been submitted to contradict these findings.

#### **6.2.6. Pedestrian and Cyclist Safety**

- Pedestrian safety and connectivity have been central considerations in the design of the access arrangement.
- Condition No. 6 of the grant of permission requires that the pedestrian footpath connecting the development to Rochestown Road be fully constructed and operational prior to the occupation of any residential unit. This ensures that pedestrian infrastructure is delivered from first occupation and that residents are not required to rely on the carriageway for pedestrian movement.
- In addition, the narrowing of the carriageway adjacent to St. Patrick's Church has been deliberately designed as a traffic-calming feature, reducing vehicle speeds and improving safety for pedestrians and cyclists.
- With regard to the absence of dedicated on-road cycle lanes along the approach road, it is important to note that cycle provision is not limited to segregated cycle tracks only. The approach road has been deliberately designed as a low-speed, traffic-calmed environment, where cyclists are intended to safely share the

carriageway with vehicular traffic. This approach is consistent with national guidance, including the National Transport Authority's Cycle Design Manual

- Concerns raised regarding absolute minimum cycle track widths and the inability to provide segregated cycle lanes at the pinch point fail to acknowledge the very limited length of this constrained section and the fact that it has been specifically designed to operate as a low-speed shared space.
- The final geometric layout and construction details of the approach road are required, by condition, to be agreed in writing with Cork City Council and the Cork National Roads Office prior to commencement. This provides an additional safeguard to ensure that pedestrian and cyclist safety is fully addressed at detailed design stage.

#### **6.2.7. Noise & Proximity to the N28/Future M28**

- These items have been comprehensively assessed and appropriately mitigated through the design of the development and the imposition of planning conditions.
- In addition to building-level mitigation, the development includes the provision of a noise barrier wall which will be constructed from timber (with minimum surface mass of 10 kg/m<sup>2</sup>). It will be 3m in height and imperforate with no gaps or holes.
- The NRO reviewed the proposal and confirmed that they have no objection to the development, subject to a suite of detailed conditions. The NRO's position confirms that noise and environmental impacts arising from the national road network can be satisfactorily mitigated and do not preclude the residential development of the site.

#### **6.2.8. Coordination with M28 Upgrade Works**

- Coordination with the M28 upgrade works has been robustly addressed through detailed consultation with the NRO and secured by condition. The claim that no clear coordination plan exists is incorrect; rather, the Planning Authority has deliberately required that detailed coordination be finalised and agreed prior to commencement, ensuring flexibility while maintaining full control over safety, access and construction sequencing.

#### **6.2.9. Drainage & Sewer Capacity**

- The drainage design was clarified through the applicant's RFI submitted to the Planning Authority which addressed Uisce Éireann requirements, confirmed protection of existing infrastructure, and demonstrated compliance with national and local drainage standards. The Planning Authority accepted these clarifications and did not seek any further information prior to issuing its decision.
- Foul drainage and sewer capacity have been robustly assessed, formally confirmed by Uisce Éireann, and independently reviewed by the Planning Authority's engineering and drainage sections.
- The appellants' concerns are speculative and do not reflect the established regulatory process governing sewer connections or the safeguards imposed by condition.

#### **6.2.10. Public Transport Provision**

- A comprehensive Mobility Management Plan (MMP) was prepared and submitted as part of the planning application in May 2025. The MMP formed an integral part of the application and was prepared in accordance with the Cork City Development Plan 2022-2028, CMATS 2040, and the National Planning Framework, including NPO 27 and NPO 64.
- The Planning Authority accepted this MMP as part of its assessment of the application and raised no objection on public transport or sustainable mobility grounds. In this context, the appellants' claim that no MMP was submitted, or that the proposal conflicts with public transport policy objectives, is incorrectly raised.
- On the contrary, the proposed development actively supports national, regional and local policy objectives by integrating residential development with sustainable transport planning and by providing robust mechanisms to encourage modal shift. It is therefore respectfully submitted that this ground of appeal should be dismissed in full by ACP.

#### **6.2.11. Ownership**

- The applicant received a Letter of Consent from Cork City Council to facilitate works relating to lands outside of the applicants control for infrastructure and services including vehicular and pedestrian access to the Woodbrook Road/Rochestown Road Roundabout.

- As per Dwg. No. 22052-0MP-00-00-DR-A-1030 (attached to response) the area shaded blue outlines the land within the ownership of Cork City Council and where the applicant sought consent to facilitate these infrastructural works. The applicant liaised with both the Property Section of Cork City Council and the Cork RDO office. Confirmation was received noting that these lands are in the control of Cork City Council.
- The appeal documents reference Folio CK12660L, asserting that part of the access road lies within the Parish's registered freehold. The File Plan confirms that the folio boundaries extend to the centreline of the road in places. However, ownership of subsoil does not override a local authority's taking in charge. When a road is taken in charge, it becomes a public road regardless of subsoil right of way.
- The Parish appeal asserts that the roadway has never been maintained by Cork County or Cork City Council and therefore has not been taken in charge. Maintenance history, accurate or otherwise, does not determine legal taking in charge status.
- The appeal also references temporary land acquisition under the M28 Motorway Notice to Treat. This relates exclusively to temporary construction phases and has no bearing on current public road status, access rights, or taking in charge confirmation. The M28 CPO drawings do not alter Cork City Council's confirmation that the existing roadway serving the site is within its charge.

#### 6.2.12. Other Issues

##### ***Townland Location***

- Townland locations were appropriately referenced throughout documentation furnished to the Planning Authority.

##### ***Boundary Treatment / Stone Wall***

- The proposed development does not disturb or alter boundary treatments within any neighbouring lands. The Landscape Masterplan submitted as part of the planning application clearly identifies the eastern boundary as being treated with a combination of a rendered blockwork wall ranging from 1.8m to 2.0m in height, supplemented by native hedgerow and shrub planting, which together provide an effective and layered form of screening.

- The proposed boundary treatment has been comprehensively assessed, is clearly defined within the submitted drawings and reports, and is supported by both the LVIA and the Planning Authority. The appellants' concerns do not identify any deficiency in the proposed approach and are therefore not substantiated.

### ***Character of Area and Unit Mix***

- From the outset, planning decisions must be assessed having regard to current national, regional and local planning policy, rather than past development patterns alone. While it is acknowledged that the immediate vicinity includes a mix of bungalows and two-storey detached dwellings, the character of the wider area is not uniform and comprises a variety of building typologies, plot sizes and densities.
- Importantly, the subject site represents a large, undeveloped landholding within the urban envelope of Cork City, capable of accommodating a more intensive form of development without adverse impact on surrounding residential amenity.
- The Executive Planner confirmed that the development would integrate satisfactorily with the surrounding area, would not be visually incongruous, and would not result in unacceptable impacts on residential amenity, subject to compliance with conditions.
- The appellants' position reflects a preference for the continuation of existing low-density development rather than an objective planning assessment. The proposed development has been carefully designed, fully assessed, and expressly supported by the Planning Authority as being compatible with the character and evolution of the area.

### ***Air Pollution & Air Quality***

- Concerns raised in relation to air pollution and air quality have been comprehensively assessed as part of the planning application through the submission of a detailed Air Quality Impact Assessment
- With regard to the operational phase, the assessment confirms that traffic associated with the development would not give rise to a significant deterioration in local air quality.
- The assessment also examined potential impacts on sensitive ecological receptors, including Cork Harbour SPA and the Douglas River Estuary pNHA. The

results confirm that no significant adverse effects on designated ecological sites are predicted.

- During the construction phase, the assessment identified that the principal potential air quality effects relate to temporary dust generation. A comprehensive suite of best-practice mitigation measures is set out in the report and will be implemented through a Construction Environmental Management Plan (CEMP). With these measures in place, residual construction impacts are predicted to be imperceptible and not significant.
- The Air Quality Impact Assessment concludes that the proposed development will not result in any significant adverse impacts on air quality or human health, either during construction or operation.

### ***Lack of Local Amenities and Social Infrastructure***

- The appellant's concern does not reflect the planning context or the nature of the proposal.
- The subject site is located within an established urban area of Rochestown, in close proximity to a wide range of existing services and facilities including schools, childcare facilities, shops, cafés, recreational amenities and public transport services. As such, the development is not intended to operate as a self-contained neighbourhood but rather as part of the existing urban fabric.
- The proposed development includes appropriately designed on-site communal and private amenity spaces in accordance with the Cork City Development Plan and national apartment guidelines, and these provisions were assessed and accepted by the Planning Authority.

### ***Procedural and Phasing Gaps in Conditions***

- The preparation of a Construction Management Plan and associated traffic management measures is a standard matter addressed through compliance with these conditions and through engagement with Cork City Council's Roads and Traffic Sections.
- Detailed geometric design and construction sequencing are technical matters appropriately resolved through condition and agreement with the relevant road authorities, rather than through post permission public consultation.

- With regard to the early delivery of community infrastructure or bus stop upgrades, these are matters for the National Transport Authority and Cork City Council under CMATS and BusConnects and cannot be delivered by an individual residential development.

6.2.13. The appeal response was accompanied by the following:

- Land Ownership Correspondence
  - O'Mahony Pike Architect's Land Ownership Map (Dwg. No. 22052-OMP-OO-OO-DR-A-1030) illustrating Cork City Council lands highlighted in light blue
  - Letter of Consent from Cork City Council to include land in its control and/or ownership including the works proposed in this planning application,
- Confirmation of Taken in Charge Letter from Cork City Council
- Email Correspondence from Cork Roads Office Confirming Taken in Charge

### 6.3. **Planning Authority Response**

6.3.1. None

### 6.4. **Observations**

6.4.1. None

### 6.5. **Further Responses**

6.5.1. None

## 7.0 **Environmental Impact Assessment Screening**

7.1. An EIA Screening Statement was submitted with the planning application.

7.2. The proposed development has been subject to preliminary examination and screening for environmental impact assessment (refer to Form 1 and Form 3 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment.

The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

- 7.3. It has also been concluded that there is potential for significant effects on a European site and an Appropriate Assessment has been undertaken having regard to the documentation on file including the NIS. The screening carried out for environmental impact assessment (Appendix 2), has addressed the characteristics of the proposed development, its location and the types and characteristics of potential impacts has also had regard to the mitigation measures proposed in respect of protecting water quality. On this basis I am satisfied that there is no potential for significant effects on Cork Harbour SPA (Site Code No 004030) or any other environmental factor, or any requirement, therefore, for environmental impact assessment.
- 7.4. Impacts on European sites are addressed under Appropriate Assessment, which I have addressed in Section 8 below and Appendix 3 and 4 of my report

## **8.0 Appropriate Assessment**

- 8.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Cork Harbour SPA (Site Code No 004030) in view of the conservation objectives of this site and that Appropriate Assessment under the provisions of S177U/ 177AE was required.
- 8.2. Following an examination, analysis and evaluation of the NIS, all associated material submitted, I consider that adverse effects on site integrity of the Cork Harbour SPA (Site Code No 004030) 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.
- 8.3. My conclusion is based on the following:
- Detailed assessment of construction and operational impacts.
  - Effectiveness of mitigation measures proposed including supervision and monitoring and integration into CEMP ensuring smooth transition of obligations to eventual contractor.
  - Application of planning conditions to ensure application of these measures.
  - The proposed development will not affect the attainment of conservation objectives for the Cork Harbour SPA (Site Code No 004030).

## 9.0 Water Framework Directive Screening

- 9.1. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. Refer to Appendix 4: Water Status Impact Assessment – Screening Form of this report
- 9.2. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment
- 9.3. This conclusion is based on:
- Nature of the project, site and receiving environment.
  - Objective information presented in the appeal case documentation
  - Hydrological and hydrogeological characteristics of proximate waterbodies.
  - Absence of any meaningful pathways to any waterbody.
  - Standard pollution controls and project design features.

## 10.0 Assessment

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

- Car Parking
- Drainage & Sewer Capacity
- Conditions
- Other Issues

## 10.2. Principle

- 10.2.1. The proposed development site is zoned ZO01 Sustainable Residential Neighbourhoods as set out in the Cork City Development Plan 2022 - 2028. The objective of this zoning is to *protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses* and where residential development is an acceptable use at this location. Accordingly, the principle of residential development at this location is acceptable.
- 10.2.2. The scheme also proposes the demolition and removal of existing agricultural sheds/structures (716 sqm). The structures to be removed are not considered to be of any architectural merit. Given the existing policies at both local and at national level in relation to intensification of use and density in built up serviced areas, the retention of this building on lands zoned for residential development is not justified and demolition is considered acceptable.
- 10.2.3. In terms of density, the site is located in the outer suburbs of Cork City as identified in the Cork City Development Plan 2022 – 2028. Residential densities are set out in Table 11.2 of the Development Plan where densities are expressed in terms of minimums and maximums for the constituent areas of the City. The target density for development in this area is for 40 – 60 units per hectare. It is not readily evident if these densities are based on gross or net site area. However, I note from the Case Planners assessment that the proposed *53 units per hectare is in line with the required target for this location* and that *this proposed density is therefore considered to be acceptable as the proposal does accord with the specific requirements that are set out for housing density for this part of the City in the Cork City Development Plan 2022 - 2028*. While not explicitly stated I am satisfied that the density of 53 units per ha is based on a gross site area.

Notwithstanding the requirements of Table 11.2 of the Development Plan I refer to the Sustainable Residential Development and Compact Settlements– Guidelines for

Planning Authorities (2024) where it states that a *net density measure is a more refined estimate than a gross site density measure and includes only those areas that will be developed for housing and directly associated uses*. Table 3.1 of these 2024 Guidelines states that residential densities in the range 40 dph to 80 dph (net) shall generally be applied at suburban and urban extension locations in Dublin in 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 of the Guidelines).

- 10.2.4. The proposed housing density in this scheme is 79.5 dwellings per hectare (dph) net. This is based on a development of 72 units on a net site area of 0.91 ha (based on exclusion of riparian corridor and entrance works). I am satisfied that both the proposed gross density as per the Development Plan and net density as per the Compact Settlement Guidelines (2024) of this scheme, is in line with the required target for this location as set out in the Cork City Development Plan 2022 – 2028 and the Compact Settlements– Guidelines for Planning Authorities, 2024.
- 10.2.5. In terms of layout, height and design it is noted that the site is within a residential suburb of Cork City and while the site is somewhat set back from the established development of the area it remains that the immediate area includes a mix of bungalows and two-storey detached dwellings and where the character of the wider area is not uniform but rather comprises a variety of building typologies, plot sizes and densities. Further the site is constrained by the N28 / future M28 to the west, the estuary to the north and low density individual dwellings to the east of the site. In this context and having regard to the set back of the site from the established low density development particularly to the southeast I am satisfied that the proposed layout, height, design and set back responds to the orientation and topography of the site, proximity to the N28 / future M28 and estuary to the north by providing a graduated and contextually responsive approach to the scale of the site and its surrounding environment.
- 10.2.6. In terms of visual impact, I refer to the site layouts, elevations, cross-sections and the Landscape and Visual Impact Assessment (LVIA) submitted where it concluded that, while the development would be visible in short-range views, it would not result in any significant or unacceptable visual impact, and that medium - and long-range views would experience only minor or negligible effects. Having regard to the site context

and its location adjoining the N28 / future M28 I consider that the scale, height and design of the proposed scheme is appropriate to this location and would not seriously injure the residential or visual amenities of the area.

10.2.7. Overall, I am satisfied that the design of the scheme has been developed in accordance with national guidelines, in particular the Compact Settlement Guidelines 2024 and Design Standards for New Apartments. The scheme has been designed with regard to neighbouring developments so as to ensure compatibility with the character of the area without negatively impacting on residential amenity.

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

- I am satisfied that all internal roads have been designed to have regard to DMURS and residential development Guidelines (Section 28 Ministerial Guidelines) and Development Plan standards.
- The proposal is for 10 No. dwelling units and 62 No. apartment units with a unit mix as follows: 21 No. 1 - bed apartments (29.16%), 41 No. 2 - bed apartments (56.94%), 10 No. 3 - bed dwelling units (13.89%) which is acceptable at this location.
- The proposed development provides separation distances that are in excess of the required 16m in all instances in line with SPPR1 Separation Distances of the Sustainable Residential Development and Compact Settlements –Guidelines for Planning Authorities 2024.
- All of the proposed houses and apartments include private open space in accordance with the requirements of the Apartment Guidelines 2023 and Compact Settlement Guidelines 2024. The public open space is acceptable in terms of location, layout, design and amount of area proposed.
- As pointed out by the Case Planner a number of the units are not dual aspect. It was noted that 69% of the overall units are dual or triple aspect and was therefore considered acceptable. I agree with the Case Planner and consider this to be acceptable.
- In relation to a small number of units that do not meet the minimum living room widths and aggregate bedroom floor area the applicant submits that the units that are slightly lower than the required standards are all within the allowable 5%

variation subject to overall compliance with the minimum apartment floor area that is required. I agree with the Case Planner and consider this to be acceptable.

10.2.9. In terms of the inadequate provision of public transport at this location, I refer to the Mobility Management Plan (MMP) submitted with the application that provides a detailed assessment of existing public transport services serving the site, including bus routes 216 and 223, which are located within a c.9-minute walk of the development. The MMP also assessed the site's accessibility by walking and cycling and identifies planned future enhancements to public transport provision under the BusConnects Cork programme, which it is stated will significantly improve service frequency, coverage and reliability in the Rochestown area. The MMP sets out a clear and structured package of measures designed to reduce reliance on private car use and to promote sustainable travel patterns. These measures include the appointment of a Mobility Manager to oversee implementation and monitoring, the provision of public transport and active travel information to residents, the promotion of car-sharing initiatives, and ongoing engagement with Cork City Council, the National Transport Authority and public transport operators. I am satisfied that public transport provision and sustainable mobility are supported through the MMP and that same is aligned with the Cork Metropolitan Area Transport Strategy and the National Planning Framework.

10.2.10. With regard to the early delivery of community infrastructure or bus stop upgrades, I agree with the applicant that these are matters for the National Transport Authority and Cork City Council under CMATS and BusConnects and not the responsibility of an individual residential development. I further note the comments of the Senior Executive Transport Officer that concluded:

*“the proposed development is well served with respect to local services and public transport services and through the delivery of the CMATS programme of infrastructural investment, future residents will have access to a much wider and reliable array of sustainable transport alternatives.”*

10.2.11. In terms of boundary treatment there is no evidence to suggest there are proposals to disturb or alter boundary treatments within any neighbouring lands. The Landscape Masterplan submitted as part of the planning application identifies the eastern boundary as being treated with a combination of a rendered blockwork wall ranging from 1.8m to 2.0m in height, supplemented by native hedgerow and shrub planting, which together provide an effective and layered form of screening. The

applicant submits that this approach has been informed by the LVIA, which concludes that the proposed boundary treatments, in conjunction with retained and proposed planting, will result in no significant adverse visual or residential amenity impacts on adjoining properties. The LVIA further confirms that the magnitude of change experienced by the closest residential receptors to the east will be slight and negative at worst, reducing over time as planting matures. I am satisfied that the proposed boundary treatment has been comprehensively assessed and that no significant issues arise in this regard.

10.2.12. In terms of the detailed design of the scheme, I refer to the report of the City Architect where there was a requirement that the glazing in Block B is be extended to a portion of the stairwell wall facing the west entrance to the corridor so that the visual connection is improved. Conditions No 5 of the notification of decision to grant permission reflects this requirement. I agree with this condition and recommend that should the Coimisiún be minded to grant permission that a similar condition be attached.

10.2.13. CCC Parks & Recreation recommended that a number of conditions be attached including Condition No 37 and No 42 of the notification of the decision to grant permission issued by Cork City Council summarised as follows:

37)	Wildflower seeds shall be of native species, of local provenance and sourced within 50kms of the proposed site
42)	Full details of the proposed Natural Play areas to be agreed

10.2.14. I consider these conditions to be reasonable and necessary and recommended that should the Coimisiun be mindful to grant permission that similar conditions be attached.

10.2.15. In conclusion that design, scale, height and density of the development are appropriate to the site's location and context, is consistent with compact growth and consolidation policies, and will not adversely affect residential or visual amenities of the area. Overall, I am satisfied that the proposal has been designed in accordance with the provisions of the Cork City Development Plan 2022 – 2028, National Guidance and the relevant Section 28 Guidelines. It represents a positive and sustainable use

of zoned, serviced lands. Accordingly, the principle of the scheme is acceptable at this location.

### 10.3. Traffic Impact & Access

- 10.3.1. Significant concerns are raised in relation to traffic congestion, particularly during peak periods associated with services and events at St. Patrick's Church, safety risks for pedestrians, children and emergency services users, access arrangements including carriageway width and footpath / cycle provision and landownership.
- 10.3.2. I refer to the Traffic and Transport Assessment (TTA) submitted with the application. The TTA assessed both baseline traffic conditions and future year scenarios, including peak-hour operation, and concluded that the traffic generated by the development would result in no material deterioration in traffic conditions on the surrounding road network. Following full occupation, traffic flows at the Rochestown Road interchange serving the national road network would increase by less than 2%.
- 10.3.3. CCC Transportation Section acknowledged that both Junction 1 (Rochestown Church Roundabout) and Junction 2 (Rochestown Road\_N28 On - ramp Junction) are likely to operate over capacity both with and without the proposed development under their existing arrangement. It is further stated that the construction of the permitted M28 Motorway scheme is likely to improve future conditions at both junctions. With respect to Junction 3 (Rochestown Road/ Clarkes Hill) this junction is likely to operate close to capacity in Year 2032 and over in 2042, again similar to Junction 1 and Junction 2 the M28 Motorway includes plans to improve the operation of this junction which will result in reduced queueing and delay. Transportation was satisfied that the proposed development would not cause unacceptable operational traffic impacts in the short term and any future traffic impacts both on the local and national road network will be mitigated through the delivery of supporting transport infrastructure as presented in the Cork Metropolitan Area Transport Strategy (CMATS). I agree with CC Transportation Report and I am satisfied that no significant issues arise in this regard.
- 10.3.4. With regard to church-related traffic, I agree with the applicant that such congestion is periodic and event-based, rather than continuous, and exists independently of the proposed development. I also refer to the CCC Transportation Report where it was noted that the proposed development includes the provision of a dedicated pedestrian

footpath between the proposed development and Rochestown Road. The report states that the delivery of this facility will result in a short section of two - way single lane carriageway adjacent to the Church. I agree with CC Transportation Report that the proposed development is of a scale where the provision of single lane (two - way working) carriageway will not impede access to / from the development. I further agree that during times of higher traffic flow (i.e. Church service, weddings, et c) the traffic flow associated with these events (i.e. where everyone is either entering or exiting) will ensure that the localised narrowing of the carriageway will not negatively impact the receiving environment. The periodic intensification of use of this Church is to be expected and is compatible with the proposed development. Having regard of the foregoing I do not consider that any significant negative issues would arise in this regard.

10.3.5. The proposed access arrangement, include a localised reduction in carriageway width due to long-established physical constraints, including the Church boundary and the permitted M28 infrastructure provisions. It is stated that the narrowing of the carriageway adjacent to St. Patrick's Church has been deliberately designed as a traffic-calming feature, reducing vehicle speeds and improving safety for pedestrians and cyclist. The revised proposals provide a 5.5 metre carriageway for the majority of the access route, together with a 1.8 metre footpath, narrowing to a short section of two way single-lane working adjacent to the Church. A swept path analysis submitted as part of the FI response confirms that service vehicles and emergency vehicles, including fire vehicles and ambulances, can safely access and egress the site under this arrangement. In line with the comments of the CCC Transportation Report I support the proposed access strategy as it ensures maximum priority provided towards pedestrians, while entering and exiting vehicles will need to yield to one another in a controlled environment. CCC Transportation Report recommended that a condition be attached requiring that the final geometric layout and construction details (including landscaping) for the approach road to the west of St Patrick's Church be finalised in consultation with the Cork National Roads Office and Cork City Council and agreed in writing. Should the Coimisiún be minded to grant permission it is recommended that a similar condition be attached.

10.3.6. In terms of pedestrian accessibility I agree with CCC Transportation Section that the extent of pedestrian accessibility serving the site is generally good by reason of the

provision of a reasonably extensive footpath network within the scheme; and the provision of a dedicated pedestrian footpath connecting the proposed development with Rochestown Road. In line with the recommendation of the CCC Transportation Section it is recommended that should the Coimisiún be minded to grant permission that 2 no conditions be attached requiring that the proposed pedestrian footpath connecting the development with Rochestown Road be completed and that a footpath to the south of the proposed parking spaces located to the south of Block B be provided. These align with Condition No 6 & 7 of the notification of decision to grant permission issued by cork City Council.

- 10.3.7. The number of cycle parking stands assigned to the proposed development is in line with the Cork City Development Plan and their distribution across the proposed development is supported. With regard to the absence of dedicated on-road cycle lanes along the approach road, the applicant submits that cycle provision is not limited to segregated cycle tracks only and that the approach road has been deliberately designed as a low-speed, traffic-calmed environment, where cyclists are intended to safely share the carriageway with vehicular traffic. I agree with CCC Transportation that the access route serving the proposed development supports cycle access by creating a traffic calmed environment encouraging low traffic speeds to compliment the low volume of traffic expected to be generated by the proposed scheme. As mentioned previously the inclusion of the localised narrowing of the approach road to the side of St Patrick 's Church is an effective traffic speed control measure as approaching traffic has to yield to on - coming traffic ensuring a low-speed environment. I am satisfied that no issues arise having regard to the limited length of this constrained section and the fact that it has been specifically designed to operate as a low-speed shared space.
- 10.3.8. Overall, I am satisfied that given the location of the appeal site and the layout of the proposed scheme together with infrastructure improvement proposals that the vehicular movements generated by the scheme would not have a significant material impact on the current capacity of the road network in the vicinity of the site or conflict with traffic or pedestrian movements in the immediate area.
- 10.3.9. In relation to legal interest it is submitted that a key portion of the proposed site development access road includes lands owned by the Trustees of the Parish close to the Church. It is further stated that no consultation was sought nor permission given

to including this area in the planning application and that this remains the case. Details of lands owned by the Parish are outlined in the map included with the appeal submission. Particular attention is drawn to the lands marked 105a.102 and 105a.103. It is stated that in 2017 Cork County Council commenced the process of temporarily acquiring this land for the duration of the M28 construction works and that on completion of construction the land will revert to the Parish and be restored to a two-lane road.

10.3.10. The applicant reiterates that they received a letter of Consent from Cork City Council to facilitate works relating to lands outside of the applicants control for infrastructure and services including vehicular and pedestrian access to the Woodbrook Road/Rochestown Road Roundabout. Dwg. No. 22052-0MP-00-00-DR-A-1030 by O'Mahony Pike Architects refers where the area shaded blue outlines the land within the ownership of Cork City Council and where the applicant sought consent to facilitate these infrastructural works. It is submitted that the applicant liaised with both the Property Section of Cork City Council and the Cork RDO office. Confirmation was received noting that these lands are in the control of Cork City Council. Appendix 1 of the appeal response includes a letter of consent from Cork City Council and email correspondence with Cork Roads Design Office.

10.3.11. In addition, the applicant sets out the following:

*On 19 June 2024, our legal representatives, Foley Turnbull Solicitors, wrote to Cork City Council requesting forma / confirmation of the status of roads and services abutting Folio CK107354F (lands of Diamond Developments Ltd) and enclosed the corresponding Land Registry File Plan. The submission sought an updated "roads and services" confirmation letter from the Roads & Services Department. On 10 September 2024, Cork City Council's Roads Operations Division (Mr. Kieran Cremin) issued a formal written response confirming "The roadway abutting the above property is considered to be in the charge of Cork City Council". This is the statutory authority on the matter. Once a road is taken in charge, the public right of way is established, and the management, control, and maintenance of the road lie with the local authority under the Roads Act.*

10.3.12. The applicant also notes the appellants reference to temporary land acquisition under the M28 Motorway Notice to Treat and states that this relates exclusively to

temporary construction phases and has no bearing on current public road status, access rights, or taking in charge confirmation. The applicant concludes that the M28 CPO drawings do not alter Cork City Council's confirmation that the existing roadway serving the site is within its charge.

10.3.13. It is evident that both Cork City Council and Cork RDO have provided written confirmation that the lands subject to scrutiny regarding legal interest are within the charge of Cork City Council. I agree with the applicant that while the appellants folio boundaries may extend to the centreline of the road this does not override a local authority's taking in charge of a road whereby it becomes a public road. Notwithstanding these comments the Coimisiún is not an arbiter of title and therefore the extent to which it is required to interrogate these issues is limited. Where a dispute regarding sufficient interest goes to issues that the Commission is not competent to resolve, then the Commission can grant planning permission, knowing that it is subject to s.34(13).

10.3.14. Therefore, in terms of the legal interest, I am satisfied that the applicants have provided sufficient evidence of their legal intent to make an application. However any further legal dispute is considered a Civil matter and are outside the scope of the planning appeal. In any case, this is a matter to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act.

10.3.15. **Air Pollution & Air Quality** - Concerns have been raised in relation to air pollution and air quality. This matter is assessed as part of the planning application through the submission of an Air Quality Impact Assessment and is also discussed in the EIA Screening Determination in the Appendices below. With regard to the operational phase, the assessment confirms that traffic associated with the development would not give rise to a significant deterioration in local air quality. During the construction phase, the assessment identified that the principal potential air quality effects relate to temporary dust generation. A comprehensive suite of best-practice mitigation measures is set out in the report and that will be implemented through a Construction Environmental Management Plan (CEMP). The Air Quality Impact Assessment concludes that the proposed development will not result in any significant adverse impacts on air quality or human health, either during construction or operation. Should the Coimisiún be minded to grant permission I am satisfied that through the application of a standard condition requiring compliance with the mitigation and

monitoring measures outlined in the plans and particulars submitted that no significant issues should arise in this regard.

10.3.16. **Noise & Proximity to the N28/Future M28** – Having regard to the proximity of the proposed scheme to the existing N28 / future M28 that runs adjacent to the western and southwestern boundary of the site the consideration of noise impact for future residents is necessitated. The issue of noise is raised by TII and the NRO in their submission to CCC where it was requested that the applicant provide appropriate noise barriers between the proposed M28 Motorway Scheme and the proposed residential scheme, over and above those provided in the M28 Project Environmental Impact Statement.

10.3.17. The potential noise impacts arising from the existing and future national road network were assessed in the Acoustic Design Statement and the further information submitted where site layout plan was updated to show the location of the noise barrier to the western boundary together with details of same. The noise barrier wall will be constructed from timber (with minimum surface mass of 10 kg/m<sup>2</sup>) and will be 3m in height and imperforate with no gaps or holes. The applicant also confirmed that the developer will be responsible for maintaining the barrier, during both construction and operational phases of the development, to ensure its effectiveness. In addition to the noise barrier proposed as part of this planning application there is a further 3-metre-high imperforate noise barrier along the interface with the future M28 permitted, as part of the motorway scheme.

10.3.18. The acoustic assessment confirms that predicted future motorway noise levels affecting the development fall within the lower range of "medium" impact, and that, through the implementation of a robust package of mitigation measures, internal noise levels within all residential units will comply with relevant guideline thresholds. These measures include high-performance external wall and roof constructions, enhanced acoustic glazing, acoustic trickle ventilation, and the provision of enclosed wintergardens in lieu of open balconies on facades facing the motorway.

10.3.19. I am satisfied that noise impact in relation to proximity to the N28 / future M28 has been comprehensively assessed and appropriately mitigated through the design of the development. I consider that Condition No 4 and part of Condition No 24(c) of the notification of decision to grant permission issued by CCC, as set out

below, comprehensively addressed the issue as follows and that should the Coimisiún be minded to grant permission that similar condition be attached.

4	<p>Prior to the occupation of the dwelling units the developer shall ensure that all proposed noise abatement barriers and structures located on the western boundary of the site are to be fully completed and operational.</p> <p><b>Reason:</b> In the interest of clarity and residential amenity.</p>
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24 (c)	<p>The provided noise assessment and responses are sufficient. Prior to the commencement of the development and upon completion of the noise barrier and the development a follow up noise assessment shall be undertaken to indicate the impact of the developments measures and the barrier, the developer shall identify all potentially significant noise sources at the proposed development site, and their expected noise output quantified by (a) reference to LWA levels or LAeq T levels (at a specified distance) provided by the manufacturer/supplier, (b) reference to typical levels set out in the relevant British Standards BS 4142:2014+A1:2019, or (c) direct measurement of the equipment onsite or at a similar facility. Items that need to be considered are traffic noise, extract fans, air-conditioning, etc. (This is a non-exhaustive list.). The future maintenance and management procedures for maintaining the effectiveness of the noise barrier shall also be highlighted as part of this assessment.</p> <p><b>Reason:</b> In order to ensure a satisfactory standard of development, in the interests of residential amenity.</p>
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10.3.20. **Coordination with M28 Upgrade Works** – Concerns have been raised regarding the insufficient coordination between the proposed residential development and the future M28 Cork-Ringaskiddy Motorway upgrade, and that the absence of detailed coordination plan could give rise to construction, access and safety risks. The applicant submits that the coordination with the M28 motorway upgrade is addressed through a comprehensive suite of conditions specifically designed to ensure effective coordination with the M28 works at all stages, sequencing of work, liaison with

Transport Infrastructure Ireland and the National Roads Office, and strict construction access controls.

10.3.21. The National Roads Office (NRO) in their report to CCC had no objection to the proposed development subject to conditions requiring inter alia as summarised:

- Applicant to liaise with TII & NRO throughout the design and construction stages
- No vehicular, pedestrian or construction access to the development shall be taken directly from the N40 South Ring Road or the N28 / M28
- No construction of the proposed development will be permitted until the completion of the retaining wall adjacent to St. Patrick's Church
- Geometric alignment for the access road to be agreed with the NRO and CCC
- Construction Management Plan to be submitted to and agreed with CCC
- Landscaping, Footpaths and Boundary Treatments:
- All landscaping, footpaths and boundary treatment to be completed to the satisfaction of CCC and the NRO

10.3.22. Condition No 8, 9, 13, 15, 24 and 40 of the notification of decision to grant permission issued by CCC reflects this recommendation

10.3.23. Transport Infrastructure Ireland (TII) in their submission to CCC raised concerns that the proposal was at variance with official policy in relation to control of development on / affecting national roads and that the proposal, if approved, would create an adverse impact on the national road and associated junction. TII is also of the opinion that insufficient data was submitted with the planning application to demonstrate that the proposed development will not have a detrimental impact on the capacity, safety or operational efficiency of the future M28 national road network in the vicinity of the site. TII also recommended that the planning authority contact and consult with the M28 Project Team to ensure that the requirements associated with this critical TEN-T project are addressed in full for all stages of construction and also operation of the future road.

10.3.24. As documented the N28 / future M28 is directly adjacent to the proposed development and there is potential for impact both on the delivery of the permitted M28 Motorway (Cork to Ringaskiddy Road) and on its future operation. As documented in the report of CCC Traffic – Regulation & Safety Report the applicant

has engaged with the M28 Motorway Design Office to ensure that the permitted M28 Motorway (Cork to Ringaskiddy Road) has been accommodated with respect to the proposed development. It is further stated that there is acknowledgement that co-ordination between the parties is required to facilitate construction of the both the motorway and the proposed development. The submitted Transport Assessment included analysis of the proposed development and at a strategic level the estimated increase in traffic at the interchange (Rochestown Road) serving the National Road Network was considered by CCC Traffic – Regulation & Safety to be relatively modest at less than 2%.

10.3.25. I am satisfied that coordination with the M28 upgrade works has been addressed through detailed consultation between the applicant, the Planning Authority and the NRO. Further I agree with the applicant that the Planning Authority has deliberately required that detailed coordination be finalised and agreed prior to commencement, ensuring flexibility while maintaining full control over safety, access and construction sequencing. Having regard to the concerns raised I consider that Condition No 8, 13 and 15 of the notification of decision to grant permission issued by CCC comprehensively addressed the issue as follows and that should the Coimisiún be minded to grant permission that similar conditions be attached.

8	<p>The final geometric layout and construction details (including land scaping) for the approach road to the west of St Patrick’s Church shall be finalised in consultation with the Cork National Roads Office, Cork City Council and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> To support enhanced sustainable mobility and ensure the safe operation of the road network for all users.</p>
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13	<p>No construction of either the approach road or the proposed development will be permitted prior to the completion of the M28 motorway retaining structures to the west of St Patrick’s Church (including the removal of any temporary noise barriers) without the prior agreement of the Cork National Roads Office and the planning authority.</p>
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	<b>Reason:</b> In the interest of orderly development.
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15	<p>The final construction traffic management plan shall be prepared in consultation with the Cork National Roads Office, the appropriate Directorates in Cork City Council, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include measures to ensure continued access to Transport Infrastructure Ireland’s infrastructure to the northwest of the proposed development, phasing of works associated with the access road from Rochestown Road, details of construction traffic access routes, construction related parking, the location of the compound for the storage of plant and machinery, etc..</p> <p><b>Reason:</b> In the interest of orderly development.</p>
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#### 10.4. Car Parking

10.4.1. Significant concern is raised in the appeals in relation to the inadequate provision of car parking and potential overspill into the adjoining Church car park and residential estates including Woodbrook. The applicant submits that the proposed level of car parking has been deliberately calibrated in accordance with the Cork City Development Plan (CCDP) and national sustainable transport policy, having regard to the site's urban location, accessibility to services, and availability of public transport. It is further submitted that Rochestown is well served by existing and planned bus routes and benefits from current and future active travel infrastructure under the Cork Metropolitan Area Transport Strategy (CMATS).

10.4.2. The Case Planner refers to the Strategic Transport Planning Report received from the Senior Executive Transport where the report stated that the level of parking provision is supported as the area has good access to both existing and planned bus routes. Strategic Transport Planning recommended that the following condition be attached:

*All parking will be for the residents of the proposed development only and shall not be reserved for any individual or individual residential units and 9 of these spaces are to be set aside and enabled to support the delivery of electric vehicle charging points.*

*Reason: In the interest of sustainable transportation*

10.4.3. Condition No 11 of the notification of decision to grant permission issued by CCC reflects this condition. There is no further quantitative analysis of the amount of car parking proposed with the scheme.

10.4.4. The development proposes the following car parking:

<b>Development</b>	<b>Car Spaces</b>	<b>Ratio</b>
62 Apartments	26	0.42
10 Houses	20	2
<b>Total</b>	<b>46</b>	

10.4.5. Promoting and facilitating alternative modes of travel to single, private car occupancy is a key national and local policy for Cork. I refer to the City Development Plan 2022 – 2028. The City Council area is divided into four zones for the purposes of car parking control, based on each area’s accessibility to mass transit, cycling and walking. Car parking standards for both residential and non-residential developments are set out in Table 11.13. These standards are maximums in order to constrain car trip generation and promote patronage of active travel and public transport.

10.4.6. Parking Zone 2 reflects areas that are or will be accessible to mass transit alongside public transportation corridors. This Zone aligns with the report of the Strategic Transport Planning Report where they describe *Rochestown as being well served with local services and that it has good access to both existing and planned bus routes*. The following maximum car parking standards apply to this development in this Zone:

<b>Development</b>	<b>Total</b>	<b>Max Car Parking</b>	<b>Total</b>
1 – 2 Bedroom	62	1	62
3 – 3+ Bedroom	10	2	10
<b>Total</b>			<b>72</b>

10.4.7. However, I am concerned that the site aligns more with the parking requirements of Zone 3 as follows. Parking Zone 3 covers the City Suburbs including Rochestown.

<b>Development</b>	<b>Total</b>	<b>Max Car Parking</b>	<b>Total</b>
1 – 2 Bedroom	62	1.25	77.5
3 – 3+ Bedroom	10	2.25	22.5
<b>Total</b>			<b>100</b>

10.4.8. A key consideration in the application of maximum parking standards is the proximity to public transport. To this end I refer to the Mobility Management Plan (MMP) submitted with the application. Most of the public bus stops around the development site are located along the Rochestown Rd (R610) to the south of the site. The nearest bus stop is approximately an 8 - 9-minute walk (c550 - 600m) from the development site (Routes 223, 216). Section 2.3 Existing Public Transport Infrastructure of the MMP illustrates the nearest bus stops and routes to the site. A number of future public transport schemes are at various stages of planning in Cork City which will provide a significant benefit to the proposed site.

10.4.9. As stated, the site is currently served by the 216 and 223 bus services. These city bus routes provide a high capacity, high frequency service to existing residents. The BusConnects scheme in Cork, including the Outer Southern Orbital route, will significantly enhance public transport services in the Rochestown area. Additionally, the BusConnects programme will contribute to the development of a sustainable fleet and increased service capacity in the area. A map of the overall BusConnects strategy is presented in figure 5.4 of the MMP. The current Busconnects project for the short term delivery is also included in figure 5.5 of the MMP. The following high quality bus routes will serve the proposed development and are shown in Figure 5.3 of the MMP:

- Route 12 Carrigaline PCC - Passage West - Kent Station (21 - 30-minute frequency)
- Route 7 Mount Oval to Kent Station (16 - 20-minute frequency)
- Route 42X Fountainstown to Kent Station (31 – 60 minute frequency)

The current BusConnects scheme shown in figure 5.5 of the MMP also shows that the proposed "Cork City Southeast Sustainable Transport Corridors Scheme" will serve the Douglas area. While not explicitly stated in the MMP it appears that this high capacity service would be in excess of 500m from the site.

10.4.10. I refer to the Sustainable and Compact Settlements Guidelines for Planning Authorities (2024). Having regard to the foregoing Table 3.8 Accessibility - High-Capacity Public Transport Node or Interchange describes an Intermediate Location as 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. SPPR 3 - Car Parking states that it is a specific planning policy requirement of these Guidelines that:

*In **intermediate and peripheral locations**, defined in Chapter 3 (Table 3.8) the maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 2 no. spaces per dwelling.*

10.4.11. With reference to the Cork City Development Plan 2022 – 2028 the foregoing intermediate and peripheral location aligns more to Car Parking Zone 3 of the Development Plan where a maximum car parking provision of 100 car parking spaces to serve the development is required. Section 11.237 of the Development Plan states that Bus Connects Cork is proposed to serve these areas of Cork City and that it is envisaged that parking standards serving Zone 3 will be reduced to reflect the level of public transport services over time.

10.4.12. As set out above the scheme is proposing 46 no car parking spaces to serve the development. Development within Car Parking Zone 3 sets a maximum parking requirement of 100 car parking spaces to serve this development. The proposed quantity of car parking proposed complies with the requirements of the Development Plan in clearly placing a strong emphasis on modal shift away from private car dependency in line with the requirements of National and Local Policy. Having particular regard to the comments of the Strategic Transport Planning Report I am satisfied that the proposed level of car parking to be provided at this development is acceptable.

10.4.13. Notwithstanding the foregoing accepting the quantum of car parking proposed I consider the concerns raised regarding overspill parking are valid and understandable in this case particularly given the surface car park associated with the nearby Church that is proximate to the development site. The applicant submits that the grant of permission issued by CCC includes conditions requiring that all parking spaces be reserved for residents of the development and prohibiting unauthorised or

informal parking arrangements (as per conditions 10 & 11 of the grant of planning permission). These conditions are as follows:

10	<p>Barriers or gates are not permitted to control access to any off-curtilage parking spaces without specific planning permission permitting such interventions.</p> <p><b>Reason:</b> To ensure the safe operation of the road network for all user.</p>
11	<p>All parking shall be for the residents of the proposed development only and shall not be reserved for any individual or individual residential units and 9 of these spaces are to be set aside and enabled to support the delivery of electric vehicle charging points.</p> <p><b>Reason:</b> In the interest of sustainable transportation.</p>

10.4.14. While I support Condition No 11, subject to the inclusion of a requirement that car parking spaces shall not be sold separately it does not of itself address the concerns raised. Further I am unclear as to purpose of Condition No 10 in relation to the proposed scheme and if it relates to lands out with the red line boundary of the scheme i.e. the Church car park. While overspill car parking is not anticipated, based on the plans and particulars submitted with the application and the reports of the Planning Authority, some form of physical impediment or management may be necessary to prevent unauthorised parking at the Church Car Park should it arise. However, such works would in all likelihood be on lands not in the applicants control and may also require planning permission and is therefore out with the assessment of this scheme. Ultimately the management of car parking at the Church is a matter for the owners although if works are necessitated to prohibit overspill parking it would be wholly unreasonable that the Church would bear the financial burden of such works. It is therefore rerecommended that a condition be attached requiring that no overspill car parking shall utilise the Church car park with details for the management and monitoring of same to be agreed between the applicant and the Planning Authority. Unauthorised parking on public roads is a matter for the local authority.

## 10.5. Drainage & Sewer Capacity

- 10.5.1. Concerns have been raised with regard to the hydraulic capacity of the public WWTP and that the foul drainage network is shown to connect into a sewer that runs beneath an existing house adjoining the appeal site. The matter of sewer capacity, water supply and surface water drainage are also discussed in the assessment of Conditions below, the EIA Screening Determination, Appropriate Assessment and Water Framework Directive Impact Assessment in the Appendices below.
- 10.5.2. A Confirmation of Feasibility has been received from Uisce Eireann and confirms that the water and wastewater connection are feasible subject to upgrades. The proposed drainage strategy has been accepted by the Planning Authority's engineering and drainage sections, subject to conditions.
- 10.5.3. A formal Pre-Connection Enquiry was submitted to Uisce Éireann (Irish Water) in respect of the proposed development. Uisce Éireann confirmed, by way of a Confirmation of Feasibility (COF) dated 19<sup>th</sup> August 2025, that a wastewater connection is feasible without the need for network upgrades by Uisce Éireann, subject to standard conditions. Uisce Éireann expressly stated that it has no objection to the proposed discharge method to the existing trunk sewer, subject to the provision of a non-return valve to prevent potential surcharge from the wider network into the development. Uisce Éireann further advised that detailed design, including any localised hydraulic modelling or storage requirements, will be addressed at connection application stage, in accordance with standard practice under the Uisce Éireann Pre-Connection Protocol. A review of the Uisce Eireann Capacity Register (Published August 2025) at the time of writing this report indicated "spare capacity available" in the wastewater treatment capacity at Cork Lower Harbour WWTP. I am satisfied that no issues arise in relation to wastewater drainage capacity subject to compliance with the requirements of Irish Water.
- 10.5.4. A formal Pre-Connection Enquiry was submitted to Uisce Éireann (Irish Water) in respect of the proposed development. Uisce Éireann confirmed, by way of a Confirmation of Feasibility (COF) dated 19<sup>th</sup> August 2025, that a water connection is feasible subject to upgrades. The watermain network will have to be extended by approximately 250m from the south. Works within the public realm will be carried out by Uisce Eireann with the costs to be included in the applicant's connection fee. Works

within private lands / access roads may be carried out by the applicant as part of a self-lay agreement. Third party permission to carry out any necessary works is the responsibility of the applicant. A review of the Uisce Éireann Capacity Register (Published August 2025) at the time of writing this report indicated “capacity available” in Cork City to support 2034 population targets and that Level of Service (LoS) improvement required. It is stated that leakage reduction and/or capital investment will be required to maintain/improve levels of service as demand increases. These proposals will be developed & prioritised through the National Water Resources Plan and investment planning process. I am satisfied that no issues arise in relation to water supply subject to compliance with the requirements of Irish Water.

10.5.5. **Drainage** – There is no existing surface water drainage infrastructure in the vicinity of the proposed development. The proposed storm water drainage system has been designed to cater for all surface water runoff from all hard surfaces within the proposed development including roadways, roofs, parking areas etc. Climate change has been accounted for in the design. The completed development site is a mix of soft landscaping and hard paving or roofing. The existing topography is a single catchment. There will be one no. surface water discharge points to service the developed site and it will discharge to the adjoining Douglas River Estuary. The discharge pipe shall be above the high-water mark and will not be subject to tide locking. The proposed drainage strategy was comprehensively assessed by Cork City Council's Area Engineer and Drainage Division, which confirmed no objection to the grant of permission, subject to conditions. I am satisfied that no issues arise in relation to surface water drainage subject to conditions.

10.5.6. **Existing Sewer Infrastructure** – Uisce Éireann has confirmed that no building over Uisce Éireann infrastructure is permitted, and that the development layout must ensure adequate protection, separation distances, and accessibility for maintenance. As pointed out by the applicant the Confirmation of Feasibility requires engagement with Uisce Éireann's Diversions Team and the provision of appropriate wayleaves where necessary, thereby safeguarding existing assets and third party property interests. I am satisfied that no issues arise in relation to the proposed scheme connecting to the public foul drainage network subject to conditions.

## 10.6. Conditions

- 10.6.1. Concerns are raised in the appeal with regard to the particular conditions set out in the notification of decision to grant permission issued by CCC, reliance on future compliance and approvals and no future public consultations with the road layout near St Patricks Church and no co-ordination with the completion of the M28. The issues raised are dealt with in other sections of this assessment and in the consideration of the conditions attached by CCC below.
- 10.6.2. It is reasonable and permissible in accordance with the provisions of the 2000 Act and Section 28 Guidelines to provide that points of detail relating to a grant of permission be agreed between the person carrying out the development and the planning authority. Planning permissions often include conditions requiring developers to carry out certain actions prior to or during the course of development where they relate to matters of detail which the planning authority may wish to have an input. In this particular case, and notwithstanding the detailed plans and particulars submitted and communications between the applicant and the Planning Authority in relation to the access road, it is both reasonable and expected that points of detail would be agreed having regard to its proximity to the N28 / future M28 and the narrowing of a short section of the access road adjacent to the church. The attachment of such a condition, while necessary, does not of itself deflect from the overall merits of this planning application. This matter is discussed further in Section 10.4 Traffic Impact & Access of this assessment above and in the condition table below.
- 10.6.3. Cork City Council issued a notification of decision to grant permission on the 10<sup>th</sup> December 2025 subject to 44 no conditions. Many of the conditions reflect the particular requirements of CCC and its internal departments together with those of prescribed bodies. While some of the conditions as recommended can be dealt with by way of standard conditions (Uisce Eireann, surface water, compliance with DMURS, EV charging points, Section 47 Agreement re first occupancy, naming scheme, boundary treatment, construction works etc) others require further consideration. For completeness and ease of reference all the conditions are considered in the following table.

	<b>CCC Condition</b>	<b>Comment</b>
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1)	Compliance with the plans and particulars submitted to the planning authority on 23/05/2025 and as amended on 16/10/2025	Agreed. Standard Condition to apply.
2)	Section 47 Agreement that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing	Agreed. Standard Condition to apply
3)	External finishes as per drawings submitted	Agreed. Standard Condition to apply
4)	Prior to all proposed noise abatement barriers and structures located on the western boundary of the site are to be fully completed and operational	Please refer to Section 10.3 of this Assessment. Agreed. Similar condition to be attached.
5)	Glazing in Block B shall be extended to a portion of the stairwell wall facing the west entrance to the corridor so that the visual connection is improved	Please refer to Section 10.2 of this Assessment. Agreed. Similar condition to be attached.
6)	Before occupation the construction of the proposed pedestrian footpath connecting the development with Rochestown Road shall be completed	Please refer to Section 10.3 of this Assessment. Agreed. Similar condition to be attached

7)	Revised details providing a footpath to the south of the proposed parking spaces located to the south of Block B	Please refer to Section 10.3 of this Assessment. Agreed. Similar condition to be attached
8)	Final geometric layout and construction details (including landscaping) for the approach road to the west of St Patrick's Church shall be finalised in consultation with the Cork National Roads Office & Cork City Council	Please refer to Section 10.3 of this Assessment. Agreed. Similar condition to be attached.
9)	Approach road to the west of St Patrick's Church connecting Rochestown Road to the development shall be delivered in its entirety by the applicant	Please refer to Section 10.3 of this Assessment. Agreed. Similar condition to be attached
10)	Barriers or gates are not permitted to control access to any off-curtilage parking spaces	Please refer to Section 10.3 of this Assessment. Condition not to be attached.
11)	All parking shall be for the residents only and 9 be set aside to support the delivery of EV charging points	Agreed. Standard Condition to apply.
12)	Public lighting to be agreed	Agreed. Standard Condition to apply.
13)	No construction of either the approach road or the proposed development will be permitted prior to the completion of the M28 motorway retaining structures to the west of St Patrick's Church	Please refer to Section 10.3 of this Assessment. Agreed. Similar condition to be attached.
14)	No construction access serving the proposed development will be	Given the topography and location of the site relative to the N28 this condition

	permissible from the N28 National Road	is considered unnecessary. Condition not to be attached.
15)	Final Construction Traffic Management Plan to be agreed	Please refer to Section 10.3 of this Assessment. Condition not to be attached.
16)	Public roads and footpaths in the vicinity of the site shall be maintained in a tidy condition by the developer during the construction phase	Agreed. Standard Condition to apply
17)	Drainage layouts and details shall be in accordance details and calculations submitted	Standard General Drainage Condition to apply with details to be agreed with the Planning Authority.
18)	All drainage shall be separated throughout	Standard General Drainage Condition to apply with details to be agreed with the Planning Authority.
19)	The operation and maintenance of the drainage system shall be the responsibility of a suitably qualified and experience management company	Standard General Drainage Condition to apply with details to be agreed with the Planning Authority.
20)	Compliance with the Water Services Act 2007 (as amended) and Part H of the Building Regulations 2016	Standard General Drainage Condition to apply with details to be agreed with the Planning Authority.
21)	Upon completion, the Applicant shall submit a SuDS Assessment Report based on the as-constructed development	Standard General Drainage Condition to apply with details to be agreed with the Planning Authority.

22)	Management / Taking in Charge of the proposed development	Agreed. Standard Condition to apply
23)	Construction Waste - Construction Management Plan and Waste Management Plan to be agreed	Agreed. Standard Condition to apply
24)	Noise compliance and follow up assessment	Please refer to Section 10.4 of this Assessment. Agreed. Similar condition to be attached.
25)	Developer shall constitute a waste management company or structure for dealing with waste arising in the development	Agreed. Standard Condition to apply
26)	Noise limits & working hours	Agreed. Standard Conditions to apply with noise limits to be agreed as part of the CEMP
27)	No appreciable negative environmental impacts shall occur because of the construction works associated with this development with particular attention to dust, noise, odour, litter, dirt on public roads, surface water runoff and spillage of fuel oils	Standard CEMP Condition to apply with details to be agreed with the Planning Authority.
28)	Tree felling and clearing of vegetation shall take place outside of the bird nesting season. No silt or run-off from stockpiles shall enter any watercourse. Riverbanks and their habitats for fish, mammals and birds shall not be negatively	Agreed. Standard condition requiring compliance with the mitigation and monitoring measures outlined in the EclA and plans and particulars submitted.

	impacted upon by the construction works	
29)	Upward Light Ratio of the complete installation shall not exceed 5%	Agreed. Standard condition requiring details to be agreed.
30)	The developer shall endeavour to use sustainable sources of energy, and to operate an energy conservation policy on the design and operation of the complex	Agreed. Standard condition requiring compliance with the plans and particulars submitted.
31)	Construction and Demolition Resource Waste Management Plan (RWMP) to be agreed	Agreed. Standard Condition to apply
32)	Part V	Agreed. Standard Condition to apply
33)	Water and/or wastewater connection agreement(s) with Uisce Eireann	Agreed. Standard Condition to apply
34)	Site clearance works, including removal of existing vegetation and buildings, are not permitted during the bird nesting season (1st March to 1st September). All records of breeding birds are to be submitted to the National Biodiversity Data Centre	Agreed. Standard condition requiring compliance with the mitigation and monitoring measures outlined in the EclA and plans and particulars submitted.
35)	Qualified ecologist who is an NPWS-licensed bat worker to survey the site for bats prior to commencement of site clearance works	Please refer to Section 10.7 of this Assessment. Agreed. Standard condition requiring compliance with the mitigation and monitoring measures outlined in the EclA and plans and particulars submitted.

36)	Ecological Clerk of Works (ECoW) to be present on site for the duration of the construction phase	Agreed. Similar Condition to apply
37)	Wildflower seeds shall be of native species, of local provenance and sourced within 50kms of the proposed site	Please refer to Section 10.2 of this Assessment. Agreed. Similar condition to be attached.
38)	Alien invasive species management plan to be agreed. The public lighting shall be friendly towards nocturnal wildlife and follow guidance note from Bat Conservation Trust & Institute of Lighting Engineers, 2023. Biodiversity Enhancement Management Plan to be agreed	Please refer to Section 10.7 of this Assessment. Agreed. Standard condition requiring compliance with the mitigation and monitoring measures outlined in the EclA and plans and particulars submitted.
39)	Landscaped and earthworks to be carried out in accordance with the detailed Landscape Masterplan and associated planting schedule submitted	Agreed. Standard Condition to apply
40)	The landscaping scheme shall be implemented fully before any of the units are made available for occupation	Agreed. Standard Condition to apply
41)	Details of all Nature based Solutions for Suds to be agreed	Standard General Drainage Condition to apply with details to be agreed with the Planning Authority
42)	Full details of the proposed Natural Play areas to be agreed	Please refer to Section 10.2 of this Assessment. Agreed. Similar condition to be attached.

43)	Bond	Agreed. Standard Condition to apply
44)	Section 47 General Development Contribution	The proposed scheme is not exempt from the contribution scheme. Standard condition to apply.

## 10.7. Other Issues

10.7.1. **Townland Location** - Concerns have been raised with regard to the townland location of Mounthovel, that is referenced throughout the planning documentation submitted. The applicant submits that the proposed development lands themselves are located within the townland of Monfieldstown. As noted from the plans and particulars submitted the red line site boundary extends south into the townland of Mounthovel through the proposed infrastructure road works along Woodbrook Road/Rochestown Road. I note that the application was considered acceptable by the planning authority and that same did not prevent the concerned party from making representations. Further, the Commission has accepted the appeal as being valid. Overall, I am satisfied that the townland locations were appropriately referenced in the plans and particulars submitted with the application and that no issues arise that would prevent the Coimisiún determining this application.

10.7.2. **Inland Fisheries Ireland** – In their submission to CCC requested that Irish Water / Cork City Council clarify that the development will not a) overload either hydraulically or organically existing treatment facilities b) result in polluting matter entering waters or c) cause or contribute to non- compliance with existing legislative requirements. The matter of sewer capacity, water supply and surface water drainage are discussed in the assessment of Section 10.6 Drainage & Sweer Capacity, Section 10.7 Conditions. These matters and other potential pollutants are also discussed in the EIA Screening Determination, Appropriate Assessment and Water Framework Directive Impact Assessment in the Appendices below. I am satisfied that no issues arise in this regard.

10.7.3. IFI have also requested that should permission be granted that a planning condition be attached requiring that there is no interference with, bridging, draining, or culverting of any watercourse, its banks or bankside vegetation to facilitate this development without the prior approval of IFI. There are no watercourses or other overground active

water features (e.g. drain) at the site linking into the surrounding area. Further the primary development footprint will be set back a minimum of 13m from the estuary edge to the north. The 13m estuary buffer set back equates to the riparian zone / corridor and will include landscaping and installation of an above ground conveyance swale system and a free discharge point (comprising of a cobble erosion cascade) as part of the surface-water drainage network. I am satisfied that subject to compliance with the plans and particulars submitted together with the implementation of an Construction and Environmental Management Plan (CEMP), to be submitted and agreed by conditions that no issue arise in this regard.

10.7.4. **Bats** – I refer to the Ecological Impact Assessment submitted with the application. The permanent loss of structures (shed buildings, mature trees) can potentially negatively affect bats that are protected under the Irish Wildlife Acts (1976 as amended) through reduced roosting opportunities and/or injury or fatality of roosting individuals if present during demolition/felling works. In this case, the field assessments of the on-site shed buildings identified for demolition found no evidence of day roosting activity and therefore the potential effects on bats at the study site/locality arising from the loss of such structures is considered neutral imperceptible at local scale. While no trees require removal to facilitate the development, it is acknowledged that a site-specific arborist report recommends the removal of some tree specimens for reasons of sound arboricultural management. Section 5.3 Mitigation Measures for Fauna: Construction & Operational Phase of the EclA sets out the following regarding the removal of the on-site shed buildings with low potential suitability for bat roosting:

*Where removal will occur during the months of April to October inclusive, the building will be checked for bat roosting activity in advance of removal works by a suitably qualified/experienced Ecologist in accordance with best practice guidelines (e.g. Collins 2023). The subsequent demolition of the building will be undertaken under the advice/supervision of a suitably qualified / experienced Ecologist in accordance with best practice guidelines (e.g. NRA 2005) and in consultation with NPWS where relevant (e.g. derogation licence to remove bat roost if present at the time; see NRA 2005).*

This mitigation aligns with the recommendation of the CCC Biodiversity Section where it was recommended that the applicant commission a qualified ecologist to survey the

site for bats prior to commencement of site clearance works and that the public lighting to be friendly towards nocturnal wildlife. I am satisfied that compliance with the mitigation measures set out in the EclA can be dealt with by way of the Coimisiún standard condition requiring compliance with the mitigation and monitoring measures outlined in the plans and particulars, including the Ecological Impact Assessment submitted with the application to be carried out in full. It is further recommended that a condition be attached and that the design of the lighting scheme shall be approved of by a suitably qualified bat specialist and agreed with the Planning Authority.

10.7.5. **Invasive Species** - I refer to the Ecological Impact Assessment submitted with the application. No alien invasive plant species which are listed on the Third Schedule of the 2011 European Communities (Birds and Natural Habitats) Regulations and on the First Schedule of the European Union (Invasive Alien Species) Regulations, 2024 (i.e. species of which it is an offense to disperse, spread or otherwise cause to grow in any place) were recorded within the application site boundary during the baseline surveys. No species which have been classified as an invasive alien plant species of European Union concern (IAS Regulation 1143/2014, as amended) were recorded within the application site boundary during the baseline surveys. Section 5.2 Mitigation Measures for Habitats and Flora: Construction & Operational Phases sets out the following:

*A site assessment will be undertaken by a suitably qualified/experienced Ecologist or Invasive Plant Specialist prior to enabling/construction activities to assess the most up-to-date status of invasive plants (e.g. Butterfly Bush, Winter Heliotrope, Himalayan Honeysuckle, Old Man's Beard} at the site relative to the works area. All non-native invasive plant species will be managed/eradicated in line with current guidelines where available (e.g. NRA 2010) under the advice/supervision of a suitably qualified/experienced Ecologist or Invasive Plant Specialist. The management of invasive plants will need to be incorporated into the Construction Environmental Management Plan (CEMP} or equivalent. This is currently acknowledged in the proposed Construction and Environmental Management Plan (CEMP} for the proposed project (DOSA 2025a.)*

10.7.6. This mitigation aligns with the recommendation of the CCC Biodiversity Section where it was recommended that an alien invasive species management plan be submitted to

the Planning Authority setting out how on-site alien invasive species is to be removed and monitored over the time period of the development, pre, during and post construction. I am satisfied that compliance with the mitigation measures set out in the EclA can be dealt with by way of the Coimisiún standard condition requiring compliance with the mitigation and monitoring measures outlined in the plans and particulars, including the Ecological Impact Assessment submitted with the application to be carried out in full.

## 11.0 Recommendation

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

11.1.2. Having regard to the following:

- 1) The location of the site in the Cork suburb of Rochestown on lands zoned ZO 1 – Sustainable Residential Neighbourhoods and where residential development is a permitted use
- 2) The policies and objectives of the Cork City Development Plan 2022-2028
- 3) Housing for All – A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage (2021)
- 4) Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in January, 2024,
- 5) Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of Housing, Planning and Local Government in March, 2018,
- 6) Urban Development and Building Heights, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December, 2018
- 7) Design Manual for Urban Roads and Streets (DMURS) (2013)

- 8) The Planning System and Flood Risk Management Guidelines for Planning Authorities issued in November, 2009 (including the associated Technical Appendices),
- 9) The targets and objectives of the National Biodiversity Action Plan (NBPA) 2023-2030,
- 10)the Climate Action Plan 2024
- 11)the nature, scale and design of the proposed development
- 12)the availability in the area of a wide range of social, community, transport and water services infrastructure,
- 13)the pattern of existing and permitted development in the area,
- 14)the submissions and observations received in connection with the planning application and the appeal,

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

## 12.0 Conditions

1.	<p>The development shall be carried out in accordance with the plans and particulars lodged with the application on the 23<sup>rd</sup> May 2025 as amended by the documents/drawings received by the Planning Authority on the 16<sup>th</sup> October 2025 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity</p>
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2.	<p>a) Mitigation and monitoring measures outlined in the plans and particulars, including the Natura Impact Statement, Ecological Impact Assessment, Site-Specific Flood Risk Assessment and Construction Environmental Management Plan submitted with the application shall be carried out in full, except where otherwise required by conditions attached to this permission.</p> <p>b) 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 he/she considers that the continuation of the works is likely to result in a significant pollution or siltation incident. In the event of a water pollution incident, or of damage to the adjacent estuary, these reports will be made available to the relevant statutory authorities, and on-site works will cease until authorized 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.</p> <p><b>Reason:</b> In the interest of clarity and protecting the environment and public health.</p>
3.	<p>a) The final geometric layout and construction details (including landscaping) for the approach road to the west of St Patrick's Church shall be finalised in consultation with the Cork National Roads Office, Cork City Council and agreed in writing with, the planning authority prior to commencement of development.</p> <p>b) No construction of either the approach road or the proposed development will be permitted prior to the completion of the M28 motorway retaining structures to the west of St Patrick's Church (including the removal of any temporary noise barriers) without the prior agreement of the Cork National Roads Office and the planning authority.</p> <p>c) The final construction traffic management plan shall be prepared in consultation with the Cork National Roads Office, the appropriate Directorates in Cork City Council, and agreed in writing with, the planning</p>

	<p>authority prior to commencement of development. The plan shall include measures to ensure continued access to Transport Infrastructure Ireland's infrastructure to the northwest of the proposed development, phasing of works associated with the access road from Rochestown Road, details of construction traffic access routes, construction related parking, the location of the compound for the storage of plant and machinery, etc.</p> <p><b>Reason:</b> In the interest of orderly development and to support enhanced sustainable mobility and ensure the safe operation of the road network for all users.</p>
4.	<p>a) The proposed glazing in Block B shall be extended to a portion of the stairwell wall facing the west entrance to the corridor so that the visual connection is improved further and prior to the commencement of development revised plans and elevations showing this alteration shall be submitted to the Planning Authority for full written agreement.</p> <p>b) Before the occupation of any of the residential units the construction of the proposed pedestrian footpath connecting the development with Rochestown Road shall be completed.</p> <p>c) A footpath to the south of the proposed parking spaces located to the south of Block B shall be provided with detail to be agreed prior to commencement of work on site.</p> <p><b>Reason:</b> In the interest residential amenity and to ensure the safe operation of the road network for all users.</p>
5.	<p>Prior to the occupation of the dwelling units</p> <p>a) the developer shall ensure that all proposed noise abatement barriers and structures located on the western boundary of the site are fully completed and operational to the satisfaction of the Planning Authority in consultation with the NRO.</p> <p>b) Submit a follow up noise assessment of the development from all potentially significant noise sources at the proposed development site. The details and requirements of this noise assessment. together with</p>

	<p>any further remediation works, where necessary shall be agreed in writing with the Planning Authority.</p> <p>c) The future maintenance and management procedures for maintaining the effectiveness of the noise barrier shall be submitted for written agreement with the Planning Authority.</p> <p><b>Reason:</b> In order to ensure a satisfactory standard of development, in the interests of residential amenity.</p>
6.	<p>The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development. Prior to commencement of any development on the overall site, details of the first phase shall be submitted to, and agreed in writing with, the planning authority and shall ensure that the appropriate section of access road, footpath, lighting, open space, landscaping and infrastructural services benefitting the particular dwellings are fully completed prior to those dwellings being occupied.</p> <p><b>Reason:</b> To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings</p>
7.	<p>a) The landscaping scheme as submitted to the planning authority 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.</p> <p>b) All wildflower seeds used for the creation of any wildflower meadows shall be of native species, of local provenance and sourced within 50kms of the proposed site. The supplier must provide certification of provenance and species origin prior to sowing. No substitutions of species or origin are permitted without prior written approval from the local authority.</p>

	<p>c) Prior to the commencement of development, the applicant shall submit to the Planning Authority for full written agreement full details of the proposed Natural Play areas. The proposed play equipment shall conform to relevant European Standards and the management and maintenance of the play equipment shall be the sole responsibility of the appointed Management Company.</p> <p><b>Reason:</b> In the interest of visual and residential amenity, to ensure that non-native / invasive plant species are introduced and to ensure the provision of sustainable play areas.</p>
8.	<p>All of the permitted house and duplex units in the development, when completed, shall be first occupied as a place of residence by individual purchasers who are not a corporate entity and/ or by persons who are eligible for the occupation of social or affordable housing, including cost rental housing. Prior to commencement of development, the applicant, or any person with an interest in the land shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect. Such an agreement must specify the number and location of each house or duplex unit.</p> <p><b>Reason:</b> 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.</p>
9.	<p>Prior to commencement of development, proposals for a development name and numbering scheme, and associated signage shall be submitted to and agreed in writing with the planning authority. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme. No advertisements/ marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p><b>Reason:</b> In the interest of urban legibility and to ensure the use for new residential areas.</p>
10.	<p>Details of the materials, colours, and textures of all the external finishes to the proposed buildings and boundary treatments shall be as submitted with</p>

	<p>the application, unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
11.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, 0800 to 1400 hours on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
12.	<p>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. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of the agreed landscaping plans.</p> <p>b) The design of the lighting scheme shall be approved of by a suitably qualified bat specialist. The details of the lighting scheme, including written evidence indicating approval by the bat specialist, shall be submitted to and agreed in writing with the planning authority prior to commencement of development/ installation of lighting.</p> <p>c) The agreed lighting system shall be fully implemented and operational prior to the making available for occupation of any residential unit.</p> <p><b>Reason:</b> In the interests of amenity and public safety.</p>
13.	<p>Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.</p> <p><b>Reason:</b> In the interest of public health and to ensure adequate water/wastewater facilities.</p>
14.	<p>a) The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the</p>

	<p>commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p><b>Reason:</b> In the interest of public health and to ensure the appropriate disposal of foul and surface water</p>
15.	<p>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.</p> <p><b>Reason:</b> In the interests of visual and residential amenity</p>
16.	<p>Prior to commencement of development and/ or occupation of the residential units, as applicable, final Road Safety Audit(s) and/ or Quality Audit(s) of the development, including the main entrance, internal road, pedestrian/ cycle path layouts, shall be submitted to and agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interests of traffic, pedestrian and cyclist safety, and sustainable transport.</p>
17.	<p>a) The internal road network serving the proposed development, including carriageway widths, corner radii, turning bays, junctions, set down/ drop off area(s), parking areas, footpaths, kerbs, pedestrian crossings, raised tables, and cycle lanes shall be in accordance with the detailed construction standards of the planning authority for such works, and design standards outlined in the Design Manual for Urban Roads and Streets and the National Cycle Manual issued by the National Transport Authority. In default of agreement the matter(s) in dispute shall be referred to An Coimisiun Pleanála for determination.</p> <p>b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of all locations and materials to be used shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.</p>

	<p>c) Any works carried out on the public footpath, or the public road shall require a Road Opening Licence &amp; Hoarding Licence. These licences are available from the District Engineer. All works carried out on the public footpath, or the public road shall be agreed with the District Engineer prior to works being carried out.</p> <p>d) Any interference with or damage to the road or footpath in the area caused during the construction of the development shall be made good at the expense of the developer to the confirmed written satisfaction of the District Engineer, Cork City Council. Evidence of all agreements shall be submitted to the Planning Authority within 1 month of said agreement(s).</p> <p><b>Reason:</b> In the interest of traffic and pedestrian safety.</p>
18.	<p>a) All parking within the scheme shall be for the residents of the proposed development only and shall not be reserved for any individual or individual residential units and shall not be sold separately.</p> <p>b) No car parking associated with the proposed scheme shall utilise the Church Car park. The details for the management and monitoring of same shall be agreed in writing between the applicant and the Planning Authority prior to commencement of work on the site.</p> <p>c) A minimum of 20% of all car parking spaces shall be provided with functioning electric vehicle charging stations/ points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/ stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/ points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.</p> <p><b>Reason:</b> To provide for and/ or future proof the development such as would facilitate the use of electric vehicles.</p>
19.	<p>A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited</p>

	<p>to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.</p> <p><b>Reason:</b> In the interest of environmental protection residential amenities, public health and safety and environmental protection.</p>
20.	<p>A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.</p> <p><b>Reason:</b> In the interest of sustainable transport and safety.</p>
21.	<p>a) An Operational Waste Management Plan (OWMP) containing details for the management of waste within the development, the provision of facilities for the storage, separation, and collection of the waste and for the ongoing operation of these facilities, shall be submitted to and agreed in writing with the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed OWMP.</p> <p><b>Reason:</b> In the interest of residential amenity, and to ensure the provision of adequate refuse storage for the proposed development.</p>
22.	<p>Prior to the commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's 'Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects' (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p>

	<b>Reason:</b> In the interest of proper planning and sustainable development.
23.	<p>a) The management and maintenance of the development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being so taken in charge.</p> <p>b) The communal open spaces, hard and soft landscaping, car and cycle parking areas, access ways, refuse/ bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by the legally constituted management company.</p> <p>c) Details of the management company contract, and drawings/ particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.</p> <p><b>Reason:</b> In the interests of orderly development and to provide for the satisfactory future maintenance of this development.</p>
24.	<p>The development hereby permitted shall be carried out and completed at least to the construction standards set out in the Planning Authority's Taking in Charge Policy. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.</p> <p><b>Reason:</b> To ensure that the development is carried out and completed to an acceptable standard of construction.</p>
25.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and sections 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be</p>

	<p>referred by the planning authority or any other prospective party to the agreement to An Coimisiun Pleanála for determination.</p> <p><b>Reason:</b> 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.</p>
26.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority and/ or management company of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiun Pleanála for determination.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
27.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiun Pleanála to determine the proper application of the terms of the Scheme.</p>

	<p><b>Reason:</b> 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.</p>
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

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**Mary Crowley**

**Senior Planning Inspector**

**13<sup>th</sup> April 2026**

## Appendix 1 - Form 1 - EIA Pre-Screening

<b>Case Reference</b>	<b>PL-500529-25</b>
<b>Proposed Development Summary</b>	The demolition and removal of existing agricultural sheds/structures; The construction of 72 no. residential units and all associated development works. A Natura Impact Statement (NIS) was submitted with this application.
<b>Development Address</b>	Monfieldstown and, Mounthovel, (Townlands), Rochestown Cork
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input checked="" type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	

**3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?**

<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.  <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	<b>State the Class and state the relevant threshold</b>
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. <b>Preliminary examination required. (Form 2)</b> <b>OR</b> <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	Class 10(b)(i) 'Construction of more than 500 dwellings units  Class 10(b)(iv) 'urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere

**4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?**

Yes <input checked="" type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>
No <input type="checkbox"/>	

Inspector \_\_\_\_\_

Date \_\_\_\_\_

## Appendix 2 - Form 3 - EIA Screening Determination

A. CASE DETAILS	
<b>An Coimisiun Pleanála Case Reference</b>	PL-500529-25
<b>Development Summary</b>	<p>5) The demolition and removal of existing agricultural sheds/structures (716 sqm);</p> <p>6) The construction of 72 no. residential units comprising 10 no. 3-bed dwelling houses and 62 no. apartments (comprising 21 no. 1 bed units and 41 no. 2 bed units) in 2 no. blocks ranging in height from 4-5 storeys with solar panels at roof level;</p> <p>7) The provision of landscaping and amenity areas and all associated access, infrastructure and services including vehicular and pedestrian access to the Woodbrook Road/ Rochestown Road Roundabout; and</p> <p>8) All associated ancillary development works including vehicular and pedestrian access, car and bicycle parking, footpaths, lighting, drainage, plant (including 1 no. ESB substation and 1 no. water break tank room) bike and bin storage.</p> <p>A Natura Impact Statement (NIS) has been prepared and will be submitted to the planning authority with the application.</p> <p>The development is at Monfieldstown and, Mounthovel, (Townlands), Rochestown Cork.</p>
<b>Sub-threshold development class referred to under Schedule 5</b>	Class 10(b)(i) - 'Construction of more than 500 dwellings units' – <b>The proposal comprises 72 no</b>

<p><b>of Planning and Development Regulations 2001 (as amended) or Article 8 of Roads Regulations 1994:</b></p>	<p>residential units and falls well below the threshold of 500 dwellings</p> <p>Class 10(b)(iv) – “Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere –</p> <p><b>The site is not located in a business district and has a stated site area of a 1.35 ha (gross) and falls well below the area threshold for sites in built up areas.</b></p>	
	<p><b>Yes / No /</b> <b>N/A</b></p>	<p><b>Comment (if relevant)</b></p>
<p><b>1. Was a Screening Determination carried out by the PA?</b></p>	<p>Yes</p>	
<p><b>2. Has Schedule 7A information been submitted?</b></p>	<p>Yes</p>	
<p><b>3. Has an AA screening report or NIS been submitted?</b></p>	<p>Yes</p>	<p>NIS submitted with the application.</p>
<p><b>4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA</b></p>	<p>No</p>	

commented on the need for an EIAR?		
<p>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</p>	Yes	<p>I refer to the EIA Screening Statement submitted with the application. I also refer to the main environmental considerations addressed where relevant through the various reports and assessments submitted with the planning application which include inter alia. Please refer to Section 2.2 and 2.6 of the Inspector's Report for details. These include:</p> <ul style="list-style-type: none"> <li>- EIA Screening Report</li> <li>- Planning &amp; Design Statement</li> <li>- Infrastructure Report</li> <li>- Drainage Impact Assessment</li> <li>- Uisce Eireann Conformation of Feasibility</li> <li>- Traffic and Transport Assessment</li> <li>- Flood Risk Assessment</li> <li>- Construction Environmental Management Plan</li> <li>- Operational and Construction Resources Waste Management Plans</li> <li>- Mobility Management Plan</li> <li>- Landscape and Visual Impact Assessment</li> <li>- Landscape Design Statement</li> <li>- Natura Impact Assessment</li> <li>- Ecological Impact Assessment &amp; Ecology Report (Noise, Lighting &amp; Buffer Landscape)</li> <li>- Tree Survey / Tree Appraisal &amp; Arboricultural Assessment</li> </ul>

		<ul style="list-style-type: none"> <li>- Noise Impact Assessment &amp; Acoustic Design Statement &amp; Noise Barrier Details</li> <li>- Air Quality Assessment</li> <li>- Outdoor Lighting Report</li> <li>- Housing Quality Assessment</li> </ul>
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## B. EXAMINATION

Yes/ No/ Uncertain	<b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b>  <i>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</i>  <b>Mitigation measures</b> –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
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### 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	<p>The character of the area surrounding the subject site is primarily residential and agriculture. The lands bounding the site to the east consist of individual dwellings, whilst the lands to the south adjacent to the N40 lies the 'Wainsfort' Residential Estate.</p> <p>The nature and scale of the proposed development reflect the surrounding pattern of development and is not considered to be out of character with the existing and emerging surrounding pattern of development.</p>	No
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	No significant effects are predicted	
<b>1.2</b> Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?		
Yes	<p>The proposal will develop an existing greenfield site. The proposed development is not considered to be out of character with the existing and emerging surrounding pattern of development. New planting as part of the development together with the 13m riparian estuary buffer will result in long-term benefits to biodiversity. There will be no likely significant adverse effects on the environment with regard to the geographic location of densely populated areas.</p> <p>No significant effects are predicted.</p>	No
<b>1.3</b> 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	<p>Energy, including electricity and fuels, will be required during the construction phase. Construction materials will be typical of an urban environment and does not require the use of substantial natural resources or give rise to significant risk of pollution or nuisance. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded as significant.</p> <p>Water, consumption of electricity and energy related to the residential occupancy of the completed development will be required at the operational stage. The development will connect to existing</p>	No

	<p>services. The surface water drainage scheme includes SUDS features to reduce flows to the existing network.</p> <p>No significant effects are predicted</p>	
<p><b>1.4</b> Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>		
Yes	<p>Construction activities will require the use of potentially harmful materials, such as fuel and other substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature, and the implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p> <p>No significant effects are predicted</p>	No
<p><b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>		
Yes	<p>Residues and emissions from the demolition and construction phase of the development will be related to demolition and construction waste and emissions from construction plant. Construction activities will require the use of potentially harmful materials, such as fuels and other substances and will give rise to waste for disposal. Such use will be typical of construction sites.</p> <p>In addition, the implementation of a Resource and Waste Management Plan and Construction Environmental Management Plan will satisfactorily</p>	No

	<p>mitigate potential impacts. Operational waste will be managed via a Waste Management Plan.</p> <p>Operational emissions will be linked to air conditioning and heating systems and will fall within regulated standards for modern residential developments. Operational waste generated will be domestic waste from the residential units and will be managed via a Waste Management Plan. All domestic waste will be disposed of by a licensed waste contractor. Significant operational impacts are not anticipated.</p> <p>No significant effects are predicted</p>	
<p><b>1.6</b> Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>		
<p>No</p>	<p>The construction works are confined to an area of 1.35 ha and will be completed over an estimated 2-year period. A Construction Environmental, &amp; Waste Management Plan (CEMP) and a Construction Resource Waste Management Plan has been prepared and will be in place for the demolition and construction phase. A Construction Traffic Management Plan (CTMP) will also be put in place for the construction phase. No significant risk identified at the construction stage.</p> <p>The operational development will connect to mains services. Surface water will discharge to the local drainage network. The surface water drainage scheme includes SUDS features to reduce flows to</p>	<p>No</p>

	<p>the existing network. An Infrastructure Report has been prepared which provides details of the proposed water supply, surface and foul drainage schemes to service the development. No significant emissions during operation are anticipated. There is sufficient infrastructural capacity to service the development and there will be no significant adverse impact on the material assets and land.</p> <p>No significant effects are predicted</p>	
<p><b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>		
Yes	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised and short term in nature and their impacts will be suitably mitigated by the operation of a Construction Environmental Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p> <p>No significant effects are predicted</p>	o
<p><b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?</p>		
No	<p>A detailed Air Quality Impact Assessment was undertaken and considered both the construction and operational phases of the proposed development. With regard to the operational phase, the assessment confirms that traffic associated with the development</p>	No

	<p>would not give rise to a significant deterioration in local air quality.</p> <p>During the construction phase, the assessment identified that the principal potential air quality effects relate to temporary dust generation. A comprehensive suite of best-practice mitigation measures is set out in the report and will be implemented through a Construction Environmental Management Plan (CEMP), ensuring that construction-related dust and emissions remain controlled and compliant with relevant standards.</p> <p>As set out above construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the operation of a CEMP would satisfactorily address potential impacts on human health. No significant construction or operational impacts anticipated.</p> <p>No significant effects are predicted</p>	
<p><b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?</p>		
<p>No</p>	<p>No significant risk having regard to the nature and scale of the proposed development. Any risk arising from construction will be localised and temporary in nature. There are no SEVESO/COMAH sites in the vicinity of this location. The development, by virtue of its type and scale, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p> <p>No significant effects are predicted</p>	<p>No</p>

<b>1.10 Will the project affect the social environment (population, employment)</b>		
Yes	<p>The development of the site will increase employment in the area and the local population.</p> <p>This is not regarded as significant given the location of the site and the surrounding pattern of land use.</p> <p>The scheme will have a positive impact on the long-term supply needs of housing in the area.</p> <p>No significant effects are predicted</p>	No
<b>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</b>		
No	<p>The proposed development relates to a greenfield site. Permitted developments within the vicinity of the site have been subject to separate assessments.</p> <p>No significant cumulative impacts are anticipated.</p>	No
<b>2. Location of proposed development</b>		
<b>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</b>		
<ul style="list-style-type: none"> <li>▪ European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>▪ NHA/ pNHA</li> <li>▪ Designated Nature Reserve</li> <li>▪ Designated refuge for flora or fauna</li> </ul> <p>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</p>		

No	<p>The north of the site is bounded by the Cork Harbour Special Protection Area (SPA Code: 004030) and the Douglas River Estuary Proposed Natural Heritage Area (pNHA Code: 004046).</p> <p>The CEMP and NIS include measures to minimise any potential impacts including establishment of buffer zones. An arboricultural survey has also been prepared as part of the application material and trees will be retained where possible</p> <p>The NIS concluded that with the application of mitigation measures where relevant, no significant adverse effects arising from the proposed development are likely to occur in relation to any Natura 2000 site.</p> <p>The Air Quality Impact Assessment also examined potential impacts on sensitive ecological receptors, including Cork Harbour SPA and the Douglas River Estuary pNHA. The results concluded that predicted nitrogen deposition and acid deposition levels, including background concentrations, remain within critical load thresholds, with changes attributable to the development well below the 1% significance threshold. Accordingly, no significant adverse effects on designated ecological sites are predicted.</p> <p>I am satisfied that there is no potential for significant effects on the Cork Harbour Special Protection Area (SPA Code: 004030) or Douglas River Estuary Proposed Natural Heritage Area (pNHA Code: 004046) or any other environmental factor, or any</p>	No
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	<p>requirement, therefore, for environmental impact assessment.</p> <p>Impacts on European sites are addressed under Appropriate Assessment, in Section 8 and Appendix 3 and 4 of my report</p> <p>The EclA notes that the proposed application site will primarily impact features, of negligible to lower local ecological value overall, where the study site is dominated by heavily modified, artificial or disturbed habitats including recolonising bare ground, spoil / bare ground and associated scrub. Various biodiversity related mitigation measures, enhancement opportunities and supervision/monitoring items have been identified that will be implemented as part of the proposed project.</p> <p>No significant effects are predicted.</p>	
<p><b>2.2</b> Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>		
No	No such species use the site and no impacts on such species are anticipated	No
<p><b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>		
Yes	<p>No such features arise in this location.</p> <p>The site is not in proximity to landscapes of historical, cultural or archaeological significance.</p>	No

	<p>There are no protected structures or national monuments located on the subject site. The closest national monument is a bridge located 1 km away to the northeast. The proposed development will not have any impact on this bridge.</p> <p>In terms of views from a medium and long distance the proposed development will have a minor and negligible visual impact given the existing undulating ground levels, ridges, hillsides located in the immediate surrounding area it is noted. Long range distances also show that the proposed development will have a minimal visual impact for similar reasons. The change to the landscape as a result of the development is not significant as it is consistent with existing urban development.</p> <p>No significant effects are predicted.</p>	
<p><b>2.4</b> Are there any areas on / around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>		
No	No such features arise in this location.	No
<p><b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>		
No	<p>The proposed development site has no recorded flood event. The proposed development will not increase flood risk elsewhere in the local vicinity. The Flood Risk Assessment concluded that the proposed development is within Flood Zone C and is appropriate for this location when considered in</p>	No

	<p>terms of flood risk and therefore compliant with the guidelines (2009). The proposed floor level of the new building will be 5.0m O.D. and gives a freeboard of approximately 1.5m.</p> <p>No significant negative impacts have been identified on designated sites, habitats, flora or fauna as a result of the proposed development.</p> <p>No significant effects are predicted.</p>	
<b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?		
No	No such risks were identified.	No
<b>2.7</b> 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?		
No	<p>Adjacent to the site is the Bloomfield Interchange and N28 to Carrigaline/Ringaskiddy providing connections to the wider area. In 2018 An Bord Pleanála granted planning permission to Cork County Council for the M28 Cork to Ringaskiddy Motorway Scheme. Construction works has started for this development.</p> <p>The site is served by a local urban road network with wider access to the site is via the L6744 Local Road which abuts the R610 Rochestown Road connecting to Douglas Village and Cork City Centre via the N40. Vehicular access to the proposed development will be via an access to be constructed as part of the approved motorway scheme.</p>	No

	<p>No significant contribution to traffic congestion is anticipated.</p> <p>No significant effects are predicted</p>	
<p><b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p>		
No	<p>No such risks were identified.</p> <p>The proposed development will result in the construction of a residential development on lands zoned for ZO01 Sustainable Residential Neighbourhoods in the Cork City Council Development Plan 2022-2028. The completed development will provide for residential units and ancillary uses in an urban environment. The proposed use is compatible with the existing land use in the area and site zoning</p> <p>No significant effects are predicted</p>	No
<p><b>3. Any other factors that should be considered which could lead to environmental impacts</b></p>		
<p><b>3.1 Cumulative Effects:</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</p>		
No	<p>No developments have been identified in the vicinity that could give rise to significant cumulative environmental effects.</p>	No
<p><b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?</p>		
No	<p>No transboundary considerations arise.</p>	No

**3.3** Are there any other relevant considerations?

No		
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**C. CONCLUSION**

No real likelihood of significant effects on the environment.	<b>X</b>	EIAR Not Required
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Real likelihood of significant effects on the environment.		EIAR Required
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**D. MAIN REASONS AND CONSIDERATIONS**

Having regard to:

- 1) The criteria set out in Schedule 7, in particular
  - a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10 (b) (i) and (iv) of Schedule 5, Part 2 of the Planning and Development Regulations, 2001 (as amended),
  - b) the location of the site on lands that are zoned *ZO01 Sustainable Residential Neighbourhoods* in the Cork City Development Plan 2022 - 2028
  - c) the pattern of development on the lands in the surrounding area,
  - d) the availability of mains water and wastewater services to serve the development,
  - e) 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 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),
- 3) the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001 (as amended),

- 4) the results of other relevant assessments of the effects on the environment submitted by the applicant
- 5) the features and measures proposed by the applicant to avoid or prevent what might otherwise be significant effects on the environment,

The Commissioners' 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** \_\_\_\_\_

**Approved (DP/ADP)** \_\_\_\_\_

**Date** \_\_\_\_\_

## Appendix 3 – Appropriate Assessment Screening Determination

Screening for Appropriate Assessment	
Test for likely significant effects	
<p><b>Step 1: Description of the project and local site characteristics</b></p> <p><b>Case file: PL-500529-CC-25</b></p>	
<p><b>Brief description of project</b></p>	<p>The demolition and removal of existing agricultural sheds/structures; The construction of 72 no. residential units and all associated development works at Monfieldstown and, Mounthovel, (Townlands), Rochestown Cork</p> <p>A Natura Impact Statement (NIS) was submitted with this application.</p> <p>Third party appeal x 5</p>
<p><b>Brief description of development site characteristics and potential impact mechanisms</b></p>	<p>It is proposed to demolish the existing agricultural sheds/structures on site and construct 72 no. residential units and all associated development works on lands zoned ZO01 – Sustainable Residential Neighbourhoods.</p> <p>The c.1.35 ha site is relatively flat, with a low point on the northern boundary of approximately 4m OD. The site is dominated by recolonising bare ground, spoil/bare ground and associated scrub, with some former agricultural galvanised shed buildings also present.</p> <p>The primary development footprint will be set back a minimum of 13m from the estuary edge thereby avoiding any direct impacts on associated estuary habitats (e.g. salt marsh &amp; mud shore). The 13m estuary buffer set back equates to the riparian zone/corridor and will include</p>

	<p>landscaping and installation of an above ground conveyance swale system and a free discharge point (comprising of a cobble erosion cascade) as part of the surface-water drainage network, but these will occur within the terrestrial habitats of the 13m estuary buffer (see Proposed Suds Layout drawing 7158-0021 &amp; Typical Suds Details drawing 7158-0022 accompanying the planning application).</p> <p>A detailed description of the proposed development is provided in Section 2.0 of the Inspectors report and detailed specifications of the proposal are provided in the NIS and other planning documents provided by the applicant.</p> <p>The northern area of the site partly overlaps with a section of Cork Harbour SPA associated with Douglas River Estuary/Lough Mahon transitional waterbody and Douglas River Estuary pNHA, while the Great Island SAC is the next closest Natura 2000 c. 5.2km to the east. The habitats present at the SPA overlap have been historically modified (recolonising bare ground &amp; scrub) and do not conform to qualifying interest wetland habitats of the SPA.</p> <p>There were no Qualifying Habitats or Annex I habitats identified on the site. No rare or protected species were recorded on the site at the time of surveying. There was no evidence of Otters or Badgers on the site at the time of surveying.</p> <p>There are no watercourses or other overground active water features (e.g. drain) at the site linking</p>
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	<p>into the surrounding area, including Douglas River Estuary/Lough Mahon transitional waterbody and associated SPA/pNHA.</p> <p>A site-specific flood risk assessment has been completed for the proposed development. The site does not have a known history of flooding and is at low probability of flooding. Furthermore, the proposed development will not increase flood risk elsewhere in the locality.</p>
<b>Screening report</b>	No
<b>Natura Impact Statement</b>	Yes - Given the overlap of the study site with a section of Cork Harbour SPA, along with a proposed drainage connection into the SPA, a Stage 2 NIS in support of the Appropriate Assessment process was deemed appropriate by the applicant.
<b>Relevant submissions</b>	<p><b>CCC Biodiversity</b> – In their first report noted that in the EclA, a comprehensive winter bird surveys had been conducted, however further investigations need to prove that this proposed development as well in combination with other developments such as the realignment of the M28 motorway will not have a significant impact on both the Douglas River Estuary pNHA (1046) and Cork Harbour SPA (004030) and the qualifying interest waterbirds. Further information was sought in this regard.</p> <p>In their second report and having considered the FI submitted recommended the granting of planning permission subject to planning conditions as set out in their report. Condition No 34, 35, 36, 37 and 38 of the notification of decision</p>

	to grant permission issued by CCC refer. Please refer to Section 3.1 of this report above for summary of conditions and Section 3.2 for summary of Biodiversity report (x2).
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**Step 2. Identification of relevant European sites using the Source-pathway-receptor model**

One European site is identified as being located within a potential zone of influence of the proposed development as detailed in the table below, namely the Cork Harbour SPA. While this SPA overlaps with Great Island Channel SAC, no other designated sites are considered relevant here due to a lack of hydrological link given their locations that are either (i) not downstream of the surface-water discharge point (including Great Island Channel SAC) or (ii) are located within the wider estuary/harbour area where there is a very significant water throughput associated with the tidal regime as influenced by the Celtic Sea. Therefore, I have only included the single site below, with any possible ecological connection or pathway in this screening determination.

European Site (code)	Qualifying interests (summary) Link to conservation objectives (NPWS, date)	Distance from proposed development	Ecological connections	Consider further in screening Y/N
<b>Cork Harbour SPA</b> (Site Code No 004030)	<u>Species</u> <ul style="list-style-type: none"> <li>▪ Little Grebe</li> <li>▪ Great Crested Grebe</li> <li>▪ Cormorant</li> <li>▪ Grey Heron</li> <li>▪ Shelduck</li> </ul>	<u>Site Boundary:</u> Over-land: 0.0km (overlap)	<b>Hydrological Connection</b> – impact on water quality from construction and / or operation of	Yes

	<ul style="list-style-type: none"> <li>▪ Wigeon</li> <li>▪ Teal</li> <li>▪ Pintail</li> <li>▪ Shoveler</li> <li>▪ Red-breasted Merganser</li> <li>▪ Oystercatcher</li> <li>▪ Golden Plover</li> <li>▪ Grey Plover</li> <li>▪ Lapwing</li> <li>▪ Dunlin</li> <li>▪ Black-tailed Godwit</li> <li>▪ Bar-tailed Godwit</li> <li>▪ Curlew</li> <li>▪ Redshank</li> </ul> <p><u>Habitat</u></p> <ul style="list-style-type: none"> <li>▪ Wetlands</li> </ul> <p>(NPWS 16<sup>th</sup> December 2014)</p> <p><a href="https://www.npws.ie/protected-sites/spa/004030">https://www.npws.ie/protected-sites/spa/004030</a></p>	<p><u>Discharge</u></p> <p><u>Points:</u></p> <p>Surface-water: c.0.0km (surface-water outfall)</p> <p>Waste-water: &gt;4.0km (WWTP outfall)</p>	<p>the proposed development.</p> <p><b>Atmospheric Connection</b> – impact from noise disturbance, visual disturbance and light pollution from the construction and / or operation of the proposed development</p> <p><b>Ornithological Connection</b> – impact from the loss of ex situ foraging habitat as a result of the proposed works.</p>	
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**Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites**

There will be no direct impacts as the primary development footprint will be set back a minimum of 13m from the estuary edge thereby avoiding any direct impacts on associated estuary habitats (e.g. salt marsh & mud shore).

However, there may be indirect impacts from hydrological, atmospheric or ornithological connection to this SPA during the construction and operation phase by way of impact to water quality (siltation and pollution), noise impact, visual disturbance, light pollution and loss of ex situ foraging area for wintering birds. Therefore, impacts generated by the construction and operation of the development require further consideration. Sources of impact and likely significant effects are detailed in the Table below.

### Screening Matrix

Site Name	Possibility of significant effects (alone) in view of the conservation objectives of the site	
	Impacts	Effects
<b>Cork Harbour SPA</b> <b>(Site Code No 004030)</b>	<p><b>Water Quality</b> - Discharge / run off of surface waters containing sediment, silt, oils and / or other pollutants during the construction and operational phases. Construction related compounds including hydrocarbons and an increased risk of release of contaminants during the construction phase.</p> <p>Nutrient release through wastewater discharge during the operational phase.</p>	<p>Decline in water quality by way of emissions to surface water and wastewater discharge has the potential to affect the supporting habitat of QI species associated with the Cork Harbour SPA.</p> <p>Noise disturbance, visual disturbance and light pollution associated with the construction and operational phase of development while generated outside the SPA site could potentially disrupt QIs within the designated site.</p>

	<p><b>Disturbance</b> – Noise disturbance, visual disturbance and light pollution at the construction and operational phase of development.</p> <p><b>Habitat Loss</b> - Loss of ex situ winter feeding habitat for QIs species (wetland birds) of the nearby Cork Harbour SPA</p>	<p>While outside of the SPA, the development site could reduce the available ex-situ foraging habitat for various QIs species listed for the Cork Harbour SPA.</p>
	<p>Likelihood of significant effects from proposed development (alone): <b>Yes- Consequently, the potential for indirect impacts on the Annex species associated with the SPA requires further assessment.</b></p>	
	<p>If no, is there likelihood of significant effects occurring in combination with other plans or projects?</p>	

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

Based on the information provided, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result significant effects on the Cork Harbour SPA (Site Code No 004030).

I concur with the applicants' findings that such impacts could be significant in terms of the stated conservation objectives of the SPA when considered on their own and

in combination with other projects and plans in relation to pollution related pressures and disturbance on qualifying interest habitats and species.

### **Screening Determination**

#### **Finding of likely significant effects**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the Cork Harbour SPA (Site Code No 004030) in view of the conservation objectives of a number of qualifying interest features of those sites.

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

## Appendix 4 – Appropriate Assessment

### Appropriate Assessment

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

Taking account of the preceding screening determination, the following is an Appropriate Assessment of the implications of the proposed development of the demolition and removal of existing agricultural sheds/structures; the construction of 72 no. residential units and all associated development works in view of the relevant conservation objectives of Cork Harbour SPA (Site Code No 004030) based on scientific information provided by the applicant.

The information relied upon includes the following as submitted with the application and by way of Further Information:

- Natura Impact Statement
- Ecological Impact Assessment (Noise, Lighting & Buffer Landscape)
- EIA Screening Statement
- Infrastructure Report
- Construction Environmental Management Plan
- Operational and Construction Resources Waste Management Plans
- Drainage Impact Assessment
- Flood Risk Assessment
- Inward Noise Impact Assessment & Acoustic Design Statement
- Air Quality Assessment
- Outdoor Lighting Report
- Landscape & Visual Impact Assessment

- Uisce Eireann – Confirmation of Feasibility with water connection subject to upgrades. Wastewater connection is feasible without infrastructure upgrade.

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**

### **Cork City Council Biodiversity Report**

In their first report noted that in the EclA, a comprehensive winter bird surveys had been conducted, however further investigations need to prove that this proposed development as well in combination with other developments such as the realignment of the M28 motorway will not have a significant impact on both the Douglas River Estuary pNHA (1046) and Cork Harbour SPA (004030) and the qualifying interest waterbirds. Further information was sought in this regard.

In their second report and having considered the FI submitted recommended the granting of planning permission subject to planning conditions as set out in their report. Condition No 34, 35, 36, 37 and 38 of the notification of decision to grant permission issued by CCC refer. Please refer to Section 3.1 of this report above for summary of conditions and Section 3.2 for summary of Biodiversity report (x2).

## **European Sites**

**Cork Harbour SPA (Site Code No 004030)**

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

- Water quality degradation (construction and operation)
- Construction & Operational Disturbance (noise, visual and light)
- Loss of ex situ winter feeding area for QIs

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (summary inserted)	Potential adverse effects
Little Grebe Great Crested Grebe Cormorant Grey Heron Pintail Shoveler Red-breasted Merganser Black-headed Gull Common Gull Lesser Black-backed Gull Common Tern	Maintain favourable conservation condition which is defined by the following attributes and targets:  <i>Population Trend - Long term population trend stable or increasing</i>  <i>Distribution - No significant decrease in the range, timing or intensity of use of areas by the QI, other than that occurring from natural patterns of variation</i>  <i>Common Tern - Foraging range: max. 37km, mean max. 33.81km, mean 8.67km.</i>	Water quality degradation and / or alteration of habitat quality by reason of construction and / or operational impacts  Noise disturbance, visual disturbance and light pollution impacts associated with the construction and operational phase of development.  Habitat modification, disturbance and ex-situ factors resulting in the displacement of these species from areas within the SPA and ex situ winter feeding sites and / or a reduction in their numbers.
Shelduck Wigeon Teal Oystercatcher Golden Plover Grey Plover Lapwing Dunlin Black-tailed Godwit	Maintain favourable conservation condition which is defined by the following attributes and targets:  <i>Population Trend - Long term population trend stable or increasing</i>	Water quality degradation and / or alteration of habitat quality by reason of construction and / or operational impacts  Noise disturbance, visual disturbance and light pollution impacts associated with the construction and operational phase of development.

<p>Bar-tailed Godwit Curlew Redshank Greenshank</p>	<p><i>Distribution - No significant decrease in the range, timing or intensity of use of areas by the QI, other than that occurring from natural patterns of variation</i></p>	<p>Habitat modification, disturbance and ex-situ factors resulting in the displacement of these species from areas within the SPA and ex situ winter feeding sites and / or a reduction in their numbers</p>
<p>Wetlands</p>	<p>To maintain the favourable conservation condition of the wetland habitat in Cork Harbour SPA as a resource for the regularly-occurring migratory waterbirds that utilise it. This is defined by the following attribute and target:</p> <p><i>Habitat Area - The permanent area occupied by the wetland habitat should be stable and not significantly less than the area of 2,587 hectares, other than that occurring from natural patterns of variation</i></p>	<p>Water quality degradation and / or alteration of habitat quality by reason of construction and / or operational impacts</p> <p>Noise disturbance, visual disturbance and light pollution impacts associated with the construction and operational phase of development.</p> <p>Habitat modification, disturbance and ex-situ factors resulting in the displacement of these species from areas within the SPA and ex situ winter feeding sites and / or a reduction in their numbers</p>

### Mitigation Measures

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.

The focus of mitigation measures proposed are at preventing ingress of pollutants and silt into surface water and receiving watercourses. This is to be achieved via design (avoidance), supervision by an Ecologist, application of specific mitigation measures and monitoring effectiveness of measures. Measures include (as set out in the NIS, EclA et al):

- Silt traps such as a combination of an earthen berm, silt-fencing and associated interception trenches will be installed along the extent of the

northern boundary of the Site, such that no contaminated surface water run-off can leave the Site and make its way to the adjoining watercourse.

- Settlement ponds will be lined with cohesive material, with the addition of an engineered liner where a sealed drainage system is in use, and outlet by infiltration will not be permitted in order to protect the receiving groundwater at the Site.
- Under no circumstances will wastewater from equipment, wheel or surface cleaning be allowed to discharge into any drainage ditches, the ground or downslope to the adjoining watercourse.
- Debris and sediment captured by vehicle wheel washes will be collected and disposed of off-Site at a licensed facility.
- A Site Environment Plan (SEP) identifying fuel storage and refuelling locations will be developed and this plan will also identify the spill kit locations. Spill response kits will be required for each piece of heavy equipment (i.e. Excavators, Loaders, Trucks) which will be at least 21 litre drum size each with spill pads, sorbent, small boom, plastic garbage bag and gloves.
- Silt traps will be installed on surface water drains during the site development works.
- Diesel tanks, used to store fuel for the various items of machinery, will be self-contained and double-walled.
- Refuelling will be carried out from these tanks or from delivery vehicles and will not be left unattended.
- Fuels, lubricants and hydraulic fluids for equipment used on the construction site will be carefully handled to avoid spillage, properly secured against unauthorised access or vandalism, and provided with spill containment according to best codes of practice - (Enterprise Ireland BPGCS00S).
- Any spillage of fuels, lubricants or hydraulic oils will be immediately contained and the contaminated soil removed from the site and properly disposed of.
- Waste oils and hydraulic fluids will be collected in leak-proof containers and removed from the site for disposal or re-cycling.

- The development's road network will be finished with tarmac or asphalt surface which will discharge runoff to a piped drainage system.
- Proven engineering practice will apply during the hydraulic design process.
- Surface water drains will be installed in roads and streets and in pre-determined wayleaves adjacent to building structures.
- Spillage and leaks of oil from cars parked in the development during the operational phase is unavoidable. To reduce the potential impacts, oil interceptors will be incorporated into the site drainage design
- The proposed new surface-water drainage strategy will include dedicated SuDs/NBS features upstream of the proposed discharge point, including a series of above ground infiltration, conveyance and detention systems, as well as a full retention hydrocarbon interceptor with silt storage capacity.
- Management of construction pollutants in terms of standard and best practice (CIRIA, storage, fuelling, management of machinery, concrete management) and IFI guidance.
- A suitably qualified/experienced Ecologist will be engaged in the role of Ecological Clerk of Works (ECoW) as part of compliance for the construction phase ecology mitigation measures outlined, engaging with relevant experts/team-members as appropriate.
- Where a fauna species is otherwise found actively using the development footprint for breeding/resting during site clearance/construction phase, relevant works will cease immediately, and the area will be cordoned off until advice is sought from a suitably qualified/experienced Ecologist.
- Given the national and international importance of the adjoining designated SPA/pNHA estuary for wintering waterbirds, dedicated monitoring will be undertaken of the wintering waterbirds by a suitably qualified/experienced Ecologist as follows:
  - Repeat Look-see count surveys for HW & LW tidal periods (at a minimum) for each winter season of the construction phase and for three years post construction/operational phase with data to be shared with NPWS.
  - The construction/operational phase external lighting scheme will be designed to omit lighting along the estuary buffer area and minimise light

spillage nuisance on retained/new planted areas and elsewhere at the wider area including the lagoons to the west.

- The finalising of the external lighting scheme design will be reviewed by an Ecologist/Bat Specialist prior to installation and altered accordingly under their advice as needed.
- Construction operations during the hours of darkness will be kept to a minimum; this will minimise disturbance to species that are roosting/resting or active at night
- The construction of the proposed development will be implemented in accordance with best practice water quality environmental controls (e.g. CIRIA 2015 & 2001) through the implementation of a Construction Environmental Management Plan (CEMP),

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

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to the qualifying interests of the Cork Harbour SPA (Site Code No 004030) and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Mitigation measures are captured in Planning condition 2 of the recommended conditions as set out in Section 12.0 Conditions of this report above.

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

There are three distinct potential adverse impacts on the Cork Harbour SPA associated with this development, namely (1) water quality degradation (construction and operation), (2) Construction & Operational Disturbance (noise, visual and light) and (3) potential loss of ex situ winter feeding area for QIs. These are discussed separately below.

### **1) Water quality degradation (construction and operation)**

- Construction stage waste-water/foul effluent will initially be managed and controlled at the temporary site compound through the use of portaloos and welfare units with storage tanks, where sanitary waste will be removed from site via a licenced waste disposal operator. In this instance, there is no impact-receptor pathway between construction stage waste-water and any Natura 2000 site.
- Operational wastewater/foul effluent arising from the proposed development will be collected by a new foul sewer network at site that will be directed into the existing public foul sewer network for treatment at Cork City WWTP. Cork City WWTP ultimately discharges into Cork Harbour at Lough Mahon transitional waterbody, where sections of Cork Harbour SPA are present >4km downstream of the WWTP discharge point. There is an operational foul effluent/waste-water hydrological link with the proposed development via Cork WWTP. Even though Cork City WWTP was most recently non-compliant in relation to Total Nitrogen, ambient monitoring of transitional and coastal receiving waters indicates that discharge from the WWTP does not have an observable negative impact on the WFD (Water Framework Directive) status of the receiving waters (Uisce Eireann 2024). Furthermore, the WWTP has significant capacity to accept the additional organic loading of c. 216 PE from the proposed development. Taking the above into consideration, no significant adverse effects regarding indirect habitat loss or deterioration of Cork Harbour SPA are deemed likely here in relation to operational phase wastewater / foul effluent via WWTP discharge associated with the proposed development. Therefore, no mitigation measures are

required in relation to wastewater/foul effluent associated with the proposed development.

## **2) Construction & Operational Disturbance (noise, visual and light)**

The northern area of the application site adjoins a section of Cork Harbour SPA. The conservation interests of Cork Harbour SPA include mobile waterbird species that could suffer disturbance/displacement impacts through noise, visual and/or light disturbance arising from the proposed development.

Noise - The existing environment is highly disturbed, especially in relation to the South Ring Road dual carriageway and associated Bloomfield Interchange that are present to the north, west and south of the application site resulting in significant anthropogenic disturbance activities with associated noise and visual cues on an on-going basis. Such levels of noise can fall into the moderate disturbance stimuli for waterbirds. Although, it is also acknowledged that the disturbance effects can be low where such noise levels are regular within a highly disturbed setting, such as an adjacent road, where the birds habituate to the noise levels in question. Noise levels associated with the residential development here will be far greater during construction than operational phase. Noise levels associated with the operational development would be well below noise levels from the nearby road. The noise emission levels from the proposed development construction noise activities together with the new M28 motorway are not expected to have a significant impact on the qualifying interest waterbirds of Cork Harbour SPA (004030). In relation to the two off-site lagoons located from c. 50m to the west, the waterbird surveys found that these were sporadically used with very small numbers of species and associated abundance in comparison to the off-site estuary area. There is also the context that these lagoons are much closer to the South Ring Road/Bloomfield Interchange and thereby subject to the associated existing and ongoing noise disturbance. During the operational phase, a 3m high noise barrier extension wall is proposed along the western boundary that will assist with continued screening between the application site and the lagoons at ground level, while also reducing

noise cues from the operational development on waterbirds using the lagoons. Taking the above into consideration, no significant adverse effects are considered likely in relation to disturbance/displacement impacts on Cork Harbour SPA qualifying interest wintering waterbirds through noise associated with the proposed development.

Visual – The primary development footprint will be set back a minimum of 13m from the estuary edge, which will assist with reducing visual stimuli on waterbirds using the estuary/SPA to some degree given that distance is a factor in visual disturbance/displacement responses by waterbirds (see IECS 2013). However, the application site nonetheless overlooks the estuary/SPA area such that activities at site could result in disturbance/displacement effects on SPA wintering waterbirds via visual cues. To reduce visual disturbance/displacement impacts on wintering waterbirds using the estuary/SPA and lagoons, including qualifying interest species of Cork Harbour SPA, the following measures are thereby recommended or considered relevant:

- Install solid fencing/hoarding along the northern estuary boundary and western boundary prior to the commencement of construction work/activities, which will be kept in place throughout the construction phase.
- Implement the 13m estuary buffer, where the primary development footprint will be set back a minimum of 13m from the estuary edge.
- Implement landscape planting within the 13m estuary set back buffer in line with the proposed Landscape Masterplan)
  - The finalising of construction/operational phase planting to be undertaken under the advice/supervision of an Ecologist in discussion with the appointed Landscape Architect to ensure that the estuary/SPA/pNHA area is adequately screened from the operational site, where adequate screening will be in place from the beginning of the operational phase.
  - Post planting maintenance of the 13m buffer to also be implemented in line with best practice to ensure that all planting successfully and sustainably establishes. Proposed planting will predominantly

comprise of native and/or non-native pollinator friendly tree/shrub species in line with All Ireland Pollinator Plan recommendations.

- Install the proposed timber mesh fencing at the 13m estuary buffer (running east-west), which will restrict access by people into the estuary buffer.
- Implement the proposed 3m high noise barrier extension wall proposed along the western boundary in line with CLV Consulting (2025).

Taking the above into consideration, no significant adverse effects are considered likely in relation to disturbance/displacement impacts on Cork Harbour SPA qualifying interest wintering waterbirds through visual stimuli associated with the proposed development.

Light - During the construction phase, external based construction works will largely occur during daylight hours. Where some construction works occur during the hours of darkness, such scenarios will be limited up to 6pm during the winter period where artificial lighting will only be directed towards the external works area within the site, with no artificial lighting of or spillage into the adjoining estuary/SPA area. External lighting will not incur any spillage over the SPA/Estuary area. It is also confirmed that internal/indoor operational lighting at the proposed development will not spill onto the estuary/SPA area, especially given the 13m minimum buffer that is present between the nearest residential units and the estuary. Taking the above into consideration, no significant adverse effects are considered likely in relation to disturbance/displacement impacts on Cork Harbour SPA qualifying interests through artificial light spillage associated with the proposed development.

### **3) Loss of ex situ winter feeding area for QIs**

Given the presence of Cork Harbour SPA at the northern boundary of the site, a series of Look-see count surveys were undertaken to assess waterbird usage at/near the site. The 2024/25 winter season was fully surveyed (monthly from October to March inclusive), while surveys in February & March of 2024 represented the tail end of the 2023/24 winter season when wintering waterbird activity typically reduces (numbers and species) with the onset of the breeding

season. It was found that the site is not used by wintering waterbirds, which it is stated is not surprising given the lack of suitable habitat features present for such species.

Most waterbird activity (species/numbers) occurs within the estuary >100m away from the site or involves birds flying/commuting over the estuary, followed by the 25-100m distance and with very little to no activity within 25m. This pattern repeated across the two tidal times and dawn/dusk periods surveyed. Most of the waterbird species noted are qualifying interest species of Cork Harbour SPA, with some Annex I listed species also involved.

In this case, the application site does not support ex-situ/in-situ foraging, roosting or nesting habitats of significance for such waterbird species, being dominated by recolonising bare ground, spoil/bare ground and associated scrub. In relation to wintering qualifying interest species, this has been demonstrated by the lack of wintering waterbird activity noted within the site during winter field assessments (as outlined in Section 3.3.1 of the NIS). In relation to Common Tern *Sterna Hirundo*, the only breeding bird species that is listed as a qualifying interest of Cork Harbour SPA (see Table 3.1), none of its nesting locations are at or in close proximity to the study site here being >6km to the east/southeast.

Taking the above into consideration, no significant adverse effects are considered likely in relation to disturbance/displacement impacts on Cork Harbour SPA qualifying interest wintering waterbirds through any loss of ex situ winter feeding areas associated with the proposed development.

### **In-Combination Effects**

Potential cumulative effects could include surface-water and foul effluent inputs, where qualifying interests associated with the Natura 2000 site in question here

could be subject to cumulative impact through hydrological or water quality impacts such as increased siltation, nutrient release and contaminated run-off arising from other developments. In this case, potential cumulative effects could also include disturbance/displacement impacts on qualifying interest waterbirds of Cork Harbour SPA through visual cues arising from other developments.

Surface-Water - The proposed surface-water drainage strategy incorporates surface water management and SuDs/NBS in accordance with proper planning/development guidelines such as the Cork City Development Plan and the Greater Dublin Strategic Drainage Study. The NIS noted that developments are required to adhere to relevant standard environmental practice regarding soil/water management, as per current Cork City planning policies where applicable.

Foul Effluent - While Cork City WWTP is currently non-compliant in relation to Total Nitrogen, ambient monitoring of transitional and coastal receiving waters indicates that discharge from the WWTP does not have an observable negative impact on the WFD status of the receiving waters (Uisce Eireann 2024). The NIS states that a review of the Uisce Eireann Capacity Register (Published August 2025) at the time of writing this report indicated “spare capacity available” in the wastewater treatment capacity Cork Lower Harbour WWTP.

Disturbance/Displacement-Visual Cues - The wider setting is already highly disturbed with traffic associated with the South Ring Road/Bloomfield Interchange visible to the estuary area and lagoons on an on-going basis. There is also the context that the construction timeline for the proposed development is anticipated to be of short-term duration, taking up to 22 months.

It is also noted that an SEA has been undertaken as part of the Cork City Development Plan 2022 – 2028.

It is acknowledged that other developments have a potential cumulative impact on the surface water drainage network. However, as there are no pathways connecting the project site to surrounding Natura 2000 sites and as the project will not result in significant negative impacts it will not have the potential to combine with other projects in the surrounding area to result in cumulative significant effects to the local environment or Natura 2000 sites occurring in the wider surrounding area.

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

### **Findings and Conclusions**

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

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the Appropriate Assessment. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent likely significant effects on water quality and disturbance by reason of noise disturbance and light pollution at the construction and operational phase of development. Monitoring measures are also proposed to ensure compliance and effective management of measures.

I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented. The proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

**Reasonable Scientific Doubt**

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

**Site Integrity**

The proposed development will not affect the attainment of the Conservation objectives of the Cork Harbour SPA (Site Code No 004030). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

**Appropriate Assessment Conclusion: Integrity Test**

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Cork Harbour SPA (Site Code No 004030) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U/ 177AE was required.

Following an examination, analysis and evaluation of the NIS, all associated material submitted, I consider that adverse effects on site integrity of the Cork Harbour SPA (Site Code No 004030) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed including supervision and monitoring and integration into CEMP ensuring smooth transition of obligations to eventual contractor.
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the attainment of conservation objectives for the Cork Harbour SPA (Site Code No 004030).

## Appendix 5 - Water Framework Directive Impact Assessment

<b>Stage 1 Screening</b>			
<b>Step 1: Nature of the Project, the Site and Locality</b>			
<b>ABP Ref.</b>	PL500529-CC-25	<b>Townland, address</b>	Monfieldstown and, Mounthovel, (Townlands), Rochestown Cork
<b>Description of project</b>		<p>The demolition and removal of existing agricultural sheds/structures; The construction of 72 no. residential units and all associated development works.</p> <p>A Natura Impact Statement (NIS) was submitted with this application.</p>	
<b>Brief site description, relevant to WFD Screening</b>		<p>The site is located to the north-east of the N28 Carr's Hill national road. The subject site is bordered to the north by the Douglas River estuary and to the east by residential properties. The site is approximately 1.5km to Douglas Village and is accessed via the R610 regional road. The subject site is covered in dense vegetation which has since been cleared. There is a very gentle incline from South to North direction to a low point on the Northern boundary which is approximately 4.00m OD. The land is currently zoned Sustainable Residential Neighbourhoods in the Current Development Plan.</p> <p>I refer to the NIS where it states that the site is located within the Lee, Cork Harbour and Youghal Bay River Catchment (Glasheen Cork City sub-catchment), Hydrometric Area 19 and in the</p>	

	<p>Southwestern River Basin District. There are no watercourses or other overground active water features (e.g. drain) at the application site linking into the surrounding area, including Douglas River Estuary/Lough Mahon transitional waterbody. Under the Water Framework Directive (WFD) water quality status and risk assessments, Lough Mahon transitional waterbody is of moderate status and at risk of deteriorating or being at less than Good status in the future.</p> <p>The NIS further states that while Cork City WWTP is currently non-compliant in relation to Total Nitrogen, ambient monitoring of transitional and coastal receiving waters indicates that discharge from the WWTP does not have an observable negative impact on the WFD status of the receiving waters (Uisce Eireann 2024).</p>
<p><b>Proposed surface water details</b></p>	<p>The proposed storm water drainage system has been designed to cater for all surface water runoff from all hard surfaces within the proposed development including roadways, roofs, parking areas etc. The completed development site is a mix of soft landscaping and hard paving or roofing. The existing topography is a single catchment. There will be one no. surface water discharge points to service the developed site and it will discharge to the adjoining Douglas River Estuary. The discharge pipe will be above the high water mark and will not be subject to tide locking.</p> <p>The proposed surface water drainage network will collect surface water runoff from the site via a piped network prior to discharging off site via the infiltration/detention systems, and separator arrangement as noted above.</p> <p>Surface water runoff from the site's road network will be directed to the proposed pipe network and infiltration/detentions systems via conventional road gullies with additional surface water runoff from roofs also routed to the proposed surface water network.</p>

	<p>In order to reduce the effects of the surface runoff on the local environment and to enhance the biodiversity, a Stormwater Management Plan has been applied to surface water discharges into the Estuary. The Stormwater Management Plan will:</p> <ul style="list-style-type: none"> <li>- manage surface water runoff close to source,</li> <li>- treat surface water runoff on the surface</li> <li>- treat surface water runoff for a range of contaminants</li> <li>- minimise risk of sediment remobilisation and</li> <li>- minimise impacts from accidental spills</li> </ul>
<p><b>Proposed water supply source &amp; available capacity</b></p>	<p>Uisce Eireann mains water connection. It is proposed to provide a new 100mm (internal diameter) HDPE connection to the public watermain with associated valves and metering requirements. Internally within the development it is proposed to have a 100mm 0 branches and loops with associated hydrants, valves and metering requirements. All works will be in accordance with Uisce Eireann Code of Practice for Water Supply &amp; the Water Infrastructure Standard Details Document Number: IW-CDS-5020. No capacity issues identified.</p>
<p><b>Proposed wastewater treatment system &amp; available capacity</b></p>	<p>Uisce Eireann Wastewater connection. Tramore Valley sewer, which is 1.8m diameter and is circa 8m deep, crosses the front entrance of the site. Subject to detailed design Uisce Eireann are agreeable to the formation of a new manhole adjoining the sewer and a connection into the crown of the pipe. All works will be in accordance with Uisce Eireann Code of Practice for Wastewater Supply &amp; the Wastewater Infrastructure Standard Details Document Number: IW-CDS-5030-01. No capacity issues identified.</p>
<p><b>Other</b></p>	<p>N/A</p>

<b>Step 2: Identification of relevant water bodies and Step 3: S-P-R connection</b>						
<b>Identified Waterbody</b>	<b>Distance to (m)</b>	<b>Waterbody name(s) (code)</b>	<b>WFD Status 2019 - 2024</b>	<b>Risk of not achieving WFD Objective 2016 - 2021</b>	<b>Identified pressures on the waterbody</b>	<b>Pathway linkage to water feature</b>
<b>River Waterbody</b>	c200m	Moneygurney_010 IE_SW_19M300900	Poor	Review	Non identified	Surface water run off
<b>Groundwater Waterbody</b>	Underlying site	Ballinhassig East IE_SW_G_004	Good	Not at risk	Non identified	Drainage to groundwater
<b>Transitional Waterbody</b>	Adjoining site to the north	Lough Mahon IE_SW_060_0750	Moderate	At risk	Urban waste water	Surface water run off and wastewater
<b>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.</b>						
<b>CONSTRUCTION PHASE</b>						

No.	Component	Waterbody receptor	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure	Residual Risk (yes/no) Detail	Determination to proceed to Stage 2. Is there a risk to the water environment?
1.	Demolition / site clearance / construction	Moneygurney_010	None	<p>Deterioration of surface water quality from pollution of surface water run-off during site preparation and construction</p> <p>Increased sediment loading in the surface water runoff from the site</p> <p>Potential spillage of oil and diesel used on site for</p>	Implement CEMP	No	Screened out

				<p>plant and equipment</p> <p>Concrete delivery trucks washdown water</p>			
2.	Demolition / site clearance/ construction	Ballinhassig East	Drainage through soil / bedrock	<p>As above</p> <p>Groundwater (aquifer) vulnerability will be increased with the removal of topsoil and overburden.</p> <p>Hydrocarbon spills or leaks</p>	<p>Implement CEMP</p> <p>Removal of topsoil and overburden is reversible with the construction of foundations and roads which will provide a barrier to</p>	No	Screened out

				from construction machinery.	downward migration of any pollutants.		
3.	Demolition / site clearance/ construction	Lough Mahon	None	As above	Implement CEMP	No	Screened out
<b>OPERATIONAL PHASE</b>							
1.	Surface water run-off	Moneygurney_010	None	Deterioration of water quality	SuDS Features  Incorporation of silt and oil interceptors to ensure clean discharge  Implement Stormwater Management Plan	No	Screened out

2.	Groundwater discharges	Ballinhassig East	Drainage through soil/ bedrock	Reduction in groundwater quality	<p>SuDS features</p> <p>Construction of foundations and roads which will provide a barrier to downward migration of any pollutants</p> <p>Implement Stormwater Management Plan</p>	No	Screened out
3.	Surface water run-off & wastewater treatment	Lough Mahon	None	None	<p>SuDS features</p> <p>Implement Stormwater</p>	No	Screened out

					Management Plan		
					Uisce Eireann Wastewater connection		
<b>DECOMMISSIONING PHASE</b>							
1.	Decommissioning is not anticipated as this is a permanent residential development.						