



Development	Construction a new Licenced Discount Foodstore with ancillary infrastructure and associated site development works. This application is accompanied by a Natura Impact Statement (NIS)
Location	Castlelake Avenue, Cork Road, Carrigtohill, Carrigtwohill, Co.Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	245931
Applicant(s)	Lidl Ireland GmbH
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	First Party and Third Party Normal Planning Appeal
Appellant(s)	Lidl Ireland GmbH (First Party) Alan O'Connor (Third Party)
Observer(s)	None
Date of Site Inspection	9 th April 2026
Inspector	Matthew McRedmond

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1.0 Site Location and Description

- 1.1. The subject site is located at the northeastern side of the junction of Castl lake Avenue and Cork Road, Carrigtwohill, Co. Cork. The subject site is approximately 1.25 hectares in area and is currently vacant with palisade fencing along the site boundaries. A pedestrian footpath and cycle lane run along Castl lake Avenue, along the western boundary of the site. Off-road cyclepath and footpath provision has also been recently implemented at Cork Road.
- 1.2. Land uses in the vicinity include a mixed use development to the west side of Castl lake Avenue that includes an Aldi, pharmacy, café, primary care centre and residential units at upper levels. Land uses to the north and east are primarily residential.
- 1.3. There is an existing open watercourse along the eastern and partial southern boundary of the site that enters a culvert beneath the Cork Road.

2.0 Proposed Development

2.1. The proposed development consists of:

- Licenced Discount Food Store of total floor area 2,958sqm
- Ranging in height of 3-4 storeys equivalent (10-12m)
- 75no. surface car parking spaces to include disabled and EV parking
- Public plaza at entrance to proposed store
- One new vehicular and pedestrian entrance from Castl lake Avenue
- Additional pedestrian entrance via Castl lake Avenue and proposed public plaza fronting Cork Road
- ESB substation
- 36no. cycle parking spaces
- All associated site works including PV solar panels

2.1.1. The proposal was amended at further information stage to reduce the extent of the red line boundary by 2,591 sqm as no works are proposed to the adjacent stream and therefore this area of the site is removed.

2.1.2. Other amendments at FI stage include:

- Floor area of foodstore reduced by 93sqm from 2,645sqm to 2,552sqm
- 140sqm ground floor beauty and hair salon added
- Increase of 1,023sqm at first floor level to include dry cleaners, gym and associated facilities.
- Car parking increased to 86no. spaces
- Cycle parking increased to 42no. spaces

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 12th January 2026, Cork County Council granted permission for the subject proposal subject to 63no. Conditions.

3.1.2. The following conditions are of relevance to the subject appeal:

- Condition 2 – Red line boundary to be amended to be consistent with original details submitted with the application.
- Condition 3 – Drawings required to confirm consistency with URDF (Urban Regeneration Development Fund) proposals in the area.
- Condition 14 – Road access width to be reduced to 6m with a 4.0m turning radii.
- Condition 16 – 3m wide pedestrian/cycle path to be provided to the east of the proposed development.
- Condition 17 – Details of interaction between pedestrian/cycle path and proposed public plaza to be provided.
- Condition 19 – Provision of sheltered cycle parking to front of proposal (Cork Road entrance).

- Condition 20 – Revised layout of proposed north entrance to include pedestrian access.
- Condition 43 – no interference with any watercourse without prior approval by the PA.
- Condition 48 – Records of surface water management system maintenance to be retained by the applicant.
- Condition 49 – All watercourses to be kept free of blockages and kept clear and accessible for inspection at all times.
- Condition 59 – Frequency of maintenance of storm water drainage to be agreed with PA.
- Condition 61 – Existing bed levels and width of adjoining watercourse (Woodstock Stream) to be maintained following project completion.

3.2. Planning Authority Reports

3.2.1. The Local Authority planning assessment was comprehensively addressed within 2no. Area Planner's Reports and 2no. Senior Executive Planner's Reports. These reports covered the initial assessment and assessment of Further Information (FI). They had regard to the location of the site, planning history, national and local policy, the details submitted by the applicant and to the referral responses received. The basis of the Planning Authority's decision includes:

3.2.2. Area Planner's Report:

- Reference is made with regard to the planning history for the site and previous refusal on grounds of piecemeal development, which the applicant has sought to address with the subject proposal.
- Retail use proposed is acceptable in principle under the 'CT-T-02' and ZU 18-17 Town/Neighbourhood centre zoning.
- Existing mixed-use development to the west of Castlelake Avenue that includes an existing discount food store already, a mix of uses including retail permitted under Ref.22/4440 & ABP Ref. PL 04.315010 and a 716 unit residential development to the north are noted in the area. Further mix of uses required for this site and further info will be sought in this regard.

Compact Settlement Guidelines support a diverse range of uses in town centres.

- Proposal is required to provide an integrated design approach that considers the Carrigtwohill URDF Public Realm infrastructure proposals. Revised design, setback of proposal and proposed landscaped plaza are considered an improvement to previous refusal. Mix of uses at ground and upper floors is required however, including revised building finishes to break bulk of structure. Evidence of height restrictions due to ESB power lines also required.
- Noted Carrigtwohill is classed as a Smaller Metropolitan Town in the Retail Network/Hierarchy set out in Table 9-1 of the CCDP (2022). Retail is an appropriate use under the Town Centre/Neighbourhood Centre zoning. Retail impact assessment (RIA) notes adequate retail spend capacity, also no vacant units of sufficient size in the town to accommodate the proposal, which is submitted as not impacting on viability of existing retail floorspace. Discrepancies in figures presented in the RIA should be justified by the applicant as part of FI.
- High quality pedestrian and cycle network connecting the site is noted by the Sustainable Travel Unit. Revised layout requested to make provision for future segregated pedestrian and cycle connectivity. Other details in relation to Road Safety Audit (RSA) recommendations and road and path widths requested.
- Applicant to confirm compatibility with proposed URDF scheme along the front/southern and western boundary of the site. Pathway to east to also be widened to 3m minimum to provide for future connections and to cede land to Cork County Council as per the recommendations of the HIIT Section of the PA.
- Reduction in parking is welcomed, and car park should be part of a well-integrated design response and to minimise visual impact. Site well connected by active travel measures and proposal to reduce parking can be seen to encourage use of sustainable modes.

- Proposed planting and soft landscaping welcomed, however, revised proposal to link in with the wider Green Infrastructure network is recommended. Paladine fencing along northern boundary a concern and walkway link along eastern end of site is welcome in terms of interaction with lands to north.
- Further information recommended in relation to flood risk at the subject site, in terms of potential impacts on European Sites, Cork Harbour and Great Island Channel. Any in-stream works to be clarified also.
- Drainage Impact Assessment (DIA) provided in line with requirements of WM 11-10 of the CDP, however, additional details required about existing services not mapped, covering of attenuation tank and stormwater outlets not shown on drawings.
- Site not at risk of pluvial flooding. Fluvial flooding is considered to align with the FRA undertaken as part of the RWMP (Carrigtwohill Rainwater Management Plan). Uncertainty in relation to tidal flood risk and further details recommended.
- Further information recommended by Uisce Eireann in relation to consultations with diversions team in respect of foul sewer through the site.
- FI needed in relation to noise sensitive receptors and delivery truck events to ensure arrival does not coincide with nighttime periods. Lighting proposal acceptable.
- Solar panels are considered to be exempt and finding of low risk in terms of glint and glare.

3.2.3. The PA did not have sufficient evidence before them to make a decision on the application and therefore deferred the application to seek further information from the applicant, in line with the details noted above.

3.2.4. **Senior Executive Planner's Report:** Endorsed the conclusions of the Area Planner's Report and recommends further information is sought in relation to the items outlined in the Area Planner's Report.

Further Information Response

3.2.5. The applicant submitted a further information response in June 2025, which included the following:

- Amended proposal submitted in response to FI request including revised red line boundary to exclude area of Anngrove stream to the east. This also excludes proposed pedestrian path to east, which is identified as a 'potential' future route.
- Amendments proposed to overall site plan, amendments to building type, scale and design. The FI response included the following documents and details:
 - Revised mix of uses to incorporate gym with associated facilities, dry cleaners and hair/beauty salon with associated revisions to design drawings.
 - Revised mix provides animation to Castlake Avenue at western elevation with access to first floor gym and dry cleaners at south western elevation.
 - Revised Quantitative Retail Assessment based on revised proposals in response to FI request.
 - Amended building design and finishes to include smooth limestone panels off white, basalt exterior cladding in charcoal, White render, standing seam zinc cladding in grey, Acoustic screened open plant housing in dark grey aluminium, and powder coated aluminium windows in RAL 701 colour. Design proposed to punctuate and provide articulation to building facades.
 - Confirmation provided from ESB in relation to required separation distance of 17.5m from 110kv overhead line.
 - Revised access and connectivity details.
 - Confirmation that proposal complies with permitted and constructed URDF layout.
 - Confirmation that no works are proposed in area of Anngrove Watercourse, including no pedestrian path. Applicant confirmed they are open to negotiation on disposal of lands on mutually acceptable terms.

- Drawing illustrating access to Annsgrrove Stream for maintenance purposes.
- Revised surface water, drainage and flood risk details to address concerns of PA. This includes revised site levels above 2.5m.
- Updated AA Screening, NIS and CEMP to reflect drainage and flood risk amendments. Also accounting for landscape changes.
- Landscape Plan that integrates with Green Infrastructure Strategy for wider area including protection of Annsgrrove Stream and associated planting, access for maintenance, selection of biodiversity friendly planted species within the site, rain garden feature, and consistency with the All-Ireland Pollinator Plan.
- Confirmation with Uisce Eireann in relation to existing Sewer Pipe that confirms diversion works.
- Confirmation of noise monitoring details and distances involved. Confirmation that delivery events will be restricted to daytime periods.
- Clarification of construction materials including 1,215m³ to achieve appropriate levels within the site.
- Having regard to the details submitted, a grant of permission is respectfully requested.

3.2.6. The response to FI was considered significant and was readvertised. One submission was received, which will be included in my review of third party observations below.

Planning Authority Response to Further Information

3.2.7. **Area Planner's Report:** Noted amendments to redline boundary and found there was no scope to amend redline boundary during the application process. A condition is proposed to any grant of permission to revert to redline boundary as originally submitted. The area planner's review of the FI submission can be summarised as follows:

- Proposed design, massing and mix of uses responds positively to existing buildings to west. Active uses at first floor noted.

- Findings of revised RIA are noted.
- Revised finishes proposed are acceptable.
- Details from ESB on separation distances are noted.
- Response in relation to access and entrance details are acceptable subject to conditions.
- Housing Infrastructure Implementation Team (HIIT) recommend conditions in relation to pedestrian pathway and consistency of proposal with URDF.
- Offset to adjacent stream acceptable.
- Area Engineer satisfied with response to surface water disposal, drainage and flood risk. Conditions recommended in relation to stormwater drain outlet existing.
- Response to Ecology and Landscaping matters are acceptable subject to 5no. conditions.
- Correspondence with Uisce Eireann is noted. Appropriate condition in relation to connection and diversion agreements is recommended.
- Details on noise are considered acceptable subject to conditions.
- General, Supplementary (non-residential) and special contributions are recommended.

3.2.8. **Senior Executive Planner's Report:** Confirmed the findings of the Area Planner's Report and recommended a grant of permission subject to conditions.

3.2.9. Other Technical Reports

- **Area Engineer** – Further information required with regard to an updated RSA/Layout drawings, revised fencing proposals adjacent to the stream to provide access to same is maintained, revised site drainage/surface water disposal proposals and an updated Flood Risk Assessment to take account of contributory flows from the Tibbotstown Stream. These details were provided by the applicant and considered acceptable subject to conditions.
- **Public Lighting** – No objection to the proposal subject to conditions.

- **Water Services** – Further Information required in relation to foul sewer running through site. This was provided by the applicant and considered acceptable subject to conditions.
- **Coastal and Flood Projects (CFP)** – Further information required in relation to tidal flooding events and raising of ground levels. This information was provided by the applicant and considered acceptable by the PA, subject to conditions.
- **Ecology** – Further details required in relation to in-stream works proposed, a green infrastructure strategy for wider lands and impacts of flooding to be mitigated in terms of any potential impacts on European Sites. This detail was provided by the applicant by way of further information and was considered acceptable subject to conditions.
- **HIIT** – Requested to confirm compatibility with URDF layout to south and west. Confirmation of willingness to cede lands for pedestrian path to east also required. Following receipt of FI, HIIT recommended a condition to confirm compliance with URDF.
- **Environment (Noise)** – Further information required in relation to noise and delivery truck events. Details submitted by applicant at FI considered acceptable subject to conditions.
- **Environment (Water)** – No objection subject to conditions.
- **Traffic and Transport** – Confirmation required in relation to a number of details including recommendations of RSA, widening of pedestrian walkways and setbacks along western boundary. These details were submitted at FI stage and were considered acceptable to the planning authority subject to conditions.

3.3. Prescribed Bodies

3.3.1. **HSE** – No observations to make from a public health viewpoint.

3.3.2. **Inland Fisheries Ireland (IFI)** – No objection subject to condition requiring no interference with bridging, draining, cleaning, maintaining or culverting of the adjacent stream, without prior approval of IFI.

3.3.3. **Transport Infrastructure Ireland (TII)** – No objection subject to proposal complying with recommendation of Transport Assessment and Road Safety Audit submitted. Works to be at developer's expense.

3.3.4. **Uisce Eireann (UE)** – Note records of 375mm sewer running through site. Further information recommended in relation to separation distances to UE assets. UE recommended further consultation with diversions team in response to FI submitted by the applicant. PA recommended a condition to confirm said details of diversion agreements.

3.4. **Third Party Observations**

3.4.1. Two submissions received at initial application stage, with one additional submission on the FI response. Main issues include:

- Proposal is the same as that previously refused permission
- Existing mixed-use developments contribute to vitality of area, subject proposal lacks diversity of uses.
- More appropriate mixed-use examples in the area (Ref. 22/4440)
- Combined application to include all of Masterplan lands is required, to include apartment/residential proposals
- Discrepancies in Qualitative RIA figures presented.
- Proposed development is unsuitable to the area, is inconsistent with local policy with respect to the specific site zoning
- Form, scale, grain and architectural distinctiveness do not meet the required standard of the CDP and presents a negative visual impact at a town centre location.
- Retention of the river along with its protection and landscaping is welcomed.
- Quality form, scale and grain are not provided in the proposal. Car centric design is not appropriate.
- Details of existing attenuation tank not apparent.
- Architectural distinctiveness and placemaking also not provided.

4.0 Planning History

4.1. Relevant planning History for the site is as follows:

- 4.2. **Cork CC Ref. 24/4505** – Permission refused at the subject site for the development of a Lidl Discount Foodstore and ancillary infrastructure. Proposal refused on the grounds of failure to provide an adequate response to the zoning provision of Town/Neighbourhood Centre, CT-T-02, and generic design of proposal in single story format. The proposal was therefore considered to be contrary to TCR 9-19 of the County Development Plan and key urban design principles of the Retail design Manual 2012.
- 4.3. **Cork CC Ref. 12/6066** – Extension of Duration permission granted for extension of permitted development Ref. 07/404. This permission was not implemented and is now expired.
- 4.4. **Cork CC Ref. 07/7404** – Permission for mixed use retail, commercial and residential development with 120 bed hotel with bar over five storeys. 88 apartments proposed in multi storey format. Permission refused by PA and granted permission by An Bord Pleanala on appeal (Ref. PL04.227947).
- 4.5. **Relevant planning history outside the subject site:**
- 4.6. **Ref. 24/440 (ABP Ref. 315010-22)**: Permission for 43no. residential units and an anchor retail unit on a site c. 500m east of the subject site.
- 4.7. **SHD Permission (ABP Ref. 313827-22)** for 716 residential units at Castlflake, Terry'sland, Carrigtwohill, Co. Cork, to north of subject site.

5.0 Policy Context

5.1. National Policy

Project Ireland 2040 - National Planning Framework, 2018 (updated April 2025)

- 5.2. The National Planning Framework 'Project Ireland 2040' addresses the issue of 'making stronger urban places' and sets out a range of objectives which it considers would support the creation of high-quality urban places and increased densities in appropriate locations while improving quality of life and place. Relevant Policy Objectives include:

- 5.3. National Policy Objective 12: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- 5.4. National Policy Objective 14: Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets that can accommodate changing roles and functions, increased residential population and employment activity, enhanced levels of amenity and design and placemaking quality, in order to sustainably influence and support their surrounding area to ensure progress toward national achievement of the UN Sustainable Development Goals.
- 5.5. National Policy Objective 20: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.
- 5.6. National Policy Objective 22: In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth.
- 5.7. **Regional Spatial and Economic Strategy for the Southern Region 2020-2032**
- 5.8. The RSES provides a development framework for the region, including a specific Metropolitan Area Strategic Plan (MASP) covering Cork City and suburbs, which the appeal site is located within. A number of regional policy objectives are applicable to the proposed development, including:
- RPO 10: Compact Growth in Metropolitan Areas, includes: a. Prioritise housing and employment in locations within and contiguous to existing city footprints where it can be served by public transport, walking and cycling. b. Identify initiatives 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.
 - Cork MASP Policy Objective 1, includes b. To promote the Cork Metropolitan Area as a cohesive metropolitan employment and property market where population and employment growth is integrated with: (i) the city centre as the primary location

at the heart of the metropolitan area and region reinforced by; (ii) the continued regeneration, consolidation and infrastructure led growth of the city centre, Cork City Docklands, Tivoli and suburban areas, (iii) active land management initiatives to enable future infrastructure led expansion of the city and suburbs.

5.9. Cork County Development Plan 2022-2028

5.9.1. The site is zoned Town Centre/Neighbourhood Centre (ZU 18-17) with a specific objective CT-T-02, which states – ‘Town/neighbourhood centre in line with the overall uses acceptable in town centre areas such as this area of Carrigtwohill. Careful consideration shall be given to the overall design approach given the prominence of the site to both the entrance to Castlelake and the start of the Main Street.

Opportunity to connect to adjoining green infrastructure north of this site is to be taken into consideration in the layout and design of development.’ TIA and RSA required. Flood Risk Objectives apply to this site as per Volume one, Chapter 11 in relation to Water Management.

5.9.2. ZU 18-17 states the following in relation to the Town Centre/Neighbourhood Centre zoning:

“a) Promote the development of town centres and neighbourhood centres as the primary locations for retail and other uses that provide goods or services principally to visiting members of the public. The primary retail areas will form the main focus and preferred location for new retail development, appropriate to the scale and function of each centre and in accordance with the Retail Strategy. Residential development will also be encouraged particularly in mixed use developments while the use of upper floors of retail and commercial premises in town centres for residential use will in particular be encouraged.

b) Recognise that where it is not possible to provide the form and scale of development that is required on a site within the core area, consideration can be given to sites on the edge of the core area based on sequential approach.”

5.9.3. Retail is considered an appropriate use within the Town and neighbourhood centre zoning. Leisure facilities and professional services are also acceptable in this zone.

5.9.4. Objective TCR 9-1 in relation to Town Centres seeks to maintain and strengthen the role of town centres as attractive and resilient places by encouraging retail among

other uses. Innovation is also promoted in relation to the use of streets and public spaces.

5.9.5. Objective TCR 9-19 – Design and Innovation in retail states the following:

a) To encourage retail development that respects the character of its surroundings and demonstrates the potential for a flexible and innovative approach to future retail formats and other uses.

b) To promote high standards of design and finish in accordance with the principles established in the Retail Design Manual (part of the Retail Planning Guidelines) in the delivery of quality urban design and retail development proposals.

c) To encourage retail and town centre proposals which respect, retain and complement the heritage of town centres particularly shopfronts, historic buildings and streetscapes.

5.9.6. WM 11-15 and WM 11-10 are relevant in relation to Flood Risk Assessment and surface water/SuDS and water sensitive design.

5.9.7. Objective TM 12-8 relates to Traffic Assessment requirements, reducing car travel and ensuring road safety.

5.9.8. Objective TM 12-9 outlines applicable parking standards (maximum) of 1 per 20sqm of retail. For cycle parking 1 long stay space per 5 staff and 1 short stay space per 100sqm is specified.

5.9.9. Objective 15-6 – Biodiversity and New Development, provides for the protection and enhancement of biodiversity in the development management process. Part c is particularly relevant:

c) Requiring the incorporation of primarily native tree and other plant species, particularly pollinator friendly species in the landscaping of new developments;

5.9.10. Objective GI 14-3 – Green Infrastructure and development, requires new development to contribute to green and blue infrastructure in the area with details to be submitted outlining proposed contribution to the green network.

5.9.11. Section 2.4.51 of Volume 4 of the Development Plan notes that the subject site (CT-T-02) has been provided to support the newer residential areas at Castle Lake.

Section 2.4.52 also notes requirements for public realm enhancements to main street.

5.9.12. Objective CT-GO-06 states 'Support the implementation of the ongoing Strategic Carrigtwohill Transport Assessment and the URDF Public Realm Initiative as they apply to Carrigtwohill'.

5.10. **Relevant Ministerial Guidelines**

5.10.1. I have had regard to the Retail design Manual 2012 in consideration of the subject appeal, including the 10 key principles: 1) Design Quality 2) Site + Location 3) Character + Context 4) Vitality + Viability 5) Access + Connectivity 6) Density + Mixed Use 7) Public Realm 8) Built Form 9) Environmental Responsibility 10) Sustainable Construction.

5.10.2. Although the Compact Settlement Guidelines, Guidelines for Planning Authorities 2024 has a primarily residential focus, there are some useful indicators within that document for compact settlements and indicators of good urban design such as sustainable and efficient movement, mix and distribution of uses, green and blue infrastructure and responsive built form that is set out in Figure 4.1 and Section 4.4 of the document.

5.11. **Natural Heritage Designations**

5.11.1. The site is not located within any designated site. The closest Natura 2000 site is the Great Island Channel SAC (Site Code: 001058) which is located approximately 0.65km to the south/south-west of the site. The Cork Harbour SPA (Site Code: 004030) lies approximately 0.7km to the south/south-west of the site.

6.0 **EIA Screening**

6.1.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 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 is not a class of development that falls within the definitions of either Part 1 or Part 2 or part 2 of schedule 5 of the Planning and Development

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

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. This is a first party appeal against 9no. of the 63no. conditions attached to the Cork County Council (the PA) grant of permission, and a third party appeal against the decision to grant permission. I shall summarise the main issues below in the order I propose to address them in my assessment later in this report.

Third Party Appeal

7.1.2. A third party has lodged an appeal against the decision of the planning authority to grant permission; the grounds of appeal can be summarised as follows:

Introduction

- Carrigtwohill has changed enormously in past 30 years with an increase from 1,411 population in 2002 to 5,568 in 2022. Any proposal for town centre development must appreciate this change and the opportunity it brings for good and sustainable planning with high quality urban spaces in our urban centres.

Urban Form and Sustainability

- CDP seeks retail to be located in town centres with form to be mixed use. Residential at upper floors is a key requirement for walkable and active town centres.

Cars and Parking

- Proposal is overly car-centric with the proposed car park dominating the site. This is contrary to established principles for achieving appropriate densities. Urban Grain is course in proposed design and masterplan, with too much space given over to car parking.
- Reduced parking could be provided given the cycling and walking accessibility of many parts of Carrigtwohill.

Street Frontage/Animation and Urban Form

- Proposal does not front or address the streets. Castlelake Avenue requires further animation.
- Lack of animation is ruled out by the applicant due to the fact that no parking is allowed at Castlelake Avenue – this points to the car-centric approach of this suburban development proposal, which is noted as being for larger, trolley-based shopping.
- Proposed plaza is too small a fraction of the overall site to provide adequate animation.
- Proposal is not a true mixed use development and residential apartment blocks shown on masterplan should have been included, albeit the overall proposal does not present the ideal ‘fine grain’ urban form.

Architecture and Placemaking

- The CDP reinforces the need for respecting the historic character of town centres and the need to provide attractive town centres that are people centred and generate civic pride. The subject proposal does not achieve this.
- Mix of uses are not a sufficient diversity of uses for a town centre site of this scale and at this location.
- Omission of pedestrian path to east points to the commercially led principles behind the proposal, where the applicant noted this infrastructure was non-essential.
- Proposal lacks the fine grain associated with bricks, cut stone, or carvings and ornament, which are the hallmarks of what would generally be accepted as beautiful and interesting buildings. While massing has been broken up in the revised/evolved design solution presented, it does not achieve an appropriate urban form for this important town centre site.
- Proposed plaza is more a foreground to the store rather than a public square.
- Generic Lidl signs provide a completely indistinctive place that could be anywhere. The proposal should do better in terms of addressing the

streets in an attractive and unique way, to give a more characterful and vibrant extension to Carrigwohill's footprint and serve as inspiration elsewhere.

Unauthorised Storm Water Tank

- No planning reference available for underground stormwater tank that is identified as a constraint in submitted planning documents. Previous wetland feature at the site seems to have disappeared.
- No record of planning permission for this underground structure and if it is unauthorised, the consequences for the subject proposal are questioned. An enforcement file has been opened with the PA.

Conclusion

- Proposal is contrary to the provisions of the CDP in terms of quality design and contrary to the proper planning and sustainable development of the area. It is not mixed use, is car centric and form is more suburban than suited to a town centre. There is also a question around the installation onsite of a stormwater storage tank.

First Party Appeal

7.1.3. The First Party Appeal has been submitted against conditions 2, 16, 20, 43, 48, 49 and 61 of the Cork County Council grant of permission. The First Party is seeking the omission of these conditions in their entirety as they submit that they unnecessarily burden the applicant with costs to implement development outside of the site as being contrary to Section 34(4)(m) and 34(4) (b) of the Planning and Development Act 2000 (as amended). They also seek amendments to Conditions No. 19 and No. 59. The grounds of appeal under each condition may be summarised as follows:

Condition 2

7.1.4. The full text of Condition 2 reads as follows:

“Prior to the commencement of any works on the site, revised plans and particulars detailing the original redline boundary as lodged on 14/10/2025 to be submitted to the Planning Authority.

Reason: In the interest of clarity”

7.1.5. The First Party appeal seeks the omission of this condition in full, based on the following grounds.

- Confirmed that no works are proposed within the Anngrove/Woodstock Stream as part of the proposal – this led to the omission of these lands from the red line boundary of the application site.
- Despite the claims of the PA, amendment to red line boundary is permissible as established in *Dietacaron Limited v An Bord Pleanala* [2005] 2 I.L.R.M. 32 whereby an application for permission can be amended, especially in response to an FI request and where the public right to participate is not undermined.

Condition 16

7.1.6. The full text of Condition 16 reads as follows:

“The construction of the 3m wide pedestrian/cycleway to east of the development (reference submitted masterplan and initial planning application documents) shall be included as part of this development. This shall include the connection to the footpath along the L-3678. Details to be agreed in writing with the Planning Authority prior to construction and carried out at the sole expense of the developer.

Reason: In the interest of sustainable travel and orderly development.”

7.1.7. The First Party appeal seeks the omission of this condition in full, based on the following grounds.

- Confirmed red line boundary was amended to exclude lands not directly required for the proposed mixed use development.
- Alignment of potential future 3m wide pedestrian walkway is illustrated but is submitted does not benefit the proposed development and as such is contrary to Section 34(4)(b) of the Planning and Development Act 2000 (as amended).

Condition 20

7.1.8. The full text of Condition 20 reads as follows:

“A revised layout shall be submitted providing pedestrian access from the North at the main entrance. The access shall form part of the revised Road Safety Audit and measures to address issues raised shall be agreed in writing with the Planning Authority prior to commencement of construction.

Reason: In the interest of Road safety and orderly development”

7.1.9. The First Party appeal seeks the omission of this condition in full, based on the following grounds.

- Recently upgraded shared footpath/cyclepath on the east side of Castlelake Avenue provide ample pedestrian desire lines from the north of the main entrance to the front of the proposed development building.

Condition 43

7.1.10. The full text of Condition 43 reads as follows:

“There shall be no interfering with, bridging, piping, draining, or culverting of any watercourse, its banks or bankside vegetation to facilitate this development without the prior approval of the Planning Authority.

Reason: To safeguard the amenities and prevent pollution and/or erosion.”

7.1.11. The First Party appeal seeks the omission of this condition in full, based on the following grounds.

- Condition is directly contrary to Condition 16 in relation to provision of a 3m wide pedestrian/cycle route. ‘Without prior approval’ is contrary to ‘to be agreed in writing’ as set out in Condition 16. Pedestrian path was specifically omitted to avoid works in stream corridor and to address flooding and stormwater management concerns of the PA at FI stage.
- Any works within the Anngrove/Woodstock Stream corridor would not only benefit the proposed development and is therefore contrary to Section 34(4)(m) of the Planning and Development Act 2000 (as amended)

Condition 48, 49 and 61

7.1.12. The full text of Condition 48 reads as follows:

“Records & details of all maintenance activities in connection with the surface water management system be kept by the applicant.

Reason: To ensure proper management of surface water within the development.”

7.1.13. The full text of Condition 49 reads as follows:

“All watercourses within the site, including any watercourses altered by the development are to be maintained, to maintain water flow and also to mitigate the occurrence of blockages of the downstream culverts & structures. This includes the maintenance of the inlets to the 900mm diameter twin culverts laid under the local road which should be kept clear, visible and accessible for inspection/maintenance at all times. Records of all maintenance activities to be kept by the applicant. These records shall be made available to CCC on request.

Reason: To ensure proper maintenance and management of existing watercourses and related structures.”

7.1.14. The full text of Condition 61 reads as follows:

“The existing bed levels and the channel width of the Woodstock Stream shall be protected and maintained during the works and going forward following project completion. As riparian landowner the following responsibilities apply:

- maintenance of the banks of the watercourse*
- ensuring that all culverts, bridges or other structures remain clear of obstructions*
- taking appropriate steps to prevent erosion of the banks*
- clearing any debris, including litter whether or not it originated on the landowner's property*

All environmental legislation shall be complied with in relation to any works.

Reason: To ensure proper management of surface water within the development.”

7.1.15. The First Party appeal seeks the omission of these 3no. conditions in full, based on the following grounds.

- Burdening the applicant with maintenance requirements of the public infrastructure network is contrary to the provisions of Section 34(4)(b) of the Act.

Amendment to Condition 19

7.1.16. The full text of Condition 19 reads as follows:

“Some sheltered bicycle parking shall be proposed and provided on the plaza at the sole expense of the applicant. Detail shall be submitted for the written agreement of the Planning Authority, prior to the commencement of development.

Reason: In the interest of sustainable travel and orderly development.

7.1.17. The First Party appeal seeks the amendment of this condition, based on the following grounds.

- Adequate cycle parking has been provided in line with Development Plan standards and sheltered cycle parking at the entrance plaza would detract from the quality of the urban environment.

- First Party seek to amend the condition to the following:

~~Some sheltered Bicycle parking shall be proposed and provided on the plaza at the sole expense of the applicant. Detail shall be submitted for the written agreement of the Planning Authority, prior to the commencement of development.~~

Reason: In the interest of sustainable travel and orderly development.

Amendment to Condition 59

7.1.18. The full text of Condition 59 reads as follows:

“The frequency of maintenance of storm water drainage system and associated interceptors and silt collection to be detailed within the final CEMP to be agreed with the planning authority before works commence.

Reason: To prevent water quality impacts.”

7.1.19. The First Party appeal seeks the amendment of this condition, based on the following grounds.

- Burdening of applicant with maintenance requirements and associated costs is considered contrary to Section 34(4)(b) & (m) of the Planning and Development Act 2000 (as amended)

- The First Party seeks to amend the condition to the following:

“The frequency of maintenance of storm water drainage system and associated interceptors and silt collection to be detailed within ~~the final~~

~~CEMP~~ *an operational management plan to be agreed with the planning authority before works commence.*

Reason: To prevent water quality impacts.”

7.2. Applicant Response

7.2.1. The applicant has provided a response to the third party appeal and seek the decision of the PA to be upheld. The main points of their response are grouped under various headings and can be summarised as follows:

Principle of Development/Policy Considerations

- The ZU 18-17 Town Centre/Neighbourhood Centres (TC) land use zoning objective is not overridden by the CT-T-02 site specific development objective for Carrigwohill and the subject site under this zoning is the primary location for retail and other uses that provide goods or services to members of the public. The proposed food store, dry cleaners and gym with associated facilities, meets this criterion.
- Proposed mix of uses is in full compliance with the ZU 18-17 Town Centre zoning, when taken in conjunction with CT-T-02, there is no specific/explicit requirement that residential use must be included in mixed use proposals.
- Proposal is located 400m from the main/primary town centre, at an edge of centre location as per the retail planning guidelines 2012. It is in the primary retail area/town centre where residential at upper floors will be particularly encouraged, which does not specifically apply to the proposal and subject site.

Associated Development Strategy and Retail Impact

- Proposal takes into account a number of constraints and is the only development location possible. Constraints include wayleaves above and below ground across the site (ESB lines, sewer pipes), constructed underground attenuation tank, and a 20-metre riparian zone associated with the Anngrove Stream along the eastern boundary of the site. Proposal also complies with URDF upgrades in the immediate area.
- By limiting the mix of non-residential uses to non-retail services, ensures vitality and viability of town centre retail space is not impacted. Proposal could not

be accommodated within any existing vacant unit sizes and is appropriate at this location, in line with the Retail Planning Guidelines 2012.

Settlement Place Making and Design

- Applicant specifically notes under CT-T-02 that the prominence of the site is noted as being at the 'entrance' to Castllake Avenue and the 'start' of main street. Proposal frames and define this entry point location.
- Proposal is an edge of centre location at the entry point to the main retail area of Carrigtwohill at main street, which is constrained architecturally and in terms of land use by the 3-storey Aldi/commercial development to the west and 2-storey residential to the east.
- Proposal is a high quality architectural design with a modern glazed façade, premium materials, visual permeability and pedestrian engagement. Southern elevation provides generous natural light to both retail and upper floor amenity, supporting passive surveillance and a vibrant public realm. Proposal also integrates with URDF upgrades.
- Overall the design is considered a context-responsive and contemporary place-making solution that strengthens local identity, improves urban legibility, and reflects the retail led urban design that responds to engineering, spatial and amenity constraints.

Alleged Unauthorised Development (Underground Storage Tank)

- Commission is bound by Section 34(2) of the Planning and Development Act and must disregard issues that fall outside the proper planning and sustainable development such as the alleged unauthorised development.
- Enforcement is the responsibility of the Local Authority and do not empower the Board [sic] to penalise an unrelated applicant by refusing permission due to issues at a neighbouring property.

Conclusion

- First Party finds that there are no reasons provided in the third party appeal to merit refusal of permission and ask that the decision of Cork County Council is

upheld, subject to amended conditions. This is based on the reasons as set out above.

7.3. Planning Authority Response

7.3.1. The Planning Authority provided a response from the sustainable transport unit that notes specifically the requirements for the inclusion of conditions 16, 19 and 20 in the grant of permission. The following is noted:

- Condition 16 – Part of Objective CT-T-02 is to provide connectivity to lands to the north and provision of a pedestrian path to the east would achieve this in line with sustainable travel objectives for connections to the wider area and public transport and would mitigate the primarily car based nature of the proposed development.
- Condition 19 – Sheltered cycle parking is important to enhance public awareness of alternative modes of transport and reduce private car dependency. The sheltered trolley bay is noted as visible from the L3678 Cork Road and sheltered bicycle parking is an appropriate feature on a ‘Gateway’ to the town.
- Condition 20 –Pedestrians are likely to enter the site from the north and the original application included a pedestrian access from this location. It was recommended to amend this route in the RSA undertaken and not remove it altogether. No RSA of the amended layout with no pedestrian route is noted. This condition is considered appropriate in terms of road safety and vulnerable road users.

7.4. Observations

7.4.1. None.

8.0 Assessment

8.1. The applicant has not appealed the decision of the planning authority, instead they wish to appeal a number of conditions attached to the grant of permission. There is also a third party appeal against the decision of the planning authority to grant permission. The main issues are therefore those raised in the grounds of appeal, and I am satisfied that no other substantive issues are arising. I address the third party

appeal first having regard to the principle and overall acceptability of the proposal and follow with my assessment of the applicant's appeal against conditions.

- 8.2. Having reviewed the details and appeal documentation on the file, the submissions made, having visited the site, and having regard to relevant local and national policy and guidance, I consider the main issues to be the following:

Third Party Appeal

- Preliminary Matters
- Principle of Development
- Development Strategy and Retail Impact
- Place Making and Design

First Party Appeal

- Conditions

Third Party Appeal

8.3. Preliminary Matters

- 8.3.1. The third party appeal raised issue with the perceived unauthorised works related to an underground attenuation tank to the north of the subject proposal and which straddles the boundary of the appeal site.

- 8.3.2. I have considered the noted attenuation tank and am satisfied the structure in question is not a part of the subject proposal. I confirm it is not a function of An Coimisiun Pleanala to pursue matters of enforcement or alleged unauthorised development, and I do not propose to do so as part of my assessment of this appeal. Ultimately, I am satisfied that the underground tank to the north does not form part of the subject proposal and does not directly impact on the operation of the proposed development. I therefore consider there to be sufficient grounds to consider the subject proposal on its own merits and set aside any matters of unauthorised development as raised by the third party.

8.4. Principle of Development

- 8.4.1. The third party appeal sets out that the subject proposal is not a suitable development type at this location, does not respect the historic core of Carrigtwohill,

requires a higher density and mix of uses that should require a residential element, and is therefore not consistent with the town centre zoning for the site ZU 18-17, nor the specific objective for the site CT-T-02.

- 8.4.2. The response from the first party notes that the town centre zoned land is identified as the primary location for retail and other uses to serve the members of the public, which is satisfied by the subject proposal. This is also extensively set out in the application details and FI response to the PA.
- 8.4.3. I have had regard to the specific provisions of both the land use zoning for the site and specific objective applied to the site in the Land Use Zoning Map for Carrigtwohill, as set out in Volume 4 of the CDP.
- 8.4.4. ZU 18-17 seeks to promote town centres as the primary location for retail and other uses that provide goods and services to members of the public. While residential development is 'encouraged' under this zoning, it is not mandatory and I have had regard to the quantum of residential development granted permission and developed in the area, particularly to the north (SHD permission for 716 residential units at Castl lake, Terry'sland, Carrigtwohill, Co. Cork (ABP Ref. 313827-22) in terms of a broader mix of uses in the wider setting of Castl lake and Carrigtwohill town.
- 8.4.5. I note the submitted masterplan from the applicant, and although the lands to the immediate north are outside the ownership of the applicant, scope for future residential development to further integrate a mix of uses is possible. This is particularly the case given the scope of the retail offer in the subject proposal, the mix of other uses including beauty/hair salon, gym and dry cleaners, and when taken with the existing commercial centre to the west of Castl lake Avenue that includes a mix of uses including retail, medical centre and residential. I am also conscious of the permitted development under Ref. 24/440 (ABP Ref. 315010-22) for 43no. residential units and an anchor retail unit approximately 500m to the east. I am not of the view that every site identified for mixed use must include a residential component and I have had regard to the particular constraints at the subject site that limit building height and built form and which I will discuss in the following sections of my report.
- 8.4.6. I conclude in relation to the ZU 18-17 land use zoning for the site that retail, professional services and leisure facilities are all appropriate uses in Town

Centre/Neighbourhood Centre zoned sites, as defined in the CDP and therefore the principle of the proposed uses on site are acceptable.

- 8.4.7. The site specific objective CT-T-02 requires that particular care is given to the overall design approach to this site and adjoining lands given the prominence on the entrance to Castl lake Avenue and start of Main Street. Matters of design are discussed in the following sections, but I do not find a reason under this specific objective to refuse permission for the uses proposed.
- 8.4.8. I note in the First Party submission that there is a distinction between edge of centre and the primary retail area of Carrigtwohill. I note section 2.4.51 of Volume 4 of the Development Plan notes that the subject site (CT-T-02) has been provided to support the newer residential areas at Castle Lake, outside of the primary retail area town centre. I have regard to the cluster of 'Town Centre/Neighbourhood Centre' zoned land around the junction of station road and main street, to the east of the subject site, and the separation of 400m between the subject site and this cluster of zoned land. However, Objective CT-T-02 refers to 'Town/neighbourhood centre in line with the overall uses acceptable in town centre areas', and I am therefore satisfied that the subject site is identified as a 'town centre' site and must be considered as such.
- 8.4.9. I am of the opinion that this town centre/neighbourhood centre zoned land must stand on its own merits in relation to retail function, format of development, mix of uses and suitability of the proposal at this location. However, for the purposes of concluding my assessment on the Principle of Development at this location, I am satisfied that the proposed food store, hair and beauty salon, dry cleaners, and gym and associated uses, is acceptable under the 'Town Centre/Neighbourhood Centre' zoning ZU 18-17 and specific CT-T-02 objective, subject to meeting other orderly planning and sustainable development requirements as set out in the following sections.

8.5. **Development Strategy and Retail Impact**

- 8.5.1. The third-party appeal sets out that the subject proposal is more of an 'out of town'/suburban built form, too low density with too much car parking at surface, is too coarse a development approach for a town centre and a more appropriate mix of retail with residential above should be provided.

- 8.5.2. The First Party provides that the proposal responds appropriately to the site constraints that are extensive. The proposal is also submitted as responding directly to existing built form. The applicant submits that the retail assessment provided indicates the proposal will not have an impact on the vitality or viability of existing floorspace within the catchment area of the site.
- 8.5.3. I have had regard to the development constraints at the subject site that includes the following:
- 110kv power line in a north-south direction through the site. I note correspondence on the FI response from ESB stating a setback of 17.5m from these lines is required
 - The existing Anngrove/Woodstock Stream to the east and required 20 riparian zone/buffer
 - Sub-surface stormwater storage system to north of the site,
 - Existing foul water pipe that flows through the site.
 - Existing built form that includes a 3-storey commercial and residential development to the west and 2-storey residential that is existing on the east side of the Anngrove Stream.
- 8.5.4. I note the above constraints have given rise to the location and built form of the proposal, including land use mix. I am satisfied that the location of the proposed store and other uses is appropriate to avoid impacts on ESB infrastructure as well as water infrastructure below ground level. I accept that this resulted in the subject proposal being pushed to the west of the site, adjacent to Castlelake Avenue.
- 8.5.5. I note the PA required confirmation from the applicant that the proposal would tie in with the URDF upgrade works that include pedestrian and cycle paths to the south and west of the site boundaries and this was conditioned with the grant of permission. The proposal is set back from existing pedestrian and cycle infrastructure as provided within the URDF upgrades existing in the area as shown on site layout drawings. The applicant has confirmed the proposal ties in with the works that are now in place and I accept this position as submitted, although I consider a drawing indicating such, should be conditioned on any grant of permission.

- 8.5.6. The route of the ESB power lines effectively sterilises a portion of the site to any built form of scale and I am satisfied that car parking is an appropriate use at this location, which can be effectively integrated and screened with the landscaping proposed, which includes native planting and appropriately scaled screening.
- 8.5.7. While the subject proposal may be considered a primarily car based use, opportunities for sustainable travel should be maximised. The proposal provides for pedestrian and cycle connections, which will promote sustainable travel modes to and from the site. I note one of the provisions for identifying good urban design in the Compact Settlement Guidelines is for sustainable and efficient movement, and I consider the subject proposal to meet this criterion, through the connections provided. I note the PA requirement for pedestrian access to the north, which is one of the conditions appealed by the first-party and which I will address in full in the following sections, but I am of the mind to be in favour of additional pedestrian access points to the development, to maximise accessibility to sustainable modes as shown to be possible on the site masterplan drawing and which would maximise pedestrian connectivity to the benefit of the wider area in the future, including the subject site.
- 8.5.8. I have also had regard to the built form in the surrounding area, including the 3-storey commercial development to the west of Castlelake Avenue, as well as the 2-storey residential to the east. I note the third party appeal seeks a higher density development with a suggestion of residential above, but I consider the proposal itself must be appropriate to the surroundings and not provide for over-development at unsuitable locations. I note the submitted street elevations from Cork Road as submitted by the applicant and I am satisfied the subject proposal is of an appropriate form, height and location, given the particular circumstances and constraints of the subject site.
- 8.5.9. Section 4.4 of the Compact Settlement Guidelines refers to providing a responsive built form that responds in a positive way to the established pattern and form of development and to the wider scale of development in the surrounding area. This is supported in the development plan under Objective PL 3-1 in relation to building design and Objective TCR 9-19 in relation to design and innovation in retail that requires retail development to respect the character of its surroundings.

8.5.10. In relation to retail impact, I have had regard to the submitted Quantitative Retail Impact Assessment and note the capacity for convenience and comparison retail within the retail catchment of Carrigtwohill, following the completion of the development. I therefore am satisfied with the development strategy put forward by the applicant is appropriate for the subject site and find that the retail and mixed use proposal will not impact unduly nor negatively on retail and town centre uses elsewhere within Carrigtwohill.

8.6. Place Making and Design

8.6.1. The third party appeal submits that the subject proposal is not materially different from that refused permission under Ref. 24/4505. They claim the proposal does not provide for adequate activation for street frontages, the proposed plaza serves the proposed retail unit rather than as a public amenity and the design and materials do not provide for a quality proposal at this location. It is also submitted that the provision of a retail dominated proposal such as that proposed will have a negative impact on the historic town core.

8.6.2. The first party response provides that the subject proposal provides an appropriate 'gateway' development at the entrance to Castlelake and at the start of Main Street. It is submitted that the proposal responds to the existing context, which could not be higher given ESB power line constraints and adjoining built form.

8.6.3. I have already had regard and addressed the requirements under the specific CT-T-02 objective that requires a high quality design at the subject site and note objective TCR 9-19 that also requires retail development to respect existing character of the surroundings and to promote high standards of design and finish as established under the Retail Design Manual 2012. Section 2.4.52 of the CDP also notes requirements for public realm enhancements to main street.

8.6.4. I have had regard to the drawings and details submitted at further information stage including 3D views of the proposal, Landscape Plan, street elevations, proposed site plan and detailed elevations that include specifications for proposed finishes on the proposed building facades. I note the proposal integrates successfully with the existing URDF upgrades in the area and allows for sufficient setback for additional improvements to the west of Castlelake Avenue if additional road space is required. I am satisfied with the mix of uses proposed, when taken with extensive residential

land uses in the area, existing and potentially in the future, these will serve a variety of end uses for the visiting public.

- 8.6.5. In relation to the perceived car-centric nature of the proposal, I note the car parking quantum outlined in the CDP is a maximum number of 1 per 20sqm of GFA (for both retail and non-retail, with gym requirement being location specific and dependent on nature of proposal) and the subject proposal is below maximum quantum of 135 permissible, with 86 proposed. Although I am mindful that the main retail use of the proposal will attract car trips, I am satisfied that the number of spaces proposed is reduced effectively for the mix of uses proposed, and there are adequate provisions within the proposal to promote sustainable travel modes, subject to provision of pedestrian path connections to lands to the north as discussed under my assessment of conditions below.
- 8.6.6. In terms of built form, the proposed 3-4 storey equivalent (14.1m in height) is not excessive, and I consider this height to be appropriate for the existing setting that includes the existing mixed use centre to the west of Castlelake Avenue which is 3-4 storeys in height, and the 2-storey residential to the east at Main Street/Ryan and Aherne Place. The proposed mix of uses including a gym, treatment rooms, sauna, dry cleaners and reception areas will provide for multi-level activity at this key intersection at the entry point to Carrigtwohill. I am cognisant of the recent signalised junction upgrades that will allow for pedestrian connectivity between the east and west side of Castlelake Avenue, as well as the pedestrian paths immediately adjacent to the site in a north south and east-west direction connecting to the surrounding area.
- 8.6.7. With regard to the architectural definition of the proposed building, I consider the bespoke design and choice of materials to be appropriate to provide a modern design that includes sufficient visual interest to articulate this gateway location to both Castlelake to the north and Main Street to the east. The combined mix of glazing, limestone panels, white render and basalt cladding allow for appropriate horizontal definition and a breakdown in the massing of the proposal. When considered with the high-quality landscaped plaza to the Cork Road interface, I am satisfied that an appropriate level of activation to the public realm is provided with the proposal. I note the third party appeal expressed concerns that the public plaza

serves more as an entrance to the proposed foodstore than a true public plaza, however I am satisfied that the public space proposed serves to bridge the gap between the public and private aspects of the development, while integrating the main entrance into the surrounding pathways. Opportunities for seating, bike parking, pedestrian wayfinding will provide a human scaled public amenity at this entry point to the town and associated areas.

8.6.8. I have reviewed the landscaping design proposal submitted by the applicant and note the overall cohesion of the proposed landscape plan that seeks to integrate within the existing surroundings, including the green/blue infrastructure network. This is achieved through proposed planting to screen and soften the proposal, while adding aesthetic value to the development of the site. Contributions to biodiversity are particularly noted and would provide a net positive to the overall quality of this town centre location.

8.6.9. I accept the glazed treatment and entrance to the proposed hair and beauty salon will provide some activation to the ground floor of the western façade. Although no further entry points are provided along this elevation, I note the entrance to first floor level uses is at the south western corner of the proposed building and the north-south pedestrian/cycle path along Castlelake Avenue that provides ample opportunity to provide a level of human activity along this interface. When considered with the high-quality landscaping and tree planting/woodland mix along this elevation, I am satisfied that a sufficiently high quality public realm will result from the design proposed.

Third Party Appeal Conclusion

8.6.10. Overall, I am satisfied that the proposed development provides a high-quality design, mix of uses and layout at this location. The proposed built form responds to the existing setting and when coupled with the standard of materials proposed, architectural definition, landscaping elements and proposed public plaza at the interface with Cork Road, an overall responsive design is put forward that is acceptable for this site. The proposed massing, siting and considered urban design solution provides for pedestrian connectivity, will enhance legibility at this key junction, and provide an engaging streetscape character that will augment the public

realm at this area of Carrigtwohill and is in compliance with objective TCR 9-19 of the Cork County Development Plan 2022-2028.

First Party Appeal

8.7. Introduction

8.7.1. The first party has submitted an appeal against a number of conditions, which I will address in turn below. The applicant submits that the proposed conditions are contrary to Section 34(4)(m) of P&D Act 2000 (as amended). For context, Section 34(4)(m) states the following:

“(4) Conditions under subsection (1) may, without prejudice to the generality of that subsection, include all or any of the following—

...

(b) conditions for requiring the carrying out of works (including the provision of facilities) which the planning authority considers are required for the purposes of the development authorised by the permission;

...

(m) conditions for requiring the provision of roads, including traffic calming measures, open spaces, car parks, sewers, watermains or drains, facilities for the collection or storage of recyclable materials and other public facilities in excess of the immediate needs of the proposed development, subject to the local authority paying for the cost of the additional works and taking them in charge or otherwise entering into an agreement with the applicant with respect to the provision of those public facilities;”

8.8. Conditions

Condition 2 and Condition 16

8.8.1. Condition 2 requires the original redline boundary as submitted with the application to be submitted to the Planning Authority. Condition 16 is interlinked with Condition 2 as it requires the provision of a 3m footpath at the east of the development to link in with the L-3678, and which was included within the referenced, original red line boundary.

8.8.2. The First Party appeal seeks the omission of this condition in full as there are no works proposed within the Anngrove Stream and therefore this area of the site was omitted from the red line boundary. The first party claim the proposed pedestrian

path is a 'possible route' and is not required for the subject proposal. It is further submitted that the redline boundary may be amended at FI stage subject to public participation, contrary to the claims of the PA that there is no scope to amend the red line boundary during the planning process.

8.8.3. I note the established principle of amending a red line boundary and provision of amended plans at FI stage as set out under Article 35 (1) of the Planning and Development regulations 2001 (as amended), which states:

“Where a planning authority receives further information or evidence following a request under article 33, or revised plans, drawings or particulars following a request under article 34, or otherwise receives further information, evidence, revised plans, drawings or particulars in relation to the application, and it considers that the information, evidence, revised plans, drawings or particulars received, as appropriate, contain significant additional data, including information in relation to effects on the environment, the authority shall-

(a) require the applicant, within a specified period, to publish a notice in an approved newspaper, containing as a heading the name of the planning authority, marked “Further Information” or “Revised Plans”, as appropriate,..

8.8.4. Based on the submitted details I am satisfied the correct process was undertaken and there are sufficient grounds to amend the red line boundary through the planning process under revised plans or drawings. However, I also have regard to Section 34(3) of the Planning and Development Act 2000 (as amended), which states the following:

“(3) A planning authority shall, when considering an application for permission under this section, have regard to—

(a) in addition to the application itself, any information relating to the application furnished to it by the applicant in accordance with the permission regulations,”

8.8.5. It is clear to me that the PA has had regard to the information before them with regard to the requirements of the subject proposal, which include a 3m pedestrian path along the eastern portion of the site, adjacent to the Anngrove/Woodstock Stream. This path will provide long term connectivity from Cork Road/L-3678 and the subject site to third party lands located to the north. The PA found that the original

red line boundary is the appropriate boundary to include this pedestrian path within the development site.

8.8.6. I find that the proposed 3m path at the east of the proposed development would benefit the subject site in terms of future pedestrian connectivity and is not, as claimed by the first party, contrary to Section 34(4)(m) of the Act. I have had regard to the submission of the Sustainable Travel Unit of the PA in this regard.

8.8.7. Objective CT-T-02 for the subject site requires that opportunities to connect to adjoining green infrastructure north of the site is taken into consideration in the layout and design of the development. I find the provision of the pedestrian path along the route of the stream is consistent with this objective and conclude that both Conditions 2 and 16 may be retained in any grant of permission to ensure the proper planning and sustainable development of the area.

Condition 20

8.8.8. Condition 20 requires the amended site layout plan to include pedestrian access at the vehicular entrance to the site from the north.

8.8.9. The First Party appeal seeks the omission of this condition on the basis that recently upgraded shared footpath/cyclepath on the east side of Castlelake Avenue provide ample pedestrian access to the site.

8.8.10. I have had regard to the submissions of the Sustainable Travel Unit that notes no Road Safety Audit has been submitted on the revised layout submitted at FI stage. I have also had regard to the third-party appeal that labelled the proposal a 'car-centric' development.

8.8.11. I note the extensive cycle and pedestrian infrastructure in the area, as well as proposed within the site. While I am mindful of the applicant's wish to segregate vehicular and pedestrian traffic, this would give credence to the perception of the car-based nature of the proposal. Appropriate amendments to the scheme to provide appropriate pedestrian paths to the retail unit from the north, which should be subject to a Road Safety Audit to be submitted to the PA, would enhance the human scaled nature of the proposal and allow for augmented connectivity of the subject site, providing legible route options for visitors to the proposal and prioritising pedestrian movements to and from the site. I therefore find that Condition 20 of the grant of

permission in relation to provision of pedestrian access from the north of the main vehicular entrance should be retained in any grant of permission.

Condition 43

- 8.8.12. Condition 43 states there should be no works to the adjoining watercourse or its banks without approval of the PA.
- 8.8.13. The First Party appeal seeks the omission of this condition in full as they submit it is directly contrary to the Condition 16 in relation to provision of a 3m wide pedestrian/cycle route and that any works within the Anngrove/Woodstock Stream corridor would not only benefit the proposed development and is therefore contrary to Section 34(4)(m) of the Planning and Development Act 2000 (as amended).
- 8.8.14. I note the general intention of this condition in relation to the protection of the Anngrove Stream during works, which is to be acknowledged. I consider that standard best practice construction methodologies as proposed within the development for the protection of watercourses that link to European Sites as well as for the protection against flood risk, whereby run off from the site is limited and managed, are generally sufficient to protect the Anngrove Stream from inappropriate works. I am also mindful of the fact that the applicant has confirmed they do not propose any works within the watercourse itself.
- 8.8.15. Details of proposed works to provide the pedestrian path to the east of the development can be subject to condition and agreed in writing with the Planning Authority as set out above. This would ensure provision of the connecting path and protection of the existing watercourse during these works. I therefore recommend to omit Condition 43 in relation to protection of watercourses as this is covered in other areas of the proposed development.

Condition 48, 49 and 61

- 8.8.16. Conditions 48, 49 and 61 relate to surface water, maintenance of water courses and responsibilities of riparian landowners.
- 8.8.17. The First Party appeal seeks the omission of these 3no. conditions in full as they submit they are burdening the applicant with maintenance requirements of the public

infrastructure network which is contrary to the provisions of Section 34(4)(b) of the Act.

8.8.18. Section 34(4)(b) states the following:

(4) Conditions under subsection (1) may, without prejudice to the generality of that subsection, include all or any of the following—

(a) conditions for regulating the development or use of any land which adjoins, abuts or is adjacent to the land to be developed and which is under the control of the applicant, so far as appears to the planning authority to be expedient for the purposes of or in connection with the development authorised by the permission;

(b) conditions for requiring the carrying out of works (including the provision of facilities) which the planning authority considers are required for the purposes of the development authorised by the permission

8.8.19. I have included Section 34(4)(a) above as well as 34(4)(b) as referenced by the applicant. I consider the proposed conditions 48, 49 and 61 collectively to be management issues rather than a requirement of the applicant to undertake specific works. The applicant is in ownership of the land that includes the stream and has indicated a willingness to cede this land to the PA, subject to agreement. I am mindful that the applicant's riparian responsibilities would be relevant with or without the development in place and therefore do not see the requirement to include such a condition on any grant of permission. The applicant has shown sufficient evidence that the stream will be protected during construction works with detailed mitigation to be applied and I therefore conclude that further ongoing management of the stream would be beyond the scope of this application and associated permission.

8.8.20. I have had regard to the submitted flood risk assessment and drainage details submitted with the application. Blockage of the downstream culvert is identified as having the potential to lead to flood occurrences, and the maintenance of free flow is in the interests of the wider public at this location. Maintenance access is provided in the proposed scheme, and I am satisfied that the overall drainage proposal to manage run off rates from the site will maintain flows from the proposed development site within acceptable levels. I propose to omit the 3no. conditions (48, 49 and 61) as specified in the first party appeal, on the grounds that the management of the Anngrove Stream is required independent of the proposed development. I propose to

replace these 3no. conditions with a more general drainage condition, to ensure surface water attenuation and disposal from the subject site is managed to the satisfaction of the PA.

Amendment to Condition 19

- 8.8.21. The First Party seeks the amendment of condition 19, stating that adequate cycle parking has been provided in line with Development Plan standards and sheltered cycle parking at the entrance plaza would detract from the quality of the urban environment.
- 8.8.22. I note the submission of the Sustainable Travel Unit of the PA that submits the proposal would benefit and attract more sustainable modes of travel with visible cycle parking to the front of the site. I find the proposed Condition 19 may not have specifically required additional cycle parking spaces, rather than some of the spaces would be covered. I find this to be reasonable and do not consider well designed, covered cycle spaces would detract from the visual appearance of the proposal. I therefore propose to include an amended condition in relation to final details of cycle parking to be agreed with the Planning Authority.

Amendment to Condition 59

- 8.8.23. The First Party seeks the amendment of Condition 59, stating the proposal unduly burdens the applicant with costs and seeks to link monitoring to the operational management plan rather than the CEMP.
- 8.8.24. I consider there to be sufficient mitigation measures proposed within the submitted NIS to control the potential for silt and other pollutants from entering the adjoining watercourse or impacting European Sites, which I will address further in my Appropriate Assessment of the proposal. I find that it is standard practice for a condition to be included with any grant of permission that requires details of a final Construction and Environmental Management Plan (CEMP) with various details to be submitted and agreed with the PA, prior to the commencement of development. I do not consider this to place any undue cost burden on the applicant/developer and note this is required to ensure sound environmental management of the construction phase of the development. This may include management of silt and run off, which I consider to be appropriate. I therefore propose to include an An Coimisiun Pleanala

standard CEMP condition on any grant of permission, with relevant details to be agreed with the Planning Authority.

9.0 AA Screening

9.1. Screening Determination

Significant effects cannot be excluded

9.1.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone will not give rise to significant effects on the Great Island Channel SAC or Cork Harbour SPA European Sites in view of the sites conservation objectives. This is primarily due to the proximity of the proposed development to the adjacent Anngrove Stream, that connects to the above referenced European Sites.

9.1.2. 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.

9.2. Appropriate Assessment Conclusion: Integrity Test

9.2.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Great Island Channel SAC and/or the Cork Harbour SPA, in view of the conservation objectives of these sites and that Appropriate Assessment under the provisions of S177U was required.

9.2.2. Following an examination, analysis and evaluation of the NIS all associated material submitted and taking into account observations of third parties, I consider that adverse effects on site integrity of the Great Island Channel SAC and Cork Harbour SPA 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.

9.2.3. My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.

- To maintain and improve the existing water status of adjoining waterbodies including the Anngrove stream that connects to Cork Harbour and the Great Island Channel.
- Effectiveness of mitigation measures proposed including standard practice construction mitigation measures, dust management and noise mitigation.
- Application of planning conditions to ensure these measures.
- The proposed development will not affect the attainment of conservation objectives for the Great Island Channel SAC or the Cork Harbour SPA.

9.2.4. Please refer to the attached appendices for detailed Stage 1 and 2 Appropriate Assessment.

10.0 **Water Framework Directive**

10.1.1. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives based on the mitigation measures, drainage arrangements and management of surface water as set out in the proposed development. Please see WFD Assessment attached at Appendix 3 of this report.

11.0 **Recommendation**

11.1.1. I recommend that permission be GRANTED based on the following reasons and considerations and subject to the following conditions.

12.0 **Reasons and Considerations**

12.1.1. Having regard to the provisions of the Cork County Development Plan 2022-2028, the Town Centre/Neighbourhood Centre zoning objective for these lands and the specific objective CT-T-02 that applies to the site in Volume 4 South Cork of the County Development Plan, to the location of the site within the town centre of Carrigwohill, and to the existing pattern of development in the vicinity of the site, it is

considered that, subject to compliance with the conditions set out below, the proposed development would provide an acceptable mix of uses at this location, would not detract from the character and amenity of the area, and would be acceptable in terms of pedestrian and vehicular safety. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 14th October 2024 and as amended on the 8th September 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. All of the environmental, construction and ecological mitigation measures, as set out in the Natura Impact Statement (NIS) accompanying the application, and other particulars submitted with the application shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this Order.

Reason: In the interests of clarity and of the protection of the environment during the construction and operational phases of the development.

3. Prior to the commencement of any works on the site, revised plans and particulars detailing the original redline boundary as lodged on 14/10/2025 to be submitted to the Planning Authority.

Reason: In the interest of clarity.

4. The construction of the 3m wide pedestrian/cycleway to the east of the development as submitted on the site masterplan and site layout plan shall be included as part of this development to allow future connection to adjoining land to the north. This shall include the connection to the footpath along the L-3678/Cork Road to the south. Details to be agreed in writing with the Planning Authority prior to construction and carried out at the sole expense of the developer.

Reason: In the interests of sustainable travel and orderly development.

5. Prior to commencement of development, the Applicant/Developer shall confirm compatibility between the layout proposed and the approved URDF proposals in this area. The Applicant/Developer shall prepare a single drawing showing both the approved URDF Part 8 works and the subject development in layout and relevant cross sections. These shall be submitted to the planning authority for agreement before works commence.

Reason: In the interests of clarity.

6. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development. In default of agreement the matters in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity

7. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any unit.

Reason: In the interests of amenity and public safety.

8. No advertisement or advertisement structure other than those shown on the drawings submitted with the application shall be erected or displayed on buildings or within the curtilage of the site in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

9. Drainage arrangements including the attenuation and disposal of surface water shall comply with the requirements of the Planning Authority for such works and services.

Reason: In the interests of public health.

10. The developer shall enter into water and wastewater connection agreements with Uisce Éireann, prior to commencement of development.

Reason: In the interest of public health.

11. Final design details in respect of surface level visitor / short-term bicycle parking, shall be submitted to and agreed in writing with the planning authority prior to the commencement of development on the site. Details to be agreed shall include the proportion and location of cycle parking spaces to be provided as covered spaces and the design of parking structures.

Reason: To ensure that a satisfactory quality of bicycle parking is available to encourage sustainable travel patterns.

12. The road access width is to be reduced to 6.0m, with no more than 4.0m radii and incorporating surface treatment such as tomato red/natural stone. Details to be agreed in writing with the Planning Authority prior to construction. Pedestrian and cycle priority to be maintained along the route throughout the construction phase.

Reason: In the interest of road safety and orderly development.

13. A revised layout shall be submitted providing pedestrian access from the North at the main entrance. The access shall form part of the revised Road Safety Audit and measures to address issues raised shall be agreed in writing with the Planning Authority prior to commencement of construction.

Reason: In the interest of road safety and orderly development.

14. The final amended design layout shall be subject to an independent Stage 1/ 2 Road Safety Audit and recommendations incorporated, as appropriate, and submitted to the planning authority for written agreement prior to commencing works.

Reason: In the interest of Road safety and orderly development.

15. A post construction Stage 3 Road Safety Audit of the works affecting the public road shall be carried out following construction. Recommended measures shall be implemented, as appropriate, at the sole expense of the developer.

Reason: In the interest of Road safety and orderly development.

16. Prior to the opening/occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents / occupants / staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

Reason: In the interest of encouraging the use of sustainable modes of transport.

17. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials 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 plan.

(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

17. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- a) Location of the site and materials compounds including areas identified for the storage of construction refuse.
- b) Location of areas for construction site offices and staff facilities.
- c) Details of site security fencing and hoardings.
- d) Details of on-site car parking facilities for site workers during construction.
- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
- f) Measures to obviate queuing of construction traffic on the adjoining road network.
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.
- i) Details of appropriate mitigation measures for noise, dust and vibration, and the location and frequency of monitoring of such levels.

- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.
- k) Means to ensure that surface water run-off is controlled such that no silt or other pollutants / contaminants enter local surface water sewers or drains.
- l) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.
- m) Measure to fully remediate the site in accordance with a Construction Stage Invasive Plant Species Management plan, in advance of the commencement of construction activities.

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

18. Noise levels emanating from the proposed development when measured at Noise Sensitive Locations shall not exceed 55 dBA (30 minute LAR) between 0700 hours and 1900 hours, 50 dBA (30 minute LAR) between 1900 hours and 2300 hours and 45 dBA (15 minute Leq) between 2300 and 0700 hours.

Reason: To safeguard the amenities of the area and control noise emissions from the development.

19. The developer shall undertake a noise monitoring survey if directed by the Planning Authority. The survey and the monitoring sites used shall be agreed with the Planning Authority in advance. The results of the survey shall be submitted to the Planning Authority within 1 month of completion of the survey. The developer shall carry out such additional noise mitigation measures as may be deemed necessary following a review of each or all noise survey results.

Reason: To safeguard the amenities of the area.

20. A suitably qualified / experienced Ecologist shall be appointed in the role of Ecological Clerk of Works, who shall be responsible for the implementation,

management and monitoring of the identified construction mitigation measures, and the Construction and Environmental Management Plan.

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

21. Construction and demolition waste shall be managed in accordance with a finalised Construction and Demolition Waste Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, including contaminated materials, and details of the methods and locations to be employed for the prevention, minimisation, handling, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated. Full project waste disposal records shall be maintained and be available for inspection by the planning authority.

Reason: In the interest of sustainable waste management.

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

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

23. The applicant shall agree in writing the hours of operation of the units and times for delivery of goods to the site prior to the operation of the development.

Reason: In the interest of residential amenity.

24. The following requirements in terms of traffic, transportation and mobility shall be incorporated into the development and where required, revised plans and particulars demonstrating compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:

- (a) The details and the extent of all road markings and signage requirements on surrounding roads, shall be submitted to the Planning Authority for approval prior to the commencement of development.
- (b) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.
- (c) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, cycle paths and kerbs, pedestrian crossings and car parking bays shall comply with the requirements of the Design Manual for Roads and Streets and with any requirements of the planning authority for such road works.
- (d) The materials used on roads and footpaths shall comply with the detailed standards of the planning authority for such road works.

In default of agreement on any of these requirements, the matter shall be referred to An Coimisiun Pleanála for determination.

Reason: In the interests of traffic, cyclist and pedestrian safety and sustainable travel.

25. All service cables associated with the proposed development (such as electrical and telecommunications) shall be located underground throughout the site.

Reason: In the interests of visual and residential amenity.

26. 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 Bord Pleanála to determine the proper application of the terms of the Scheme.

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

27. 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.

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

28. The developer shall pay a financial contribution to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of works proposed to be carried out, for the provision of for the provision towards the cost of the Interim Upgrade Advance Capacity Measures at Cobh Cross Junction (J3/N25), which benefits the proposed development. The amount of the contribution shall be €83,705.28. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

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

29. The developer shall pay to the planning authority a financial contribution in respect of Cobh / Midleton – Blarney Suburban Rail Project in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

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

Matthew McRedmond
Senior Planning Inspector

12th May 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500753-CK-26
Proposed Development Summary	Proposed discount food store, beauty and hair salon, gym, dry cleaners and all associated site works.
Development Address	Castlelake Avenue, Cork Road, Carrigtwohill, Co. Cork
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(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)	

2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" 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. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.	Part 2, Class 10(b)(iv) – Proposal is substantially less than the 10 hectare threshold for urban development located in ‘other parts of a built up area’

<p>Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	
<p>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)?</p>	
<p>Yes <input type="checkbox"/></p>	
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____

Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-500753-CK-26
Proposed Development Summary	Proposed discount food store, beauty and hair salon, gym, dry cleaners and all associated site works.
Development Address	Castlelake Avenue, Cork Road, Carrigtwohill, Co. Cork
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The site lies within an urban. Surrounding land uses are a mix of residential and commercial uses. It is not considered that any significant cumulative environmental impacts will result when considered in cumulation with existing developments. There are no demolition works involved, and there are no identified risks of accidents or disaster, nor is there any obvious risks to human health that result from the proposed development. The proposed development will not give rise to the production of significant waste, emissions or pollutants.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and	The proposed development would be in keeping with the mixed use and commercial nature of adjacent developments. The site is not located within any designated site. The closest Natura 2000 sites is the Great Island Channel SAC (site code 001058) and Cork Harbour

<p>approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>SPA (004030), located 0.65km and 0.7km to the south.</p> <p>The site is located within a vacant site in an urban area.</p> <p>The proposal would not have the potential to affect other significant environmental sensitivities in the area.</p> <p>While there will be some disturbance of existing grassland on site, there is no evidence on file that the site is of particular ecological value, nor is there evidence that the site is of particular ecological value for any species, and I am satisfied that there will be no significant effects on biodiversity. Replacement of disturbed agricultural land will be provided.</p> <p>The site has not been identified as not being of particular historic, cultural or archaeological significance.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>The scale of the proposed development is not significant in the context of existing development in the surrounding area.</p> <p>During the construction phase noise, dust, traffic and vibration emissions are likely. However, any impacts would be local and temporary in nature and the implementation of standard construction practice measures would satisfactorily mitigate potential impacts. Impacts on the surrounding road network at construction stage can be mitigated by way of adherence to a Construction Management Plan. Impact during operational phase are limited to noise from deliveries, which can be mitigated through on site management, and traffic impacts that can be accommodated on the existing network.</p>
<p>Conclusion</p>	

Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3: Standard AA Screening Determination

Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	The proposed development is for the development of a discount foodstore, beauty/hair salon, gym, dry cleaners and associated works at Castlake Avenue, Cork Road, Carrigtwohill, Co. Cork. I have provided a detailed description of the proposed development elsewhere in my Inspector's Report in relation to this appeal.
Brief description of development characteristics and potential impact mechanisms	<p>It is proposed to construct a mixed use development at the above stated address.</p> <p>A detailed description of the site, surrounding area and proposed development is provided in Sections 1.0 and 2.0 of the Inspector's Report and detailed specifications of the proposal are provided in the AA Screening Report/NIS and other planning documents submitted by the applicant.</p> <p>In summary, the proposed development consists of a supermarket, beauty/hair salon at ground floor, gym and dry cleaners at first floor and includes all associated works.</p> <p>Potential impacts arise during construction, including noise, traffic and dust. Proposal has a surface water connection to a watercourse that connects to European Sites.</p> <p>The Cork Harbour SPA and Great Island Channel SAC are located approximately less than 1km to the south and are hydrologically connected to the subject site via the Anngrove/Woodstock Stream, which is located along the eastern and southern boundary and may potentially be impacted by water run off and air borne pollutants.</p>
Screening report	Yes, submitted by the applicant.
Natura Impact Statement	Yes, NIS submitted by the applicant.
Relevant submissions	No relevant submissions in relation to AA matters.
Step 2. Identification of relevant European sites using the Source-pathway-receptor model	
Two European sites were identified as being located within a potential zone of influence of the proposed development as detailed in Table 1 below. I consider that no further range of European Sites is necessary for consideration in relation to this proposed development.	

Table 1:				
European Site (code)	Qualifying interests¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections²	Consider further in screening³ Y/N
Cork Harbour SPA (004030)	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1130]</p> <p>Cork Harbour SPA National Parks & Wildlife Service</p>	0.7km south	Yes, proximity and potential surface water run off, airborne pollutants or sediment runoff to Anngrove Stream/Woodstock Stream that is hydrologically connected to the Cork Harbour SPA.	Y
Great Island Channel SAC (001058)	<p>Bird of Special Conservation Interest (SCI):</p> <p>Little Grebe (Tachybaptus ruficollis) [A004]</p> <p>Great Crested Grebe (Podiceps cristatus) [A005]</p> <p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Grey Heron (Ardea cinerea) [A028]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Wigeon (Anas penelope) [A050]</p> <p>Teal (Anas crecca) [A052]</p> <p>Pintail (Anas acuta) [A054]</p> <p>Shoveler (Anas clypeata) [A056]</p> <p>Red-breasted Merganser (Mergus serrator) [A069]</p> <p>Oystercatcher (Haematopus ostralegus) [A130]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p>	0.65km south	Yes, proximity and potential surface water run off, airborne pollutants or sediment runoff to Anngrove Stream/Woodstock Stream that is hydrologically connected to the Great Island Channel SAC.	Y

	<p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Wetland and Waterbirds [A999]</p> <p>Great Island Channel SAC National Parks & Wildlife Service</p>			
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¹ Summary description / **cross reference to NPWS website** is acceptable at this stage in the report

² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

³if no connections: N

Given the proposed works adjacent to the Anngrove/Woodstock Stream corridor, hydrological connection of Great Island Channel SAC and Cork Harbour SPA to same, potential effects could occur due to impacts on water quality from water contamination during the construction works phase.

Significant effects from other pathways have been ruled out i.e., habitat loss, impacts on water quality from surface water during operation, impacts from foul water discharge, impacts from noise and disturbance.

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

The proposed development will not result in any direct effects on either the SPA or SAC as it relates to Cork Harbour or the Great Island Channel. However, due to the size, scale and proximity of the proposed development to the adjacent watercourse that connects to Cork Harbour and Great Island Channel, impacts generated during construction may give rise to impacts without appropriate, specific mitigation.

Sources of impact and likely significant effects are detailed in the table below.

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<p>Site 1: Great Island Channel SAC (001058) QI list:</p> <ul style="list-style-type: none"> ▪ 1140 Mudflats and sandflats not covered by seawater at low tide ▪ 1330 Atlantic 	<p>Direct: No direct impacts within the SAC.</p> <p>Indirect:</p> <p>Given the proximity and connection of the site to Ann Grove/Woodstock Stream and the hydrological connection of Great Island Channel SAC to same, potential effects could occur due to impacts on water quality from surface water runoff and silt/sediment filtration during the construction phase.</p> <p>Significant effects from other pathways have been ruled out i.e., habitat loss, impacts on water quality from surface water during operation, impacts from foul water discharge.</p>	<p>Potential negative indirect effect on habitat quality as a result of impacts on water quality due to the hydrological connection to the SAC.</p> <p>Possibility of significant effects cannot be ruled out without further analysis and assessment.</p>
	<p>Likelihood of significant effects from proposed development (alone): Y</p>	
	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects? N/A</p>	
	<p>Possibility of significant effects (alone) in view of the conservation objectives of the site*</p>	
	Impacts	Effects
<p>Site 2: Cork Harbour SPA (004030)</p>	<p>As above</p>	

<p>QI list:</p> <p>Little Grebe (Tachybaptus ruficollis) [A004]</p> <p>Great Crested Grebe (Podiceps cristatus) [A005]</p> <p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Grey Heron (Ardea cinerea) [A028]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Wigeon (Anas penelope) [A050]</p> <p>Teal (Anas crecca) [A052]</p> <p>Pintail (Anas acuta) [A054]</p> <p>Shoveler (Anas clypeata) [A056]</p> <p>Red-breasted Merganser (Mergus serrator) [A069]</p> <p>Oystercatcher (Haematopus ostralegus) [A130]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Lapwing (Vanellus vanellus) [A142]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Black-tailed Godwit (Limosa limosa) [A156]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p> <p>Curlew (Numenius arquata) [A160]</p> <p>Redshank (Tringa 19irsute) [A162]</p> <p>Black-headed Gull (Chroicocephalus ridibundus) [A179]</p> <p>Common Gull (Larus canus) [A182]</p>		<p>Potential negative indirect effect on habitat quality as a result of impacts on water quality due to the hydrological connection to the SPA.</p> <p>Possibility of significant effects cannot be ruled out without further analysis and assessment.</p>
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Lesser Black-backed Gull (Larus fuscus) [A183] Common Tern (Sterna hirundo) [A193] Wetland and Waterbirds [A999]		
	Likelihood of significant effects from proposed development (alone): Y	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? N/A	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
<p>It is not possible to exclude the possibility that the proposed development alone would not result in significant effects on the Cork Harbour SPA and the Great Island Channel SAC from effects associated with the construction works required for the proposed project.</p> <p>An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage.</p> <p>Proceed to AA.</p>		
<p>Screening Determination</p> <p>Significant effects cannot be excluded</p> <p>In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone will give rise to significant effects on the Cork Harbour SPA and the Great Island Channel SAC European Sites in view of the sites conservation objectives.</p> <p>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.</p>		

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 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 a mixed use development including foodstore, dry cleaners, beauty/hair salon, gym and associated facilities at Castlelake Avenue, Cork Road, Carrigtwohill, Co. Cork in view of the relevant conservation objectives of Cork Harbour SPA (Site Code: 004030) and Great Island Channel SAC (Site Code: 001058) based on scientific information provided by the applicant.

The information relied upon includes the following:

- AA Screening Report by JBA Consulting
- Natura Impact Statement prepared by JBA Consulting
- NPWS Website
- Surface water disposal details submitted by the applicant
- Construction Environmental Management Plan (CEMP) by SDS Design Engineers

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

Submissions/observations

No relevant submissions

Cork Harbour SPA (Site Code 004031)

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

- Release of pollutants at construction stage such as surface water run off, sediment, dust, accidental spill of fuels, oils, chemicals effecting water quality and marine natural environment

See Section 5.0 of NIS

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (summary- inserted)	Potential adverse effects	Mitigation measures (summary) NIS SECTION 6 CEMP Section 7.0.
<p>Bird of Special Conservation Interest (SCI):</p> <p>Little Grebe (<i>Tachybaptus ruficollis</i>) [A004]</p> <p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Grey Heron (<i>Ardea cinerea</i>) [A028]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Wigeon (<i>Anas penelope</i>) [A050]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p>	<p>To maintain favourable conservation condition as defined by long term population trend being stable or increasing.</p> <p>No significant decrease in the range, timing or intensity of use of areas by the SCI birds other than that occurring from natural patterns of variation.</p> <p>To maintain favourable conservation condition as defined by: No increase in barriers, No significant decline in breeding population, productivity rate, prey biomass Human activities at levels that do not adversely affect the population.</p> <p>To maintain permanent extent of Habitat area.</p>	<p>Section 5.2 of the NIS identifies potential sources of impact including pollution to Cork Harbour SPA from water contamination as a result of sediment, suspended solids or other pollutants as a result of the construction phase.</p> <p>The potential pathway between the Ann Grove/Woodstock Stream and these two designated Natura 2000 sites, where indirect impacts to water quality cannot be discounted without the implementation of mitigation measures.</p>	<p>As set out in the NIS mitigation measures will be adhered to throughout the construction and operational phases. In acknowledgement of the downstream locations of Great Island Channel SAC and Cork Harbour SPA, a precautionary approach is considered appropriate regarding the potential relevance of the mitigation measures to both Natura 2000 sites. Environmental controls will minimise the risk to the Ann Grove/Woodstock Stream during the proposed works. An Ecological Clerk of Works is proposed to ensure all mitigation set out in Section 6.0 of the NIS are adhered to.</p> <p>Section 7.0 of the CEMP Report sets out best practice construction methods including fencing, silt fencing, dust management, location of storage of hydrocarbons etc, spill management and other containment measures.</p>

Black-tailed Godwit (Limosa limosa) [A156]				
Bar-tailed Godwit (Limosa lapponica) [A157]				
Curlew (Numenius arquata) [A160]				
Redshank (Tringa totanus) [A162]				
Black-headed Gull (Chroicocephalus ridibundus) [A179]				
Common Gull (Larus canus) [A182]				
Lesser Black-backed Gull (Larus fuscus) [A183]				
Common Tern (Sterna hirundo) [A193]				
Wetland and Waterbirds [A999]				

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

(i) Water quality degradation

Indirect habitat loss or deterioration of designated sites within the surrounding area can occur from the effects of run-off or discharge into the aquatic environment through impacts such as increased siltation, nutrient release and/or contamination. This requires connectivity between the site and the designated site in question through watercourses and/or drainage ditches. In this case, the proposed development is adjacent to the Anngrove/ Woodstock Stream and there are potential hydrological links between the proposed development site and two overlapping designated sites; Great Island Channel SAC and Cork Harbour SPA. An impact-receptor pathway therefore exists between these designated sites and the proposed development sites.

Mitigation measures and conditions

Proposed mitigation measures include:

- Good practice, standard construction methodologies to reduce surface water run-off during construction

- Appropriate management of chemical storage including spillage procedures, bunded storage areas, security, management of refuelling practices, leakages.
- Management of sediment and silt levels within the site.
- Appropriate foul and surface water management practices.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected bird species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be avoided. Mitigation measures can be included by way of condition if appropriate.

In-combination effects

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.

The following plans/projects were considered in Section 4.8.3 of the NIS in relation to in-combination effects:

- SHD permission for 706 residential units at Castlelake, Terry'sland, Carrigtwohill, Co. Cork (ABP Ref. 311855-23). I note the reference used in the submitted NIS was for the pre-application consultation phase of this proposal and the reference for the permission is ABP-313827-22.

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 ingress of silt laden surface water, sedimentation, management of contamination risk and invasive species spread. 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. In combination effects have also been reasonably assessed and there is no potential for in-combination effects.

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. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Great Island SAC (Site Code 001058)

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

- Release of pollutants at construction stage such as surface water run off, sediment, dust, accidental spill of fuels, oils, chemicals effecting water quality and marine natural environment

See Section 5.0 of NIS

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (summary-inserted)	Potential adverse effects	Mitigation measures (summary)
<p>Mudflats and sandflats not covered by seawater at low tide, [1140]</p> <p>Atlantic Salt meadows [1330]</p>	<p>Permanent habitat is stable/increasing following Conserve community types in natural condition: mixed sediment to sandy mud with polychaetes and oligochaetes community complex.</p> <p>Intertidal sandy mud community complex; and Intertidal sand community complex.</p>	<p>Section 5.2 of the NIS identifies potential sources of impact including pollution to Great Island Channel SAC from water contamination as a result of sediment, suspended solids or other pollutants as a result of the construction phase.</p> <p>The potential pathway between the Anngrove/Woodstock Stream and these two designated Natura 2000 sites, where indirect impacts to water quality cannot be discounted without the implementation of mitigation measures.</p>	<p>NIS SECTION 6.0</p> <p>Construction Methodology Section 7.0.</p> <p>As set out in the NIS mitigation measures will be adhered to throughout the construction and operational phases. In acknowledgement of the downstream locations of Great Island Channel SAC and Cork Harbour SPA, a precautionary approach is considered appropriate regarding the potential relevance of the mitigation measures to both Natura 2000 sites. Environmental controls will minimise the risk to the Anngrove/Woodstock Stream during the proposed works. An Ecological Clerk of Works is proposed to ensure all mitigation set out in Section 6.0 of the NIS are adhered to.</p> <p>Section 7.0 of the CEMP Report sets out best practice construction methods including fencing, silt fencing, dust management, location of storage of hydrocarbons etc, spill management and other containment measures.</p>

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

(i) Water quality degradation

Indirect habitat loss or deterioration of designated sites within the surrounding area can occur from the effects of run-off or discharge into the aquatic environment through impacts such as increased siltation, nutrient release and/or contamination. This requires connectivity between the site and the designated site in question through watercourses and/or drainage ditches. In this case, the proposed development is adjacent to the Ann Grove/ Woodstock Stream and there are potential hydrological links between the proposed development site and two overlapping designated sites; Great Island Channel SAC and Cork Harbour SPA. An impact-receptor pathway therefore exists between these designated sites and the proposed development sites.

Mitigation measures and conditions

Proposed mitigation measures include:

- Good practice, standard construction methodologies to reduce surface water run-off during construction
- Appropriate management of chemical storage including spillage procedures, bunded storage areas, security, management of refuelling practices, leakages.
- Management of sediment and silt levels within the site.
- Appropriate foul and surface water management practices.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected bird species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be avoided. Mitigation measures can be included by way of condition if appropriate.

In-combination effects

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.

The following plans/projects were considered in Section 4.8.3 of the NIS in relation to in-combination effects:

- SHD permission for 706 residential units at Castlelake, Terry'sland, Carrigtwohill, Co. Cork (ABP Ref. 311855-23). I note the reference used in the submitted NIS was for

the pre-application consultation phase of this proposal and the reference for the permission is ABP-313827-22.

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 ingress of silt laden surface water, sedimentation, management of contamination risk and invasive species spread. 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. In combination effects have also been reasonably assessed and there is no potential for in-combination effects.

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 Great Island Channel SAC. 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 the Great Island Channel SAC, and Cork Harbour SPA in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U 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 Great Island Channel SAC and the Cork Harbour SPA 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.
- To maintain the special conservation status of existing bird species and extent of habitat.
- the proposed development will not affect the attainment of conservation objectives for the Cork Harbour SPA or Great Island Channel SAC.
- Effectiveness of mitigation measures proposed including standard practice construction mitigation measures, dust management and mitigation of siltation/pollution impacts.
- Application of planning conditions to ensure these measures.
- The proposed development will not affect the attainment of conservation objectives for the Great Island Channel SAC or the Cork Harbour SPA.

Appendix 5 – Water Framework Directive Assessment

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	PL-500753-CK-26	Townland, address	Castlelake Avenue, Cork Road, Carrigtwohill, Co. CORK
Description of project		Proposed mixed use development including discount foodstore, gym, dry cleaners, beauty and hair salon, car and cycle parking and all associated works.	
Brief site description, relevant to WFD Screening,		Site is approximately 1.25 hectares in area and is currently vacant. The site is generally level and is located to the west of the Anngrove Stream that ultimately drains to Cork Harbour and Great Island Channel (less than 1km to the south). A water quality monitoring station is located approx. 500m west of the subject site and the site is located within the Lee, Cork Harbour and Youghal Bay catchment.	
Proposed surface water details		As existing.	
Proposed water supply source & available capacity		N/A.	
Proposed wastewater treatment system & available capacity, other issues		N/A	
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection			

Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	Along eastern boundary of site (Anngrove/ Woodstock Stream)	Tibbotstown_010 IE_SW_19T250870	Good	Review	None	Yes – potential for pollution, siltation and other chemical influence if adequate mitigation not implemented.
Groundwater Waterbody	Underlying site	Midleton IE_SW_G_058	Good	Review	Ground	Yes, via groundwater
Transitional Waterbody	0.7km southeast	Lough Mahon (Harper's Island) IE_SW_060_0700	Moderate	At risk	None identified	Yes – Anngrove Stream (Tibbotstown 010) ultimately drains to slatty bridge/Lough Mahon.
<p>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.</p>						

CONSTRUCTION PHASE							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	River	Tibbotstown_010 IE_SW_19T2 50870	Surface water and airborne pollutants	Siltation, pH (Concrete), hydrocarbon spillages, environmental pollutants	Standard construction practice Construction Methodology	Yes – proximity of works warrant further assessment.	Screened in
2.	Ground	Midleton IE_SW_G_05 8	Yes pathway exists via moderate drainage characteristics	Spillages, environmental pollutants	As above	Yes – drainage characteristics warrants further assessment.	Screened in.
3.	Transitional	Lough Mahon (Harper's Island) IE_SW_060_0700	Yes. Pathway via drainage characteristics.	Spillages, environmental pollutants	As above	Yes – proximity of works warrant further assessment.	Screened in.
OPERATIONAL PHASE							

1.	River	Tibbotstown _010 IE_SW_19T2 50870	None due to surface water systems proposed.	None	None	No. Appropriate mitigation and surface water attenuation.	Screened out
2.	Ground	Midleton IE_SW_G_05 8	None. Due to drainage works implemented on site as part of proposal.	None	None	No. Appropriate drainage works as part of subject proposal.	Screened out
3.	Transitional	Lough Mahon (Harper's Island) IE_SW_060_ 0700	None. Due to drainage works implemented on site as part of proposal.	None	None	No. Appropriate mitigation and surface water attenuation.	Screened out
DECOMMISSIONING PHASE							
5.	N/A						
STAGE 2: ASSESSMENT							
Details of Mitigation Required to Comply with WFD Objectives							
Surface Water							

Development/Activity e.g. culvert, bridge, other crossing, diversion, outfall, etc	<u>Objective 1:Surface Water</u>	<u>Objective 2:Surface Water</u>	<u>Objective 3:Surface Water</u>	<u>Objective 4: Surface Water</u>	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)
	Prevent deterioration of the status of all bodies of surface water	Protect, enhance and restore all bodies of surface water with aim of achieving good status	Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological potential and good surface water chemical status	Progressively reduce pollution from priority substances and cease or phase out emission, discharges and losses of priority substances	
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	Describe mitigation required to meet objective 4:	
Construction works	Site specific mitigation methods described in the CEMP including: <ul style="list-style-type: none"> • Management of waste • Management of soil • Fuel and chemical handling to include bunding, check for leaks, labelling 	Site specific mitigation methods as described.	Site specific mitigation methods as described.	Site specific mitigation methods as described.	YES

	<ul style="list-style-type: none"> • Availability of spill kits <p>Site specific construction mitigation methods including:</p> <ul style="list-style-type: none"> • Good practice, standard construction methodologies to reduce surface water run-off during construction • Appropriate management of chemical storage including spillage procedures, bunded storage areas, security, management of refuelling practices, leakages. • Management of sediment and silt levels within the site. <p>Management of dust and noise</p>				
Details of Mitigation Required to Comply with WFD Objectives					
Groundwater					

Development/Activity e.g. abstraction, outfall, etc.	<u>Objective 1:</u> <u>Groundwater</u> Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater	<u>Objective 2 :</u> <u>Groundwater</u> Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status*	<u>Objective 3:Groundwater</u> Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)
Development Activity: Construction works	Site specific construction mitigation methods including: <ul style="list-style-type: none"> • Good practice, standard construction methodologies to reduce surface water run-off during construction • Appropriate management of chemical storage including spillage procedures, bunded storage areas, security, management of refuelling practices, leakages. 	Site specific mitigation methods as described.	Site specific mitigation methods as described	Yes

	<ul style="list-style-type: none">• Management of sediment and silt levels within the site.			
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