



An
Coimisiún
Pleanála

Inspector's Report

PL-500910-CC-26

Development

Construction of a new three storey apartment development containing 8 units and all associated site works.

Location

No 1 Ard Na Laoi, Middle Glanmire Road, Montenotte Cork, T23E9P0.

Planning Authority

Cork City Council

Planning Authority Reg. Ref.

2543592

Applicant(s)

Garin Murphy & Lyn Kenny

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party Normal Planning Appeal

Appellant(s)

Garin Murphy & Lyn Kenny

Observer(s)

John Donoghue and Others

Date of Site Inspection

28th May 2026

Inspector

Matthew McRedmond

Table of Contents

1.0	Site Location and Description	3
2.0	Proposed Development.....	3
3.0	Planning Authority Decision	3
4.0	Planning History.....	9
5.0	Policy Context.....	9
6.0	EIA Screening.....	15
7.0	The Appeal	15
8.0	Assessment	19
9.0	AA Screening.....	30
10.0	Water Framework Directive.....	31
11.0	Recommendation.....	31
12.0	Reasons and Considerations	31
	Appendix 1: Form 1 EIA Pre-Screening	33
	Appendix 2: Form 2 - EIA Preliminary Examination	36
	Appendix 3: Standard AA Screening Determination	39
	Appendix 4 – Water Framework Directive Assessment.....	44

1.0 Site Location and Description

- 1.1. The site is located approximately 1.4 km to the north-east of Cork City Centre and is 0.1029ha in area. This site is within the curtilage of a private dwelling No. 1 Ard na Laoi housing estate (also referred to as Ardnalee in file documents), which is accessed off the northern side of Glanmire Road Middle. The Ard Na Laoi estate is characterised by 2 storey detached dwellings of varying designs. On the opposite side of the Middle Glanmire Road from the site lies the Montenotte Hotel, and, along this road, to the west lie terraces of Victorian style 3-4 storey residential. Properties to the east are primarily detached two storey dwellings.
- 1.2. The site slopes steeply down from north to south and is part of lands to the west and northwest, which accommodate the applicants' two-storey dwelling house and a gate lodge, both of which are accessed by means of an entrance and driveway off Glanmire Road Middle. The site itself is bound to the west by this driveway, to the south by Glanmire Road Middle and to the east/north by the estate entrance road to Ard Na Laoi. This site is enclosed along its public boundaries by part retaining/part boundary walls, and it is elevated above the gate lodge and the initial portion of the driveway from Middle Glanmire Road. The site is currently populated by existing landscaping throughout.

2.0 Proposed Development

- 2.1. The proposed development consists of 8no. apartments in a three storey building with pitched roof, 4no. car parking spaces, vehicular entrance via Ard Na Laoi estate road and associated landscaping and site works. The overall height of the proposal is approximately 10m.
- 2.2. The proposal was revised at further information stage to reduce the number of apartments to 6no. and amended to a flat roof profile with a reduction to 8.2m in height. The proposal was also set back an additional 5.5m from Glanmire Road Middle at FI stage.

3.0 Planning Authority Decision

- 3.1. **Decision**

3.1.1. On the 5th February 2026, Cork City Council refused permission for the proposed development for the following 3no. reasons:

1. *The footprint of the proposed residential development significantly encroaches on the Public Open Space zoning on site and as such would materially contravene Land Zoning Objective ZO15 set out in the Cork City Development Plan 2022-2028, as varied, which states it is an objective “to protect, retain and provide for passive and active recreational uses, open space, green networks, natural areas and amenity facilities.” The proposed development would contravene this zoning objective by reason that the primary purpose of these lands is to preserve same for open space and amenity use with a presumption against developing land zoned Public Open Space for alternative purposes. The proposal would, therefore, be haphazard, set an undesirable precedent, and be contrary to the proper planning and sustainable development of the area.*
2. *Having regard to the existing pattern of development, the established building lines in the area, the proposed development would, by reason of its inappropriate design, scale, layout, orientation and relationship to dwellings immediately adjoining the site, constitute an inappropriate form of infill development and be visually incongruous, obtrusive and overbearing in relation to existing developments in the area. The proposed development would therefore seriously injure the visual and residential amenities and be contrary to the proper planning and sustainable development of the area.*
3. *The applicant has failed to demonstrate that safe access can be provided to and from the site. The applicant has failed to demonstrate that the development would not have an adverse impact on the receiving road network and underground infrastructure, combined sewer, servicing the proposed and existing developments. As such the applicant has failed to demonstrate that the proposal would not adversely impact on other road and service users giving rise to serious concerns with regard to impacts on public safety and public health. As such the proposal is contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Local Authority Planner had regard to the locational context of the site, national and local planning policy context, the referral responses received, and any submissions made on the application. Their assessment included the following:

- Significant concern in relation to location of proposed residential development within ZO 15 Public Open Space zoning
- Proposed density of 78 units per hectare is acceptable within the principle urban corridor area of the city, where there is a target density range of 50-150 dwellings per hectare. Dwelling mix is also considered to comply with SPPR 2 of the Compact Settlement Guidelines.
- Proposed layout and design are out of character with the established pattern of residential development in the area. This is in relation to the proposed building beyond the building line, overly detailed form of building, lack of coherence in material palette, and therefore a revised proposal should be submitted.
- Concern in relation to residential amenity impact on gate lodge to west. Satisfied there will be no private amenity impacts for properties to the east.
- No measurements of proposed public amenity space provided. Details and confirmation of 10% open space requirement should be provided.
- Trees to be removed on site are noted, and it is concluded they do not form part of the Tree Preservation Order (TPO) in the vicinity.
- Discrepancy noted in terms of private amenity space for Apt 6, which is below the minimum requirement of 7sqm. Revised plans required to correct this detail.
- Details of pedestrian entrance along southern boundary to be confirmed.
- Vertical sightline visibility to be confirmed by the applicant.
- Full details of storm attenuation tank on site to be provided. Clear drawing showing separation distances to this tank to be provided. Details of maintenance access to be provided.
- Confirmation of access to public sewer to be provided from Uisce Eireann.
- Stormwater management to be confirmed allowing for 1-in-100 year flood event and 20% climate change.

- The Planning Authority therefore did not have sufficient information to make a decision on the proposed development and sought further information from the applicant.

Response to Further Information

3.2.2. The applicant provided a response to the FI request, which included the following details:

- Request to Planning Authority to amend the public open space zoning for the site to cover area of existing stormwater tank only, which would allow residential on the remainder of the site.
- Revised drawings and photomontages to address the queries from the PA in relation to layout and design. The proposal was reduced in scale to provide a reduction to 6no. apartments, setback a further 5.5m from the southern boundary to allow an 11.6m separation distance that provides enhanced landscaping and public open space. A simpler elevation treatment is proposed and a parapet height that is below the majority of dwellings in the vicinity.
- 125sqm of public open space for residents of the proposal, and which is above the 10% requirement.
- Updated area schedule showing compliance with private open space requirements for all units.
- Updated engineering details to address requirements for adequate visibility at the site entrance.
- Revised drainage assessment for the site.

3.2.3. The submitted information was considered significant by the Planning Authority and was readvertised to the public. A number of submissions were received at that stage, which I will include in my summary of observations in the following sections.

Planning Authority Response to Further Information

3.2.4. The Planning Authority considered the details in relation to public open space, landscaping, housing quality assessment to be acceptable.

3.2.5. The Planning Authority were not satisfied that residential had been omitted from the Public Open Space zoned area of land, the revised architectural design submitted,

and the road safety details provided. It is noted a confirmation of feasibility for connection to the storm sewer network is also required and has not been provided by the applicant. The PA therefore recommended a refusal of permission for the reasons outlined above. The Senior Planners report was consistent with the reports of the Area Planner and Senior Executive Planner reports and recommended refusal.

3.2.6. Other Technical Reports

- **Contributions Report** – Noted that general and supplementary contributions apply to the subject proposal.
- **Drainage Division** – Details required in relation to existing stormwater tank on site, separation distances to same, access maintenance, combined sewer connection feasibility from Uisce Eireann and stormwater management. This information was not provided, specifically a Confirmation of Feasibility from Uisce Eireann. CFI was recommended.
- **Housing Report** – Part V proposal for 2no. units as set out is deemed acceptable.
- **City Architects Department** – Proposal fails to respond to existing character and context, does not provide good quality modern architecture nor make a positive contribution to the locality. The Council Planner included the Architects report on the FI submission within the main planning report and outlined the City Architect did not consider the revised proposal as submitted at FI stage would address the issues identified and recommended refusal on the basis of design.
- **Community, Culture and Placemaking (Urban Roads and Street Design)** – Recommended further information in relation to visibility envelope for the vertical plane. This information was not adequately demonstrated in the response to FI and a clarification of FI was sought by this Department in relation to forward visibility and 'Y' distance.
- **Environment** – No objection to the proposal subject to conditions.

3.3. Prescribed Bodies

- 3.3.1. **Inland Fisheries Ireland** – No objection provided Irish Water can confirm sufficient capacity in existing infrastructure.

3.4. Third Party Observations

3.4.1. A number of third-party submissions were received by the PA in relation to the subject proposal, which may be taken as summarised in the PA Planner's Report.

The main issues are as follows:

- Concerns in relation to use of public open space land within a private development.
- Vehicular access and safety issues, including sightlines.
- Construction impacts.
- Overdevelopment of this site.
- Details of attenuation tank on site not clarified, including setbacks.
- Removal of trees from site not welcomed.
- Housing quality standards in relation to storage space, public and private amenity space not reached. Density also not in line with Development Plan.
- Proposed design, building line and height of proposal not acceptable at this location. Impacts on existing gate lodge not acceptable.
- Insufficient parking will lead to overspill on adjoining roads.
- Loss of sunlight to adjoining properties with no associated study provided. Overlooking would also occur.

FI Submissions

- Application should be invalidated as existing and proposed site layout are not accurate.
- ZO 15 public open space zoning has not been addressed as part of application. Site should be returned to use as a public open space. Proposal is a material contravention of the Development Plan.
- Issues with building line, height, scale, mass, density and bulk of proposal remain with FI proposal.
- Proposal would be visually obtrusive at this location.
- Vehicle access proposed is not safe and will be a traffic hazard at this location.

- Previous reasons for refusal are still applicable to subject proposal.
- Insufficient car parking.

4.0 Planning History

- 4.1. **Cork City Council Reg. Ref. TP 19/38877 (ABP Ref. 306654-20):** Cork City Council (CCC) refused permission for the change of use of a portion of lands from public open space to private open space, stating such land shall be protected for recreation, open space and amenity purposes. The decision was overturned by the Board who found the site was in use as private amenity space and was not open to the public and granted permission.
- 4.2. **CCC Ref. 21/40284 (ABP Ref. 311305-21):** CCC refused permission for a three storey apartment development consisting of 8no. units due to excessive density, scale and urban form, visual impact at an elevated site, visual obtrusiveness, lack of open space, and inappropriate sightlines at the proposed entrance. The refusal was upheld by ABP who refused for 3no. reasons related to 1) Traffic safety at proposed entrance, 2) Failure to meet minimum standards of apartment design guidelines, and 3) Lack of detail in relation to existing stormwater holding tank at the subject site.

5.0 Policy Context

5.1. National and Regional Planning Context

- 5.1.1. The NPF is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. National Strategic Outcome No. 1 is 'Compact Growth'. Activating strategic areas and achieving effective density and consolidation, rather than more sprawl of urban development, is a top priority.
- 5.1.2. The NPF contains several policy objectives that articulate the delivery of compact urban growth as follows:

- NPO 2a includes a target of half (50%) of future population and employment growth will be focused in the existing five Cities and their suburbs.
- NPO 3 (b) aims to deliver at least 50% of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.
- NPO 4: 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.
- NPO 11 outlines a presumption in favour of development in existing settlements, subject to appropriate planning standards.
- NPO 13: 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.
- NPO 27 seeks to integrate alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility.
- NPO 33 prioritises new homes that support sustainable development at an appropriate scale relative to location.
- NPO 35 seeks to increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.1.3. The Regional Spatial and Economic Strategy for the Southern Region, 2020-2032 is relevant in terms of the aim to strengthen the role of the Cork Metropolitan Area as an international location of scale, a complement to Dublin and a primary driver of economic and population growth in the Southern Region.

5.1.4. Relevant national policy also includes Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities, 2024 ('the Compact Settlement Guidelines') which supports the more intensive use of sites in locations served by existing facilities and public transport. The Compact Settlement Guidelines

supersede the Guidelines on Sustainable Residential Development in Urban Areas and accompanying Urban Design Manual.

- 5.1.5. Section 3.4 of the Compact Settlement Guidelines contains Policy and Objective 3.1 which requires the recommended density ranges set out in Section 3.3 are applied in the consideration of individual planning applications, and that these density ranges are refined further using the criteria set out in Section 3.4. Densities of 40-80dph are recommended in Suburban City locations.
- 5.1.6. Section 5.3 of the Compact guidelines includes SPPRs 1-4 on separation distances, private open space, car and cycle parking, and policy on open space and daylight.
- 5.1.7. Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, July 2023 (Apartment Guidelines) as the proposal was submitted prior to the 9th July 2025 when updated Apartment Guidelines were published. The Apartment Guidelines include objectives for high quality design, access to sunlight and daylight and protection of residential amenity. Applicable to the proposed development includes:
- Section 2.21: SPPR 1 (unit mix)
 - Section 3.5: SPPR 3 (minimum floor areas)
- 5.1.8. Urban Development and Building Heights, Guidelines for Planning Authorities, December 2018 (Building Height Guidelines). Applicable to the proposed development include:
- Section 1.9 requires building heights of at least 3 to 4 storeys, coupled with appropriate density, in locations outside city and town centre areas to be supported in principle at development management level.
 - SPPR 4 requires: It is a specific planning policy requirement that in planning the future development of ... edge of city...locations for housing purposes, planning authorities must secure:
 1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled "Sustainable Residential Development in Urban Areas (2007)" or any amending or replacement Guidelines;

2. a greater mix of building heights and typologies in planning for the future development of suburban locations; and
3. avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more

5.2. Rebuilding Ireland – Action Plan on Housing and Homelessness 2016

- 5.2.1. This is a government initiative which identifies the critical need for accelerating housing supply.

5.3. Design Manual for Urban Roads and Streets (DMURS), DoTTS, March 2013

- 5.3.1. In terms of the design of the proposed development, including the entrance and access to the site, it is a requirement that they be considered against the Design Manual for Urban Roads and Streets (DMURS), DoTTS, March 2013. This Manual replaces DMRB in respect of all urban roads and streets. The implementation of DMURS is obligatory and divergence from same requires written consent from relevant sanctioning authority (NRA, NTA or DTT&S). The Manual seeks to address street design within urban areas (i.e. cities, towns and villages) and it sets out an integrated design approach. Stopping distances of 23m are recommended on roads with a design speed of 30km/h. Design speed is the maximum speed at which it is envisaged/intended that the majority of vehicles will travel under normal conditions. The DMURS Guidelines set out that in most cases the posted or intended speed limit should be aligned with the design speed.

5.4. National Biodiversity Action Plan (NBAP) 2023-2030

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

Framework Directive, and other relevant legislation, strategy and policy where applicable.

5.5. Cork City Development Plan 2022-2028

- 5.5.1. The Cork City Development Plan 2022-2028 is the relevant statutory plan that applies to the subject site. The site is located within the northeastern suburbs of Cork City.

Zoning

- 5.5.2. The appeal site has a land use zoning of 'ZO 01 Sustainable Residential Neighbourhoods' which has an objective to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.
- 5.5.3. Paragraph ZO 1.1 of the plan states that the provision and protection of residential uses and residential amenity is a central objective of this zoning and that the vision for sustainable residential development in Cork City is one of sustainable residential neighbourhoods where a range of residential accommodation, open space, local services and community facilities are available within easy reach of residents.
- 5.5.4. Paragraph ZO 1.2 states that development in this zone should generally respect the character and scale of the neighbourhood.
- 5.5.5. The site also has a portion in the southeast section of the site zoned 'ZO15 Public Open Space' which has an objective to protect, retain and provide for passive and active recreational uses, open space, green networks, natural areas and amenity facilities.
- 5.5.6. Paragraph ZO 15.2 of the plan states that "there is a presumption against developing land zoned Public Open Space for alternative purposes".
- 5.5.7. The subject site is located within the 'Primary Urban Corridors' as defined in Figure 11.1 of the City development Plan with regard to height and density ranges. 'Primary Urban Corridors' have a density range of 50-150dph and a building height range of 2-7 storeys.
- 5.5.8. Other policies of the Development plan of relevance to the subject appeal are summarised as follows:

- SO1 – Compact Liveable Growth - Deliver compact growth that achieves a sustainable 15 minute city of scale providing integrated communities and walkable neighbourhoods, dockland and brownfield regeneration, infill development and strategic greenfield expansion adjacent to the existing city.
- SO2 – Delivering Homes & Communities – Provide densities that create liveable, integrated communities by using a mix of house types, tenures and sizes linked to active and public transport. Provide amenities, services and community and cultural uses to enable inclusive, diverse and culturally rich neighbourhoods.
- Objective 3.5 Residential Density – higher densities to be achieved in accordance with the Cork City Density Strategy, Building Height and Tall Building Study whilst ensuring a balance between protecting the established character of the surrounding area and existing residential amenities, creating successful integrated neighbourhoods, and achieving high quality architectural, urban and public realm design.
- Objective 11.1, Sustainable Residential Development – sets out that new residential development should create high quality places by contributing to the 15-minute city and walkable neighbourhoods.
- Paragraph 11.66, Placemaking and Quality Design: Specifies that a range of issues will be assessed with new residential developments including height, integration with the surrounding environment, residential amenity of the proposal and surrounding areas in terms of overlooking, daylight, sunlight and overshadowing.
- Paragraph 11.100-11.104, Separation, overlooking and overbearance: Relates to privacy and overlooking, which is acknowledged to reduce in level as density of development increases. Overlooking and overbearance should be avoided in design.
- Car and Bicycle Parking, Paragraph 11.234, Table 11.13 and Table 11.14 – site in Zone 2 (area served by BusConnects, most of city suburbs), standards applicable for standard residential include 1 car parking space for 1-2 bed unit and 2 car parking spaces per 3bed + units. These are maximum standards. 0.5

cycle spaces per unit are required for apartments with no definitive requirement for standard house proposals.

5.6. Natural Heritage Designations

- 5.6.1. The site is not located within any designated site. The closest Natura 2000 site is the Cork Harbour SPA (Site Code: 004030) which is located approximately 3.4 km to the southeast 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, 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. A First-Party Appeal has been submitted against the decision made by Cork City Council to refuse permission for the proposed development.

The grounds of appeal are concentrated on the reasons for refusal and can be summarised as follows:

Principle of Development

- Planning History of site is provided including confirmation the land is in private ownership since 1993 and has never been accessible as public open space. The previous application from 2021 is also referenced (CCC Ref. 21/40284) in terms of the application being submitted following pre-planning feedback. It is noted that the 2021 application was refused and the subject proposal and appeal is an attempt to address previous reasons for refusal.

- ZO 15 land use zoning as applied to the site is not appropriate. Principle of development for residential was acceptable to the PA at pre-planning stage.
- Reiterated that the land has been in private ownership for some time and the area of land has been in the ownership of No. 1 Ardnalee for over 26 years. Despite the 2020 decision by An Bord Pleanála to change the use of the land from public to private amenity space, the land was re-zoned to public amenity space by Cork City Council. This was evidently done to protect an existing attenuation tank at the site.
- The Open Space zoning only covers 50% of the attenuation tank it sought to protect and is quite arbitrary. The zoning as it currently exists, sterilises the subject site and the applicant asks the Commission to relocate the public open space zoning for the site so that it covers the tank only.

Design, Scale and Layout

- Proposal was revised at FI stage to reduce size, scale and density, with southern building line now behind the existing gate lodge.
- Reduction results in 6no. apartments instead of 8no., a 25% reduction. Proposal has also been setback a further 5.5m to allow an 11.6m separation from public road.
- External elevation treatment is now a simpler form with the building height reduced by 1.14m, bringing the parapet height below surrounding buildings. This alteration will allow the proposed new building to sit well in the streetscape and will align with the existing buildings to the east and west. This is supported by the submitted photomontages.
- Appeal notes the majority of buildings to the west are three storeys.
- Simpler material treatment is proposed, with a brick plinth and plaster. The entrance and vertical circulation are proposed in soldier course brick.

Traffic Safety and Services Access

- Submitted Engineering Report addresses the issues with site access safety and access to stormwater tank, that the applicant undertook to fully locate the underground attenuation tank and manholes etc, and the reason for refusal in this regard is unjustified.

- The submitted engineering report provides that 23m sightlines can be achieved in compliance with DMURS standards Table 4.2, as it is a 30km/h road. Sight distance to an object height of 0.6m to 2m, from the driver's height range of 1.05m-2m is also achieved, as per Figure 4.67 of DMURS. This is confirmed in submitted drawings 365-PA2-04, 4A and 04B.
- In relation to stormwater drainage the applicant notes that Uisce Eireann did not provide a review of the stormwater drainage connection, and the Confirmation of Feasibility (CoF) did not extend to stormwater. The Engineer for the applicant notes the stormwater run off rate to combined sewer will be to greenfield run off rates and that the 1 in 100 year flood event has been provided for, as well as 20% climate allowance. A CoF for a nearby development at Middle Glanmire Road was provided as evidence that UE would consider the discharge of stormwater greenfield runoff rate to the existing combined sewer. The applicant seeks UE to apply the same connection principle to the subject development.

Other Points

- Previous reasons for refusal (3no.) issued by An Bord Pleanala have been fully addressed in the subject application including vehicular access safety, compliance with design standards for new apartments and confirmation of stormwater tank location at southeastern section of the site.

7.2. Planning Authority Response

7.2.1. None on file.

7.3. Observations

7.3.1. There was 1no. observation on file in relation to the first-party appeal, signed by a number of residents in the area of Ard Na Laoi and surrounds. The main points of the observation may be summarised as follows:

Principle of Development

- Proposed residential development encroaches on the ZO 15 Public Open Space zoning.

- The submitted details fail to demonstrate the position and extent of underground infrastructure within the site and the areas to protect and facilitate same.

Public Safety - Roads

- Report of Senior Executive Engineer of PA is noted that states the vertical visibility in line with DMURS has not been achieved, the Y-distance is not clarified and sight distances of 23m are not provided. This results in a serious safety risk to road users.

Density and Scale

- Revised proposal submitted at FI stage was considered unacceptable by the City Council Architect and refusal of permission was recommended.
- Apartment standards from 2023 were used in design of proposal, when these Guidelines were updated in 2025.
- Contextual analysis as provided under the Compact Settlement Guidelines has not been provided. Proposal fails to respond to the surrounding character. 3 storey elevated block will adversely impact the historical environment, and a higher quality design is necessary at this location.
- Concerns in relation to materials used and composition of elevations due to projecting glass balconies and H-shape that prioritises unit numbers over quality.
- A sunlight and daylight analysis has not been provided to measure impacts on surrounding properties, with adjoining gate lodge likely to be impacted significantly.

Drainage

- Details of location and dimensions of existing attenuation tank and associated wayleaves required for maintenance, have not been provided by the applicant.
- Furthermore, confirmation from Uisce Eireann in relation to connection to stormwater network has not been provided.

Conclusion

- It is requested that the refusal of permission be upheld by An Coimisiún Pleanal, for the reasons outlined in the submitted observation.
- The applicant relies on pre-planning consultations from a previously refused proposal, and this cannot be relied upon for appropriate feedback for a new proposal, and as set out in Section 247(3) of the Planning and Development Act.
- As set out in the Development Plan, the proposal must comply with zoning objectives, be of a high-quality architectural design, have a density appropriate to context, comply with apartment design guidelines, provide for placemaking, safe access, infrastructure capacity and adequate open space and landscaping. The subject proposal does not comply with these requirements, and a material contravention is not merited nor does it meet the statutory tests for such a contravention.
- The proposed development is not suitable for the subject site, is contrary to the proper planning and sustainable development of the area and should be refused permission.

8.0 **Assessment**

8.1. Having examined the application details and all other documentation on file, including the grounds of appeal and observations to the appeal, the reports of the local authority, having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal can be assessed under the following headings:

- Zoning
- Design and Scale
- Traffic Safety
- Drainage

8.2. **Zoning**

8.2.1. The First-Party appeal submits that the ZO15 Open Space zoning as it is applied to the subject site is arbitrary and follows no set pattern. They conclude that the site has always been in use as private amenity space and they state that the site was zoned

ZO15 to protect an existing attenuation/stormwater storage tank, that has a much smaller footprint than the Open Space zoned land within the site. The First Party seeks the relocation of the zoning by An Coimisiun Pleanala so that it covers the attenuation tank only and submit that the first reason for refusal is not appropriate due to the incorrect zoning.

- 8.2.2. Third Party Observations to the appeal note the proposed residential use on open space land is a material contravention of the Development Plan and cannot be granted permission.
- 8.2.3. I have had regard to the Cork City Development Plan and note the proposal includes land zoned for 'Sustainable Residential Neighbourhoods', with the southeastern corner of the site including an irregular shaped area of land zoned for 'ZO15 Public Open Space'. I note from my visit to the site that the area of land is very much enclosed within the curtilage of No. 1 Ard Na Laoi and is in use as a private amenity space that is heavily vegetated. I further acknowledge the An Bord Pleanala decision under ABP-306654-20 that permitted a change of use of a portion of lands within the subject site from public open space to private open space further to a 1993 permission to build a wall at this location.
- 8.2.4. It is clear to me that the site is currently in use as private amenity space, but this is disassociated from the zoning of the site which is for public open space. I note from the submitted details in the Applicant's Engineering Planning Report submitted with the applicant response at FI stage, that the zoning is to protect public infrastructure, which in this case is an underground stormwater storage tank that serves the wider Ard Na Laoi development. Based on the evidence provided by the applicant at FI stage, the zoning of the site occurred without the knowledge of the applicant.
- 8.2.5. Whatever the reasons for the zoning of the site, the zoning provisions are included within the City Development Plan which has a statutory basis. ZO 15.2 provides that there is a presumption against developing land zoned public open space for alternative purposes.
- 8.2.6. Although the applicant obtained information from Cork City Council and undertook their own ground investigation works to ascertain the location and extent of the underground tank and associated connections, the Planning Authority decision did

not find that a material contravention of the zoning provision was merited in this instance to allow residential land use to occur on public open space zoned land.

- 8.2.7. I note there are access and maintenance requirements for the underground infrastructure, and I am not satisfied that adequate information has been provided to ensure the complete requirements for the ongoing operation of the tank and associated infrastructure have been met with the proposal as currently put forward. I also note in this regard that the Confirmation of Feasibility from Uisce Eireann does not extend to Stormwater and groundwater disposal, and I therefore conclude that additional details need to be worked out in order to determine the full extent of public open space required to protect the underground infrastructure.
- 8.2.8. It is not within the remit of the Commission to relocate land use zones as provided in statutory Development Plans. I do not find that a material contravention of the Development Plan is warranted in this instance as further agreement is required between the applicant, the Planning Authority and Uisce Eireann in relation to the extent and requirements of the underground infrastructure before any building in the vicinity of this infrastructure is permitted. I therefore recommend refusal of permission on the basis that the proposed residential development overlaps an area zoned ZO15 Public Open Space and would constitute a material contravention of a zoning objective as set out in the Cork City Development Plan 2022-2028.

8.3. **Design and Scale**

- 8.3.1. Although I recommend refusal of permission in relation to the zoning of the site, I will include a full assessment of the grounds of the appeal in the following sections for the purposes of completeness.
- 8.3.2. The second reason for refusal relates to the inappropriate design, scale, layout, orientation and relationship to dwellings in the area, which is considered to be an inappropriate form of development with regard to the existing character of the area.
- 8.3.3. The third-party observation to the appeal submits that the proposal is completely out of character with the surrounding area due to scale, inappropriate apartment design guidelines being referred to, building height, proposed materials and form, and will have an unacceptable impact on sunlight and daylight, with no analysis provided by the applicant.

- 8.3.4. The applicant submits in application documents, including at FI stage, that the surrounding context has been considered, the proposal has been designed in accordance with national and local policy guidance, and the design of the proposal is site specific responding to adjoining residential amenity requirements and reduced significantly in scale following the FI request.

Residential Amenity

- 8.3.5. I have reviewed the submitted Architectural Design Statement, application drawings and photomontages submitted with the application. I also have regard to the existing built environment surrounding the subject site, noting there are primarily three storey dwellings in the surrounding area to the west, with a mix of 2-storey dwelling types to the north within the Ard Na Laoi estate and to the east along Middle Glanmire Road. I also note the single storey Gate Lodge to the southwest of the proposed development site.
- 8.3.6. I note the first party appeal provides that the proposal has been setback 5.5m at FI stage which gives a total separation of 11.6m from Middle Glanmire Road. This is also submitted as being more closely aligned with Smithgrove Terrace to the west.
- 8.3.7. The separation distance between the proposed apartment building and the property to the northwest is given as c.16.7m, with a separation distance of 9.2m to the gate lodge. Both of these are side separation distances. Notably, the proposed apartment block is located a considerable distance (more than 16.7m) to any other property, with the closest being the Montenotte Hotel to the south, which is c.35m from the proposed apartment building.
- 8.3.8. Separation distances, to guide the protection of privacy, are set out in the city development plan and the Compact Settlement Guidelines. The Cork City Development Plan 2022-2028 (11.101) refers to a separation distance of 22 metres between directly opposing rear first floor windows, with lesser separation distance often more appropriate in an urban context. The Sustainable Residential Development and Compact Settlements Guidelines state that a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, shall be maintained and development plans shall not include minimum separation distances that exceed 16 metres.

- 8.3.9. SPPR1 of the Compact Settlement Guidelines states that when considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces. I note habitable rooms include living spaces and bedrooms.
- 8.3.10. I note the separation distances to the Gate Lodge property to the southwest as being 9m from the subject proposal. I note there are no windows above ground level on the existing dwelling that would directly oppose the proposed apartment block. I am satisfied that through boundary treatments of a native hedgerow planting and separation distances, no significant overlooking of the single storey Gate Lodge would occur.
- 8.3.11. I have also had regard to overlooking of the private amenity space of the property to the northwest (the applicant's property) and given the separation distances involved, and orientation of existing and proposed buildings, I am satisfied that an appropriate level of residential amenity could be maintained if the subject proposal was permitted.
- 8.3.12. I note the applicant did not submit a sunlight/daylight analysis of the subject proposal. Given the location of the proposed apartment to the northeast of the Gate Lodge, and separation distances to other properties, and the natural sun paths around the site, I am satisfied that no significant sunlight and daylight impacts would occur to these buildings as a result of the subject proposal.
- 8.3.13. I note the subject site is not located within an ACA, with no protected structures immediately adjacent to the site. The Montenotte Hotel is listed on the National Inventory of Architectural Heritage, but the proposed development is setback adequately and separated by the public road.
- 8.3.14. I consider the proposed material selections for the proposed building, including projecting glass balconies, to be inconsistent with the simple architectural language of buildings along Middle Glanmire Road in the vicinity of the site. I am mindful of the

various architectural forms of dwelling design within Ard Na Laoi, including the gate lodge adjacent, however the predominant built form of the Middle Glanmire Road, where the proposal would be most publicly visible is of a simpler form than that proposed. I therefore find that the subject proposal would result in a negative impact on residential amenity for the area, as a result of the design proposed and discuss this principle further in the following sections.

Open Space

8.3.15. Over 10% of the site is proposed as 'Communal Amenity Space'. It is not confirmed in the submitted documentation if this is for use by residents only or is publicly accessible open space in line with the zoning provisions (ZO15). Section 11.112 of the Development Plan requires 10% open space as a general provision. No reference is made to communal open space requirements in the Development Plan. The Apartment Guidelines 2023, which are the relevant apartment guidelines for this proposal, require 5sqm per 1-bed apartment, 7sqm per 2-bed (4-person) apartment and 9sqm per 3-bed apartment. This equates to a total requirement of 42sqm for the subject proposal. With an approximate total of 115m² of communal open space to the Middle Glanmire Road boundary of the site, which was accepted as appropriate by the Local Authority, I consider there to be sufficient open space proposed within the subject development to meet the needs of future residents. If permission is granted, I recommend that confirmation of access to amenity spaces be provided by way of a property management plan that could be submitted by way of condition for final approval by the Planning Authority. However, given my previous recommended reasons for refusal in relation to contravention of zoning provisions, this may not be necessary.

Proposed Design and Character of the Area

- 8.3.16. The second reason for refusal refers to the design, scale, layout and orientation of the proposal, presenting as an obtrusive and overbearing development in the context of the existing environment. The third-party observation to the appeal supports this reason for refusal.
- 8.3.17. The first party appeal submits that the subject proposal is appropriate in the existing urban centre context where there is a mix of dwelling types, heights and architectural

treatments and is supported by the current Development Plan and National Planning Policy.

- 8.3.18. I note the context within which it is proposed to construct this development, is not an Architectural Conservation Area nor is it in proximity to Protected Structures but is within a vacant site in a City location where there is a mixture of uses and built form in the surrounding area.
- 8.3.19. The Compact Settlement Guidelines 2024, require that 50% of new development is within the existing built-up footprint on infill or brownfield sites and states: *“In order to achieve compact growth, we will need to support more intensive use of existing buildings and properties, including the re-use of existing buildings that are vacant and more intensive use of previously developed land and infill sites, in addition to the development of sites in locations served by existing facilities and public transport.”*
- 8.3.20. In facilitating compact development, the relevant criteria in the City Development Plan and Compact Settlement Guidelines also provide for the reasonable protection of residential amenities and protection of the established built character of the surrounding environment. The prevailing character of development in the surrounding area of the application site includes a range of architectural forms and low-density residential housing of between two to three storeys, with a four storey building also located to the west/northwest.
- 8.3.21. Based on the existing policy context for the redevelopment of infill sites and providing compact growth such as Strategic Goals SO1 and SO2, I consider that the site is appropriate for residential development of a scale similar to the surrounding context. I acknowledge that a building of up to 3-storeys can be accommodated without undue adverse impact on the character and visual or residential amenities of the area, and this position is supported by the Building Height Guidelines that recommend new development in appropriate locations to be at least that height. The split level arrangement whereby the two storey element addresses the Ard Na Laoi development is also appropriate in the context of the existing setting.
- 8.3.22. However, I consider the proposal shown at Further Information stage is not satisfactory in terms of visual impact and is not compatible with the surrounding built environment due to the design elements proposed. Although this is not an architectural conservation area, it is a historical location and the revised building form

with the proposed variety of materials that includes brick, plaster and projecting glass balconies, provides an incongruous design proposal at this location.

- 8.3.23. The façade and external elevations of the proposal do not provide appropriately high-quality design features and I consider this proposal would not enhance the appearance of this site and the wider area.
- 8.3.24. I conclude therefore that the proposed development is not appropriate for this infill site, will not provide an appropriate architectural treatment to an urban site in accordance with objectives 11.1 of the Cork City Development Plan and therefore would injure the visual or residential amenity of the area.
- 8.3.25. I have had regard to the drawings submitted by the applicant, including the contiguous elevations and the submitted photomontages. While the 3-storey height is lower than surrounding buildings including the properties to the west at Smithgrove Terrace that are referred to in the City Architects Report, and I have given consideration to the principles of compact growth and utilisation of serviced land, as set out in national and local planning policy, the proposal as illustrated in the submitted photomontages and architectural drawings, when viewed on the approach to the site from the east and viewed from the Glanmire Road Middle elevation, presents an incongruous built form, given the elevated position of the structure and the materials and design proposed.
- 8.3.26. Appropriate height and densities are promoted in the Building Height Guidelines, Compact Settlement Guidelines, the National Planning Framework and in the Cork City Development Plan and although an appropriate building height is proposed, I consider the modulated elevation treatment and choice of architectural materials, will prevent the proposed building from assimilating successfully into the surrounding area and in my opinion will detract from the built form character of the locality. I do not consider that this issue could be addressed by way of condition as a complete revision to the proposed design is required, and therefore recommend refusal of permission in relation to this issue.

Residential Amenity and Character Conclusion

- 8.3.27. Having regard to the proposed layout, design and architectural detail proposed I consider that the proposed development results in an unacceptable impact on the residential amenities and character of the area. I therefore consider that the proposal

does not comply with paragraph 11.66 of the City Development Plan in relation to Placemaking and Quality Design, which requires that a range of issues including height, density, integration with the surrounding environment, residential amenity of the proposal and surrounding areas in terms of overlooking, daylight, sunlight and overshadowing must be satisfied. Although the proposal is generally in accordance with requirements in relation to height, density and residential amenity impacts such as overlooking and overshadowing, I conclude that the proposal would not contribute to high quality architecture to the receiving environment and should be refused permission on this basis.

8.4. Traffic Safety

- 8.4.1. The submissions by the Roads Section of Cork City Council at application and FI stage, state that sightlines have not been demonstrated correctly and that sightlines to the nearside kerb and stopping distances, both of 23m should be achieved to address this issue. The third-party observation to the appeal references this issue and states the application should be refused permission on these grounds.
- 8.4.2. The applicant has submitted in response, that the submitted drawings appended to the Engineering Response at FI stage, clearly show that 23m sightlines to the nearside kerb are achieved on either side of the proposed access junction in accordance with Table 4.2 of DMURS, which addresses the third reason for refusal for the subject application as issued by the Planning Authority. The previous refusals of permission at the subject site for reasons related to inadequate sightlines were also referenced in the appeal.
- 8.4.3. The speed limit on the estate road, adjacent to the subject site, is 30km/h, with a steep incline from the entrance from Middle Glanmire Road to the Ard Na Laoi estate. I refer to the Design Manual for Urban Roads and Streets (DMURS), Table 4.2 which requires a minimum safe stopping distance (SSD) of 23 metres on 30km/h roads. I note the DMURS Guidelines provide that design speed is the maximum speed at which it is envisaged/intended that the majority of vehicles will travel under normal conditions. In most cases the posted or intended speed limit should be aligned with the design speed, which I have considered to be 30km/h in this instance, based on the speed limit in the area. The speed may be even less given the gradient of the internal estate road.

- 8.4.4. Section 4.4.5 of DMURS, refers to visibility splays. The distance back along the minor road or direct access from which the full visibility is measured is known as the 'x' distance. The 'x' distance on the minor road for visibility measurements shall be 2.4m as a desirable minimum, which may be reduced to 2.0 metres where vehicle speeds are slow and flows on the minor arm are low. A 2.4m 'x' distance is provided in the subject proposal, which I consider appropriate.
- 8.4.5. The 'Y' distance is the distance a driver exiting from the minor road can see to the left and right along the major arm. It is normally measured from the nearside kerb or edge of the roadway where no kerb is provided. DMURS recommends that the 'Y' distance along the visibility splay should correspond to the safe stopping distance (SSD) for the design speed of the major arm, taken from Table 4.2 of the DMURS document.
- 8.4.6. The applicant has provided drawings '365-PA2-04, 04A and 04B' which were submitted at FI stage, that illustrates sight distances of 23m left (northwest) and 23m right (southeast) from 2.4m back on the proposed access/exit junction. I note this is consistent with DMURS recommendations for 23m sightlines and SSD on 30km/h roads and is measured to the nearside kerb. The submitted drawings also provide that the 23m sight distance is achieved to an object in the height range of 0.6m to 2m, from the driver's eye height in the range of 1.05m to 2m either side of the junction.
- 8.4.7. I note the boundary wall is proposed to be reduced to 900mm to the right of the exit junction to allow for sightlines, however, I note the submitted sightline drawings are not consistent with the landscaping plan that shows trees to be retained within the sightline triangle.
- 8.4.8. Having visited the site and reviewed the submitted drawings I consider that adequate sightlines of 23m can be achieved due to the geometry of the road to the southeast (right) and to the northwest (left) and as shown on the submitted drawings. Appropriate sightlines would be subject to appropriate landscaping/planting/retention of trees that do not enter the line of sight and that can be agreed by way of condition.
- 8.4.9. Given the relatively small number of units proposed at 6no. with a maximum of 4no. car parking spaces, I do not consider that a significant level of vehicle movements would arise from the subject proposal that would give rise to a substantial impact on

the road network. The site is within an urban setting and in the context of National Policy Objectives for compact growth within existing urban settlements, I consider the low level of additional traffic to be acceptable while balancing sustainable urban growth with the operation of the road network.

- 8.4.10. I note the appeal referenced the previous reason for refusal of permission at the subject site. I have reviewed this decision and I am satisfied that the reason for refusal in relation to road safety has been addressed in the subject application, as sightlines have been adequately illustrated.
- 8.4.11. Based on the foregoing, I do not consider there to be any conflicts with National or Local Planning Policy as a balance must be struck between sustainable, compact growth and new vehicular trips on the network.
- 8.4.12. Based on the submitted information, I am satisfied that the proposed entrance for 6no. apartment units is acceptable at this location. The proposal provides for orderly urban development by linking existing pedestrian pathways adjacent to the site, providing adequate vehicular sightlines and provides for an appropriate scale of residential expansion within Cork City. However, given the other reasons for refusal I have recommended above, the details of the proposed entrance are not sufficient to justify a grant of permission for the subject proposal in this instance.
- 8.4.13. In conclusion, as the proposal provides a limited access point to the local road, within the settlement boundary of the city, where adequate road safety measures are incorporated into the site layout, I therefore do not consider that a refusal of permission on the grounds of traffic safety is merited in this instance.

8.5. Drainage

- 8.5.1. The third reason for refusal relates to underground as well as road network infrastructure. The submitted information from the applicant's engineer states that they were uncertain if Uisce Eireann made any appraisal of their Stormwater proposal but refers to other sites in the locality whereby the greenfield run off rate was acceptable for stormwater management.
- 8.5.2. As I set out under the above section under 'Zoning', I conclude that there is further detailed analysis required in relation to the Stormwater Tank at the subject site. Although I note the significant time and effort expended by the applicant in locating

and ascertaining the size of the existing tank, the absence of agreement on stormwater management from Uisce Éireann and the Planning Authority in relation to this matter is indicative. I note the submitted drawings showing the location and dimensions of the existing tank and the consultations with the Council Engineering staff. However, the Drainage report on the FI response notes the applicant's proposal includes a direct 150mm dia. storm water connection to the public combined sewer and that the applicant has not provided any evidence that Uisce Éireann have agreed or consented to such a connection.

- 8.5.3. The CoF provided, states in Section A that it does not extend to the disposal of storm water. The current proposal does not include a valid storm water drainage strategy as there is no discharge point for storm water. The PA Drainage Department asks that the applicant provide a Confirmation of Feasibility (CoF) from Uisce Éireann which explicitly consents to the discharge of storm water to the public combined sewer.
- 8.5.4. While final details of the stormwater tank may be agreed as a standalone issue by way of condition, given the implications for the land use zonings applied to the site as I have set out above, I am not satisfied that drainage matters have been fully resolved for the subject proposal. I therefore recommend refusal of permission in relation to this matter as it is intrinsically linked to the zoning of the subject site and the overall acceptability of the proposal at this location.

9.0 AA Screening

- 9.1.1. I have considered the proposed development of 6no. residential units and associated site works in light of the requirements S177U of the Planning and Development Act 2000 as amended (refer to Appendix 2). The closest Natura 2000 site is the Cork Harbour SPA (Site Code 004030).

Screening Determination: Finding of no likely significant effects

- 9.1.2. 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 the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site(s) in view of the conservation objectives of these sites and is therefore

excluded from further consideration. Appropriate Assessment is not required. This determination is based on:

- The nature and scale of the works
- Location-distance from nearest European site and lack of direct connections between the application site and any SAC/SPA
- Taking into account screening determination by the PA.

9.1.3. Please refer to the attached appendices for detailed Stage 1 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 4 of this report.

11.0 Recommendation

11.1. I recommend that permission is refused for the following reasons and considerations.

12.0 Reasons and Considerations

1. The footprint of the proposed residential development significantly encroaches on the Public Open Space zoning on site and as such would materially contravene Land Zoning Objective ZO15 set out in the Cork City Development Plan 2022-2028, as varied, which states it is an objective “to protect, retain and provide for passive and active recreational uses, open space, green networks, natural areas and amenity facilities.” The proposed development would contravene this zoning objective by reason that the primary purpose of these lands is to preserve same for open space and amenity use with a presumption against developing land zoned

Public Open Space for alternative purposes. The proposal would, therefore, be haphazard, set an undesirable precedent, and be contrary to the proper planning and sustainable development of the area.

2. Having regard to the prominent location of the site, to the established built form and character of this area of Cork City, it is considered that the proposed development, consisting of a three-storey building with various materials and projecting balconies would be incongruous in terms of its design, which would be out of character with the streetscape and would set an undesirable precedent for future development in this area. The proposed development would seriously injure the visual amenities of the area, would be contrary to the stated policy of the planning authority, as set out in the current Development Plan under Section 11.66, in relation to placemaking and quality design, and therefore, is contrary to the proper planning and sustainable development of the area.
3. The applicant has failed to demonstrate that the development would not have an adverse impact on receiving underground infrastructure, which is a stormwater sewer and storage tank, servicing the proposed and existing developments. As such the applicant has failed to demonstrate that the proposal would not adversely impact on other service users giving rise to serious concerns with regard to impacts on public safety and public health. As such the proposal is contrary to the proper planning and sustainable development of the area.

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

09th June 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500910-CC-26
Proposed Development Summary	Construction of 8no. residential apartments in a 3-storey building and all associated site works. Proposal reduced to 6no. at FI stage.
Development Address	1 Ard Na Laoi, Middle Glanmire Road, Montenotte, 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?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ 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)?	
☐ 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
☒ 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?	
☐ 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.	
☐ 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
☒ Yes, the proposed development is of a Class but is sub-threshold.	Class 10 (b) (i) and (iv). Proposal is significantly below the 500 dwelling and 10hectare threshold for both.

Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-500910-CC-26
Proposed Development Summary	Construction of 8no. residential apartments in a 3-storey building and all associate site works. Proposal reduced to 6no. apartments at FI stage.
Development Address	1 Ard Na Laoi, Middle Glanmire Road, Montenotte, 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).	- Proposed residential use is compatible with other uses in area, - Modest size and intensity of development - No significant use of natural resources or production of waste - No significant risk of pollution or nuisance - No significant risk of accidents / disasters to human health
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use,	- Located within zoned land on a serviced urban site - Local ecology only on site - No significant built heritage in the area - No water features at the site - No designated sites at this location

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).	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the following: - Nature and scale of the development, - Lack of significant environmental sensitivities on the site, - Absence of significant in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant	EIA is not required.

effects on the environment.	
--	--

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 6 unit residential development at 1 Ard Na Laoi, Middle Glanmire Road, Montenotte, Cork, 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 site characteristics and potential impact mechanisms		It is proposed to construct a residential development at the above stated address. 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 planning documents submitted by the applicant. In summary, the proposed development consists of 6no. residential units over 2-3 storeys. Potential impacts arise during construction, including noise, traffic and dust. Proposal connects to public infrastructure services. The Cork Harbour SPA is located approximately 3.4km to the south and is not hydrologically connected.		
Screening report		No		
Natura Impact Statement		No		
Relevant submissions		No relevant submissions in relation to AA matters.		
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
One European site was 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)	Little Grebe (<i>Tachybaptus ruficollis</i>) [A004] Great Crested Grebe (<i>Podiceps cristatus</i>) [A005] Cormorant (<i>Phalacrocorax carbo</i>) [A017] Grey Heron (<i>Ardea cinerea</i>) [A028] Shelduck (<i>Tadorna tadorna</i>) [A048] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Red-breasted Merganser (<i>Mergus serrator</i>) [A069] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Lapwing (<i>Vanellus vanellus</i>) [A142] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Common Gull (<i>Larus canus</i>) [A182] Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]	3.4km south	Yes, proximity and potential surface water run off, airborne pollutants or sediment runoff to River Lee via public services that are hydrologically connected to the River Lee and therefore Cork Harbour SPA.	Y
------------------------------	---	-------------	--	---

	Common Tern (<i>Sterna hirundo</i>) [A193] Wigeon (<i>Mareca penelope</i>) [A855] Shoveler (<i>Spatula clypeata</i>) [A857] Wetland and Waterbirds [A999] Cork Harbour SPA National Parks & Wildlife Service			
--	--	--	--	--

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 370m north of the River Lee, hydrological connection of 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 have any direct effects on the SPA as it relates to Cork Harbour. However, due to the size, scale and proximity of the proposed development to the public drainage network that through gravity, connects to the River Lee, 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
Site 1: Cork Harbour SPA (004030): QI list: Little Grebe (<i>Tachybaptus ruficollis</i>) [A004]	Direct: No direct impacts within the SPA. Indirect: Given the proximity and connection of the site to surface water that flows towards the River Lee and the	Potential negative indirect effect on habitat quality as a result of impacts on water quality due to the hydrological connection to the SPA.

Great Crested Grebe (Podiceps cristatus) [A005] Cormorant (Phalacrocorax carbo) [A017] Grey Heron (Ardea cinerea) [A028] Shelduck (Tadorna tadorna) [A048] Teal (Anas crecca) [A052] Pintail (Anas acuta) [A054] Red-breasted Merganser (Mergus serrator) [A069] Oystercatcher (Haematopus ostralegus) [A130] Golden Plover (Pluvialis apricaria) [A140] Grey Plover (Pluvialis squatarola) [A141] Lapwing (Vanellus vanellus) [A142] Dunlin (Calidris alpina) [A149] Black-tailed Godwit (Limosa limosa) [A156] Bar-tailed Godwit (Limosa lapponica) [A157] Curlew (Numenius arquata) [A160] Redshank (Tringa totanus) [A162] Black-headed Gull (Chroicocephalus ridibundus) [A179] Common Gull (Larus canus) [A182] Lesser Black-backed Gull (Larus fuscus) [A183] Common Tern (Sterna hirundo) [A193] Wigeon (Mareca penelope) [A855]	hydrological connection of Cork Harbour SPA to same, potential effects could occur due to impacts on water quality from surface water runoff and silt/sediment filtration during the construction 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.	Possibility of significant effects can be ruled out based on standard mitigation measures during construction and through the intervening urban area that will absorb any run offs.
---	---	--

Shoveler (Spatula clypeata) [A857] Wetland and Waterbirds [A999] Cork Harbour SPA National Parks & Wildlife Service		
	Likelihood of significant effects from proposed development (alone): N	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area.	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of the Cork Harbour SPA. Due to distance and lack of meaningful ecological connections there will be no changes in ecological functions due to any construction related emissions or disturbance. There will be no direct or ex-situ effects from disturbance on mobile species during construction or operation of the proposed development. No mitigation measures beyond normal standard construction mitigation and drainage works are required to come to these conclusions. Proceed to AA.		
Screening Determination		
Finding of no likely significant effects		
Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites within the surrounding area namely, Cork Harbour SPA or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required. This determination is based on: • The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site • Distance from and weak indirect connections to the European sites • No ex-situ impacts		

Appendix 4 – 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-500910-CC-26	Townland, address	1 Ard Na Laoi, Middle Glanmire Road, Montenotte, Cork, Co. CORK
Description of project		Proposed mixed use development of 6no. residential apartment units and all associated works.	
Brief site description, relevant to WFD Screening,		Site is approximately 0.1029 hectares in area and is currently in use as a private garden. The site slopes from north to south and is not connected to any watercourses. A water quality monitoring station is located approx. 350m south of the subject site at the River Lee (Tivoli Dock) 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		Public Network with Uisce Eireann confirming capacity	
Proposed wastewater treatment system & available capacity, other issues		Public Network with Uisce Eireann confirming capacity	
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	c.850m north of site	BRIDE (Cork City)_020 IE_SW_19B140300	Poor	At Risk	Urban Run Off	No. Separation distance, gradient of terrain and intervening urban development.
Groundwater Waterbody	Underlying site	Ballinhassig East IE_SW_G_004	Good	Not at Risk	None Identified	Yes, via groundwater
Transitional Waterbody	0.4km south	Lee (Cork) Estuary Lower IE_SW_060_0900	Poor	At risk	None Identified	Yes, Surface water drainage
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.						
CONSTRUCTION PHASE						

No.	Component	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	BRIDE (Cork City)_020 IE_SW_19B1 40300	Surface water and airborne pollutants	Siltation, pH (Concrete), hydrocarbon spillages, environmental pollutants	Standard construction practice Construction Methodology	No. Separation and intervening urban development.	Screened out
2.	Ground	Ballinhassig East IE_SW_G_00 4	Yes pathway exists via moderate drainage characteristics	Spillages, environmental pollutants	As above	Yes – drainage characteristics warrants further assessment.	Screened in.
3.	Transitional	Lee (Cork) Estuary Lower IE_SW_060_0900	Yes. Pathway via drainage characteristics.	Spillages, environmental pollutants	As above	Yes – proximity of works warrant further assessment.	Screened in.
OPERATIONAL PHASE							
1.	River	BRIDE (Cork City)_020 IE_SW_19B1 40300	None due to surface water systems proposed.	None	None	No. Appropriate mitigation and surface water attenuation.	Screened out

2.	Ground	Ballinhassig East IE_SW_G_004	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	Lee (Cork) Estuary Lower IE_SW_060_0900	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> Prevent deterioration of the status of all bodies of surface water	<u>Objective 2:Surface Water</u> Protect, enhance and restore all bodies of surface water with	<u>Objective 3:Surface Water</u> Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological potential	<u>Objective 4: Surface Water</u> Progressively reduce pollution from priority substances and cease or phase out emission,	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a		

		aim of achieving good status	and good surface water chemical status	discharges and losses of priority substances	derogation under art. 4.7)
	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 such as: • Management of waste • Management of soil • Fuel and chemical handling to include bunding, check for leaks, labelling • Availability of spill kits Site specific construction mitigation methods including: • Good practice, standard construction methodologies to reduce	Site specific mitigation methods as described.	Site specific mitigation methods as described.	Site specific mitigation methods as described.	YES

	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. Management of dust and noise				
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	<u>Objective 2 :</u> <u>Groundwater</u> Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the	<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)	

	status of all bodies of groundwater	aim of achieving good status*		
Development Activity: Construction works	Site specific construction mitigation methods including: • 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.	Site specific mitigation methods as described.	Site specific mitigation methods as described	Yes