



An
Bord
Pleanála

Inspector's Report

ABP-320996-24

Development

Large scale residential development:
Construction of 166 dwellings, extension
to previously permitted creche (ref.
TP21/40038 (PL.28.311730), new
vehicular access and all associated site
works. (www.coppengerwoodsldr.ie)

Location

Dublin Pike and Ballyhooley Road,
Ballincroilig, Cork City

Planning Authority

Cork City Council

Planning Authority Reg. Ref.

2442789

Applicant(s)

O'Leary & O Sullivan Developments
Ltd

Type of Application

Large - Scale Residential
Development (LRD)

Planning Authority Decision

Refuse

Type of Appeal

First Party V Refusal

Appellant(s)

O'Leary & O Sullivan Developments
Ltd

Observer(s)

1. Elena Elisseeva

Date of Site Inspection

17th January 2025

Inspector

I. McCormack

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1.0 Site Location and Description

- 1.1.1. The appeal site is located in an edge-of-city area approximately 3.8km north of Cork City centre and less than 2km north-west of the northern Cork City suburb of Ballyvolane and has a stated site area of 6.57 hectares.
- 1.1.2. The subject site comprises 1 no. entire field and parts of another 2 no. large open fields currently in agricultural use and bounded by established hedgerows, which slope to the south and east. The Ballyvolane Stream runs along the eastern boundary of the proposed development site. There is one known archaeological site within the subject site – a standing stone (RMP Ref. No. CO063 073) – in the northernmost field. This will be preserved in situ and will be surrounded by a landscaped buffer zone. An overhead 110kv ESB power line traverses the length of the western section of the site.
- 1.1.3. To the east of the site is the R614, Ballyhooley Regional Road, which provides an access into the site and connects to White's Cross to the North and Cork City to the south. To the north-west of the site is the L2980, Dublin Pike Local Road, which bounds the site (off which another access point is proposed) and connects to White's Cross to the North and Blackpool and Cork City to the south.
- 1.1.4. The site is bounded on the northern side by existing residential dwellings. To the immediate west is an existing farmyard with the Coppenger Fields residential development to the immediate south. Further west there is a low density residential development. To the south of the site are 2 no. permitted phases, one of which consists of 96 no. units (CCC Ref. No. 21/40038) with the most southern of the two consisting of 72 no. units (Part 8 Scheme).
- 1.1.5. Access to the proposed site is also incorporated through the existing Coppenger Fields development and the permitted 96 no. unit phase. A large residential development has commenced to the south-east of the site through the SHD planning process. To the east of the site there are agricultural fields.
- 1.1.6. The site is within a short distance of a number of facilities including local shops, churches and schools.

2.0 Proposed Development

- 2.1.1. In summary, the proposed LRD will comprise:

- (i) the construction of 166no. residential dwellings comprising 26 no. 1-bed apartments and 42 no. 2-bed apartments in 12 no. 2 storey blocks and 2no. 3-storey duplex blocks, 20 no. 2-bed townhouses, 18no. 3-bed townhouses, 42 no. 3-bed semi-detached houses, and 18no. 4-bed semi-detached houses, all 2-storeys in height;
- (ii) the construction of an extension to previously permitted crèche to allow for an increase of its capacity from 40no. child spaces to 76no. spaces;
- (iii) a new vehicular access from the Ballyhooley Road and a new vehicular access from the L2980 road
- (iv) car and bicycle parking, bin storage facilities and public lighting throughout scheme;
- (v) landscaping, neighbourhood and local play areas and an ecology corridor to stream along Ballyhooley Road;
- (vi) drainage and surface water management works including attenuation basins and swales, and
- (vii) all associated boundary, site and development works

2.2. Development Parameters:

Proposed Development				
Site Area	6.57ha.			
No. of Units	166 no. units comprising:			
	Houses		98	59%
	Semi-detached		60	
	Townhouses		38	
	Duplexes & Apartments		68	41%
Unit Mix				
	4 bed		18	11%
	3 bed		60	36%
	2 bed		62	37%
	1 bed		26	16%
Building Height	2 Storey Houses, 3 storey Duplex Apartments.			
Density	40 u/ha.			
Open Space	27%			

	Useable Open Space (excluding buffer area under powerlines and ecological corridor of existing drain – 15%)
Creche	36 -child crèche extension of granted 40-child capacity creche. Total 76.
Car Parking	265 no. spaces including : Accessible – 5 no. spaces EV- 20 no. spaces
Cycle Parking	170 no. Bicycle Spaces (for duplex and Apartment units)

2.2.1. In addition to the standard plans and particulars, the application is accompanied by the documents and reports which include inter alia:

- LRD Opinion Statement of Response
- Planning Statement
- Statement of Consistency with Development Plan
- Social and Community Audi
- EIAR Screening Statement
- Schedule of Accommodation
- Housing Quality Assessment
- Architectural Design Statement
- Building Lifecycle Report
- Universal Design Statement
- Engineering Report
- Construction Waste Management Plan
- Operational Waste Management Plan
- Climate Action and Energy Statement
- Traffic Management, Sightline and Swept Path Analysis Drawings
- Drainage Impact Assessment
- Flood Risk Assessment
- Photomontages
- Landscape Design Rationale Report
- Ecological Impact Assessment
- AA Screening Report
- Traffic and Transport Assessment
- DMURS Compliance Statement
- Stage 1 Road Safety Audit
- Quality Audit
- Hydrological and Hydraulic Assessment
- Public Lighting Drawings and Report
- Archaeology Report
- Daylight and Sunlight Analysis Report

- 2.2.2. The Planning Authority requested further information on 16th May 2024 which sought clarification in relation to drainage and flood risk, parking and sightlines. A response was made on the 14th August 2024 which included a revised site layout plan, engineering response and Flood Risk Assessment incorporating a Hydrological and Hydraulic Analysis of the Ballyvolane Stream.

3.0 Planning Authority Pre-Application Opinion

- 3.1.1. A Section 32 Consultation Meeting took place on the 13th December 2023 with representatives of the applicant and planning authority in attendance.
- 3.1.2. A Large-Scale Residential Development (LRD) Opinion issued on 18th January 2024. This set out that the documentation submitted pursuant to section 32D(2) required further consideration with respect to:

1. Drainage, Flood Risk and Surface Water Management.
2. Architectural Design and Layout.
3. Density - revisions to increase the density are required, for more efficient use of land and sustainable development.

The application includes a response to the LRD Opinion issued by Cork City Council and a response to the points of specific information requested. This is included in the documentation on file from the planning authority.

4.0 Planning Authority Decision

4.1. Decision

By Order dated 10th September 2024, Cork City Council issued notification of a decision to REFUSE permission for the proposed development for the following two reasons.

1. The applicant has not demonstrated to the satisfaction of the Planning Authority that the proposed drainage network, specifically Attenuation Basin No. 4, will be fit for purpose or can operate safely. Additionally, the stormwater discharge calculations provided include errors such that the Planning Authority cannot be satisfied that the internal drainage network and SuDS features are correctly sized. The Applicant therefore has not demonstrated that the proposed development accords with Objectives 9.2 and 9.4 of the Cork City Development Plan 2022. The

proposed development therefore does not accord with the proper planning and sustainable development of the area.

2. The Applicant has not demonstrated to the satisfaction of the Planning Authority that the proposed development accords with Objectives 9.8 and 9.10 of the Cork City Development Plan 2022, that it will not increase flood risk on site or downstream, of the subject site. The proposed development is therefore contrary to Strategic Objective 8 and does not accord with the proper planning and sustainable development of the area.

4.2. Planning Authority Reports

4.2.1. Planning Reports

Planner Report

- 4.2.2. The report provides a summary of the proposed development, the LRD process and submissions received. The report reviews the characteristics of the site and the proposed development and various national policies and provisions of the development plan.
- 4.2.3. As noted above the Planning Authority requested further information on 16th May 2024 which sought clarification in relation to drainage and flood risk, parking and sightlines. A response was received on 14th August 2024.
- 4.2.4. Following receipt of further information response, the PA concluded noting the Drainage Section report that:
 - The proposal is not acceptable and does not negate the need to address flood risk and the impact of storm water from this development on the watercourses and further downstream.
 - The applicant has not demonstrated to the satisfaction of the Planning Authority that the proposed drainage network, specifically Attenuation Basin No. 4, will be fit for purpose or can operate safely. Additionally, the stormwater discharge calculations provided include errors such that the Planning Authority cannot be satisfied that the internal drainage network and SuDS features are correctly sized. The Applicant therefore has not demonstrated that the proposed development accords with Objectives 9.2 and 9.4 of the Cork City Development

Plan 2022. The proposed development therefore does not accord with the proper planning and sustainable development of the area.

- The Applicant has not demonstrated to the satisfaction of the Planning Authority that the proposed development accords with Objectives 9.8 and 9.10 of the Cork City Development Plan 2022, that it will not increase flood risk on site or downstream, of the subject site. The proposed development is therefore contrary to Strategic Objective 8 and does not accord with the proper planning and sustainable development of the area.
- The Board will note that this reflects the reasons for refusal as set out above.
- Regarding sightlines the PA note that the RFI response demonstrates 90m sightlines in both directions at the entrance and that this is acceptable.
- Regarding car parking spaces the RFI response provides for a reduction in residential car parking spaces from 265 to 259 and duplex-apartments from 89 to 82. It is noted that the Traffic Regulation and Safety Section are satisfied with the response.

4.2.5. The recommendation within the report of the Planning Officer reflects the decision of the Planning Authority.

4.3. Other Technical Reports

Drainage Division (Report dated 05/09/2024) – The report notes that in response to the RFI both the new design and new hydraulic modelling raise further technical issues including health and safety concerns. In summary the report notes:

Drainage – Attenuation Basins

The redesign in response to the RFI has resulted in changes to Attenuation Basin No. 4. The redesign is now effectively three separate basin which surcharge and fill at different stages, with water flowing from one basin to another via weirs. It is not clear what rate of flow can be expected between and across the basin in an extreme flood event. The two weirs between the three basins are set at a width of 0.5m. The upstream faces have a height of 0.5m with slopes of 1:2. The downstream faces have a height of 1.0m with slopes of 1:5. Slopes in attenuation basins should be a maximum of 1:4 to reduce the hazard of falling in, and to facilities egress when they contain water. Concern is raised that the weirs would appear as play features and the level

reduced through plant, vandalism or erosion during a flood event.

The formation of the attenuation basin creates an embankment between the floor level of the basin and the adjacent watercourse. There is concern that water from the attenuation basin could overtop and flow into the watercourse and increase flooding downstream.

Drainage – Total Discharge

The total discharge rate from the site should be 3.13l/s based on the two discharge points SW12.1 which is 2.639l/s and SW12.2 is 0.44l/s. It is not clear how the total discharge from the site can be 11.79l/s. There are concerns that the internal drainage network and SuDs features may be incorrectly sized based on the discharge rates.

Flood Risk

- Concerns that the hydraulic model may not accurately describe the baseline characteristics of the channel. There is a lack of cross-sections resulting in a failure to capture low points or gaps in the channel banks.
- The predicted pluvial model does not reflect the maximum extent and depth of flooding observed during storm Babet on 18th October 2023 where there was a significantly greater flood event and depth than the model results.

Refusal recommend as set out in section 4.1 of this report.

Area Engineer (report dated 29/08/2024) – No objection subject to conditions.

Traffic: Regulation and Safety (report dated 5/09/2024) - No objection subject to conditions.

Contributions (report dated 23/08/2024) - No objection subject to conditions.

Environment Section (report dated 29/04/2024) – No objection subject to conditions.

Housing (report dated 10/05/2024) – No objection subject to conditions.

Urban Roads & Street Design (Planning) Report (report dated 15/05/2024) - No objection subject to conditions.

Infrastructure Development Directorate (report note dated) - No comment to make

Parks (report dated 15/05/2024) – No objection subject to conditions.

Strategic Planning and Heritage Section (report note dated) - Development is acceptable.

Other

Health & Safety Authority (report dated 4/10/2024) – Report notes that the HSA does not advise against the granting of planning permission.

4.4. Prescribed Bodies

The planning authority referred to the application to the following prescribed Bodies:

Uisce Eireann (2nd May 2024) – No objection in principle

Inland Fisheries Ireland (17th April 2024) Report requests UE confirm waste water capacity so that the development will result (among other concerns) in polluting matter entering waters. It is set out that no details of the proposed watercourse crossing have been submitted. A 5m buffer strip shall be maintained from all watercourses and a fence erected.

4.5. Third Party Observations

A number of observations were made to the Planning Authority. These include submission from local residents and local resident groups. Issues raised in the submissions included inter alia the following:

- Adjoining property overlooking concerns.
- Drainage – flooding issues.
- Density.
- Traffic impact- local capacity and safety.
- Access to trees for maintenance.
- Foul sewer should be extended to existing houses to replace septic tanks.
- No consultation.
- Design concerns including apartments.
- Public transport references inaccurate.
- Not enough creche parking.
- Not enough social/community infrastructure.
- Amenity space under powerline is unacceptable.
- Impact on archaeological heritage.

- No proper consideration of wildlife.

5.0 Planning History

Site

ABP 316710-23 – RZLT

ABP 311730-21 / CCC 2140038 – Permission granted on 9/02/2023 for development consisting of construction of 96 no. residential units, 1 no. crèche, associated car parking, landscaping and all associated site works. (This application relates to part of the subject site)

To the South of the site

CCC244377 – Permission sought for a four-storey primary care centre. Decision due 11/02/2025.

Part 8 – Permission granted on 12th September 2022 for the construction of 72 no. apartments and duplex units.

To the southeast of the site.

ABP-318904-24 / CCC 2342409 – Permission granted by ABP on 13/05/2024 for LRD comprising of amendments to SHD of 753 units consisting of modifications to previously granted development ABP Ref. ABP-306325- 20, consisting of amendments to Neighbourhoods 2 and 4 of the permitted SHD and amendment of Condition No. 3 to extend the permission period to 10 years.

ABP-306325- 20 - This application involved a proposal for a SHD involving: - the construction of 753 residential units (600 no. houses and 153 no. apartments) across 6 no. neighbourhoods and a local centre, including 2 no. retail units, a crèche, a doctor's surgery and a community use unit. The development was granted permission by the Board on 27th May 2020 subject to 32 no. conditions, including Condition No. 3 limiting the permission duration to 7 years and Condition No. 6 requiring the provision of a revised, larger community centre.

6.0 Policy Context

6.1. National

6.1.1. The National Planning Framework – Project Ireland 2040, (2018).

This document sets out the Government's strategic national plan for shaping the future growth and development of Ireland for the period up to 2040.

Of note National Strategic Outcome 1 (Compact Growth), sets out the focus on pursuing a compact growth policy at national, regional, and local level. From an urban perspective the aim is to deliver a greater proportion of residential development within existing built-up areas of cities, towns, and villages; to facilitate infill development and enable greater densities to be achieved, whilst achieving high quality and design standards.

NPO 3a: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.

NPO 3b: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.

NPO 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

6.1.2. Housing for All – A New Housing Plan for Ireland to 2030, 2021.

The government's housing plan to 2030. It is a multi-annual, multi-billion-euro plan which aims to improve Ireland's housing system and deliver more homes of all types for people with different housing needs.

6.1.3. National Biodiversity Action Plan (NBPA) 2023-2030

The 4th NBAP strives for a "whole of government, whole of society" approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to "act for nature".

This National Biodiversity Action Plan 2023-2030 builds upon the achievements of the previous Plan. It will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues:

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

6.1.4. Climate Action Plan, 2024.

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

6.2. **Section 28 Ministerial Guidelines**

6.2.1. The following Section 28 - Ministerial Guidelines are considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024).
- Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines - Quality Housing for Sustainable Communities.
- Urban Development and Building Heights - Guidelines for Planning Authorities (2018).
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023).
- The Planning System and Flood Risk Management, including the associated Technical Appendices (2009).
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- Childcare Facilities, Guidelines for Planning Authorities (2001).
- Cycle Design Manual (2023).

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.
- The Planning System and Flood Risk Management (including associated Technical Appendices) 2005
- Spatial Planning and National Roads Guidelines 2012
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, August 2018 (updated 2019)
- EPA Guidelines on the Information to be contained in Environmental Impact Assessment Reports 2022.

6.3. Regional Policy

6.3.1. Regional Spatial and Economic Strategy for the Southern Region, 2020

The Regional Spatial and Economic Strategy (RSES) for the Southern Region provides for the development of nine counties (Cork, Clare, Kerry, Limerick, Tipperary, Waterford Carlow, Kilkenny and Wexford) including the Cork City area, and supports the implementation of the National Development Plan (NDP). Cork City and suburbs is the largest settlement in the Region with a population of over 208,000. Cork City is one of three cities categorised as Metropolitan Areas. Ballyvolane is located within the designated metropolitan area of Cork

One of the Guiding Principles outlined in the Cork MASP is to ‘promote consolidation of Cork City and suburbs, refocus on the development of brownfield and infill lands to achieve a target of a minimum 50% of all new homes within the existing built up footprint in Cork and 30% in other metropolitan settlements’. More specifically, the Urban Expansion Area of Ballyvolane is expected to provide 3,600 units

6.3.2. Cork Metropolitan Area Transport Strategy (CMATS) 2040

The Cork Metropolitan Area Transport Strategy 2040 proposes a number of improvements to Regional and Local Roads over the next two decades, including the Cork Northern Distributor Road. This is a short-term objective and considered to be a ‘critical enabler’ for CMATS as, among other things, creates opportunities for sustainable development of existing land banks in the Northern Cork Metropolitan area including Monard SDZ and the Ballyvollane Urban Expansion Area. The Ballyhooley

Road is identified as a Strategic Routes in terms of walking. Upgrade works are proposed to the same to facilitate on-going regeneration in the Ballyvolane UEA area and access to increased bus services.

6.4. Local

6.4.1. Cork City Development Plan 2022-2028

Land Use Zoning

The site is zoned ZO 1 Sustainable Residential Neighbourhoods where the objective is: 'To protect and provide for residential uses and amenities, local services and community, institutional, educational, and civic uses' in the Cork City Development Plan 2022-2028

Other Relevant Sections/Policies

The following policies are considered relevant to the consideration of the subject proposal:

Chapter 2, Section 2.1 Strategic Objectives for Growth

The following Strategic Objectives for Growth are outlined:

- SO 1: 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 existing city.
- SO 2: Delivering Homes and 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.
- SO 9: Placemaking and Managing Development - Develop a compact liveable city based on attractive, diverse and accessible urban spaces and places. Focus on enhancing walkable neighbourhoods that promote healthy living, wellbeing and active lifestyles, where placemaking is at the heart. Follow a design-led approach with innovative architecture, landscape and urban design that respects the character of the city and neighbourhood.

Chapter 2, Core Strategy

The Core Strategy identifies Ballyvolane as a strategic area within and adjoining the existing City within which consolidation and expansion is sought to achieve compact growth. A population growth target of 9,197 is set out for the North-eastern City Suburbs.

Chapter 2, Section 2.57 Objectives for City Growth

Ballyvolane is identified as a key site in the city suburbs which will help to deliver the Core Strategy as follows: *Consolidate and enhance by providing a mix of new neighbourhood uses in suitable underutilised locations. Prioritise walking, cycling and public transport access. Deliver uses, layouts and densities that enhance existing local character. Deliver high quality sustainable transport orientated development in combination with high frequency bus routes, the new commuter station at Blackpool (Kilbarry) and prioritised cycling and walking routes set out in CMATS.*

Chapter 3, Objective 3.4: Compact Growth

Cork City Council will seek to ensure that at least 66% of all new homes will be provided within the existing footprint of Cork. Cork City Council will seek to ensure that at least 33% of all new homes will be provided within brownfield sites in Cork.

Chapter 3, Objective 3.5: Residential Density

Chapter 3 - Objective 3.6: Housing Mix

Chapter 4, Transport and Mobility

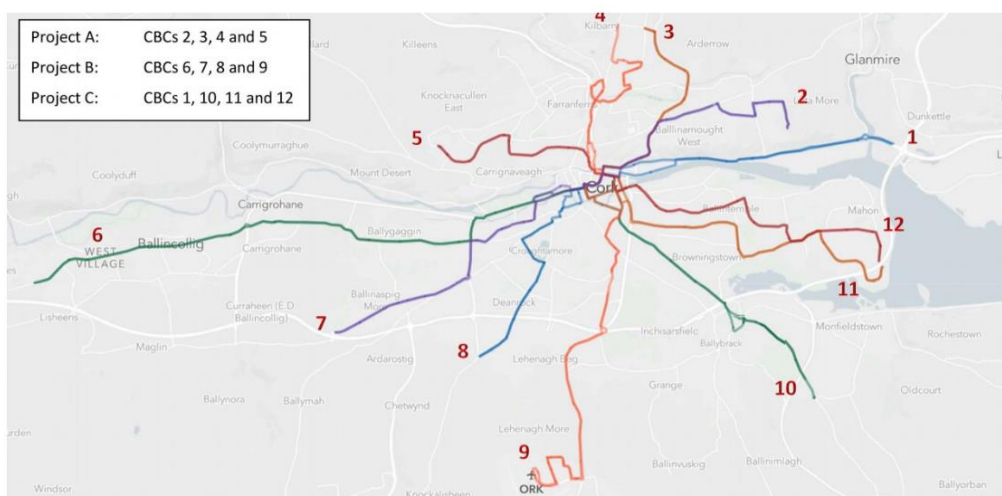


Figure 4.4: Core bus network map and routes.

Table 4.5: Core Bus Corridor Routes.

Core Bus Corridor Number	Route
CBC 1	Dunkettle to City Centre via Tivoli and Kent Station.
CBC 2	East of Mayfield to City Centre via Montenotte.
CBC 3	Ballyvolane to City Centre via Montenotte.
CBC 4	North of Dublin Hill to City Centre via Blackpool.

Chapter 6, Green and Blue Infrastructure, Open Space and Biodiversity

Objective 6.22 Natural Heritage and Biodiversity

Objective 6.25 Non-designated Areas of Biodiversity Importance

Chapter 9, Environmental Infrastructure

Strategic Objective 8 - Environmental Infrastructure reads as follows:

- *To ensure the efficient and sustainable use of water services infrastructure.*
- *To enhance water quality and water resource management.*
- *To sustainably manage waste generation and treatment.*
- *To support circular economy principles.*
- *To improve air quality and levels of pollution in the urban and hinterland areas of Cork City.*
- *To promote the pro-active management of noise.*
- *To support the investment and delivery of environmental infrastructure to serve the compact growth of Cork City, including water and waste water services, digital infrastructure, renewable energy and environmental improvements.*

Proposals for new development in Cork City will not be permitted where they would have an unacceptable detrimental impact on water resources or infrastructure, water quality or air quality, have inadequate waste management mitigation, generate excessive noise or otherwise have an unacceptable detrimental impact on the environmental infrastructure of Cork City.

Relevant objectives set out in Chapter 9 include:

Objection 9.2 relates to Waste Water states:

a. To require all new proposals for development to provide a separate foul and surface water drainage system and to incorporate Sustainable Urban Drainage Systems in so far as practical.

b. As part of new proposals for development, evidence of consultation with Irish Water should be submitted as part of a planning application, demonstrating that adequate water services are available to service the development and that existing water services will not be negatively impacted

Objective 9.4 relates to Sustainable Urban Drainage Systems (SUDS) states:

To require that all planning applications for new development incorporate Sustainable Urban Drainage Systems (SUDS) in so far as possible. Such proposals shall be accompanied by a comprehensive SUDS assessment including run-off quantity, run off quality and impacts on habitat and water quality.

b. To encourage the provision of green roofs and green walls as an integrated part of Sustainable Urban Drainage Systems (SUDS) and which provide benefits for biodiversity, wherever feasible.

c. To investigate the feasibility of preparing Sustainable Urban Drainage Systems (SUDS)

guidelines for Cork City during the lifetime of the plan. In the interim The Department of Housing, Local Government and Heritage document: Nature-based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas Water Sensitive Urban Design – Best Practice Interim Guidance Document, will provide guidance in this regard.

Objective 9.5 relates to Discharging

Objective 9.6 relates to Storm Water

Objective 9.7 relates to Water Quality

Objective 9.8 relates to Flood Protection

Objective 9.10 relates to Development in Flood Risk Areas

Chapter 10, Key Growth Areas & Neighbourhood Development Sites

Ballyvolane is designated as a key growth area. There are significant areas of land on either side of the Ballyhooley Road to the North-east of Ballyvolane identified for future growth incorporating residential, employment, local services and open space.

Chapter 10, Objective 10.75: Ballyvolane East and West Expansion Areas

To support the compact growth and development of Ballyvolane East and West Expansion Areas as strategic City consolidation and expansion areas, as identified in the Core Strategy. All development shall be designed, planned and delivered in a coordinated and phased manner, using a layout and mix of uses that form part of an emerging neighbourhood integrated with the wider area.

Chapter 11, Car Parking

A car parking rate of 1.25 spaces per 1 and 2 bedroom residential unit and 2.25 spaces per 3-3+ residential unit is specified for sites located within Parking Zone 3

Section 12.22, Land Uses and Flooding

Proposals shall only be considered favourably where it is demonstrated to the satisfaction of Cork City Council that they would not have adverse impacts or impede access to a watercourse, flood-plain or flood protection and management facilities, or increase the risk of flooding to other locations and be in accordance with the proper planning and sustainable development of the area.

The nature and design of structural and non-structural flood risk management measures required for development in such areas will also be required to be demonstrated, to ensure that flood hazard and risk will not be increased. Measures proposed will follow best practice in the management of health and safety for users and residents of the development.

6.4.2. Other relevant Guidance Documents

CIRA SuDS Manual 2015

Checklists were produced as part of the Manual -.

Design Assessment Checklist: Infiltration / Detention Basin

Table B.18 Minimum design requirements: basin

Basin Parameter	Minimum design requirements (MDRs)	
	Infiltration	Detention
Length:width ratio	N/A	> 2:1
Side slope	Side slope < 1 in 3	Side slope < 1 in 3
Longitudinal slope	Bed slope < 1 in 40	Bed slope < 1 in 40
Maximum water depth for 1 in 100 year event	1 m	1 m
Permeability of topsoil	> permeability of underlying soils	N/A
For the 1 year 30 minute event:	N/A	
• average residence time in basin		> 9 minutes
• flow height		<100 mm
• velocity		< 0.3 m/s

6.5. Natural Heritage Designations

- 6.5.1. There are no Natura 2000 sites within the boundary of the appeal site nor are there any Natura 2000 sites directly abutting the appeal site or within the immediate context of the site. The closest Natura 2000 site is the Cork Harbour SPA (Site Code 00430) which is located c. 2.8km to the south-east of the appeal site.

7.0 The Appeal

7.1. Grounds of Appeal – First Party

A first-party appeal has been lodged only against the decision of Cork City Council to refuse planning permission for the proposed development.

The submission notes a minor amendment to the proposed development as submitted as RFI stage is put before the Board. It is set out that the submitted drawings show that 1:4 slopes are achievable and can easily be incorporated into the design.

The following grounds of appeal are raised:

Refusal Reason 1 – Non-compliance with Objectives 9.2 and 9.4

- Objective 9.2 requires separate foul and surface water drainage systems and SUDs. It is set out that the development provides for separate foul and surface water systems and SUDs measures.
- Secondly the objective requires evidence of consultation with Uisce Eireann. In compliance the applicant provided both Confirmation of Feasibility and a

Statant of Design Acceptance.

- Regarding 9.4 SUDs, it is set out that the scheme incorporates SUD's measures and while green roof and walls are encouraged they are not required.
- It is set out that the applicant is unclear as to what aspect of the objective the development is non-complaint with.

Refusal Reason 2 – Non-compliance with Objectives 9.8 and 9.10

- Objective 9.8 relates to *Flood Protection* and the City's floodplains, wetlands and coastal habitat that are subject to flooding It is set out that the site is not located within, or near a floodplain, wetland or coastal habitat. It is further set out that as per the objective Appropriate Assessment was carried out.
- Objective 9.10 relates to development within flood risk zones. The site is not within an identified flood risk area, it does not fall within an indicative, predicative, historic or anecdotal flood zone. The nearest identified flood risk areas are associated with the Glenamought River, c. 400m to the west beyond a number of roads and housing estates, and the Glen River, c. 2km to the south.
- The subject site is not at risk of flooding nonetheless a FRA was provided as per the second part of the objective.
- Reference in the objective to river catchment approach is not relevant to this development.
- As regards strategic objective 8 it is set out that the development does not result in detrimental impact upon the City's environmental infrastructure.

Technical Issues

The appeal set out that there appears to be two technical issues of concern:

1. Design of SUD's measures proposed – Attenuation Basin No. 4 asserting that there are technical issues, health and safety concerns and operation management concerns.
2. Lack of information on the potential that the development may give rise to risk of flooding downstream.
 - It is set out that these issues could have been addressed by condition and

that such an approach is with the remit of the legalisation.

Design of Surface Water Attenuation Basin No. 4

- Contrary to the Drainage Report the design approach did not alter from the initial planning application. The submission refers to an accompanying report from OSL Butler Consulting Engineers. The report sets out compliance with the technical issues raised by the Planning Authority.

Calculation of Discharge Rates

- It is set out that the Board should note that the original discharge rates from the site were based on a maximum discharge rate of 2l/s/hect. It is set out that the Drainage Report analysis is a misinterpretation of the table illustrated in the applicant's RFI response. The 11.79l/s was the total discharges when discharge rates from all attenuation areas were added. The applicant holds the view that there are no errors on the stormwater discharge calculations.

Risk of Flooding Downstream

- The appeal sets out recent grants of planning in the area for residential development where no issues were raised regarding potential flooding including downstream flooding (see section 5.0 above).
- The site is further north of these sites and is to discharge surface water at less than greenfield run off rates.
- To rule out any doubt in relation to the reliability of the modelling, the applicant has completed additional bank survey data along the Ballyvolane Stream watercourse. A detailed flood consultation submission accompanied the appeal submission. It is set out that there is no lack of channel cross-section, the channel has been surveyed and the information accurately describes its hydraulic characteristics.
- Two out-of-channel flooding instances were identified but their extent is clarified and they do not result in any flood waters travelling down Ballyvolane Road. It is set out that the flooding experienced at Mervue Lawn on 18th October 2023 can be attributed to a pluvial event as opposed to a fluvial event. The pluvial model prepared by IE Consulting in support of the application concluded that the surface water system, has no impact on the potential for flooding

downstream. It is further stated that the accuracy or otherwise of the pluvial model prepared is if not relevance to this conclusion.

- Therefore, the proposed development will not give rise to a risk of flooding downstream.

7.2. Planning Authority Response

No response received.

7.3. Observations

1 No. observations have been received. The observations raise concerns with respect to:

- The development fails to address the issue of maintaining the trees under a power line along the southern boundary of the observer's property (the northern boundary of the site).
- The development does not provide a buffer between the housing units and the tree hedge necessary for maintenance.
- The developer has not actively engaged with surrounding residents referencing maintenance access to powerlines and drainage.
- Development is out of character with the adjoining area and does not reflect an appropriate transition.
- Concerns that the development will overlook the observer's property
- Wildlife impact underestimated – reference made to a colony of bats living in the tree hedge between the observer's property and the development.

8.0 Assessment

8.1. Introduction

- 8.1.1. Having inspected the site and examined the application details and all other documentation on file, including all of the submission received in relation to the appeal, and having regard to relevant local/national policies and guidance, I consider that the main issues in this appeal are those raised in the reasons for refusal and can be addressed as follows:

- Principle of Development

- Drainage - Reason for Refusal No. 1 – Surface Water Drainage, Reason for Refusal No. 2 – Flood Risk.
- Other Matters

8.2. Principle of Development

Proposed Development

- 8.2.1. The proposed development comprises the construction of 166 no. residential dwellings comprising 26 no. 1-bed apartments and 42 no. 2-bed apartments in 12 no. 2 storey blocks and 2 no. 3-storey duplex blocks, 20 no. 2-bed townhouses, 18 no. 3-bed townhouses, 42 no. 3-bed semi-detached houses, and 18 no. 4-bed semi-detached houses, all 2-storeys in height, the construction of an extension to previously permitted crèche to allow for an increase of its capacity from 40no. child spaces to 76no. spaces and associated site work.

Zoning

- 8.2.2. The site is zoned ZO 01 *Sustainable Residential Neighbourhoods* which has the following objective: “To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.”
- 8.2.3. Chapter 10, *Key Growth Areas & Neighbourhood Development Sites* of the Development Plan sets out that Ballyvolane is designated as a key growth area. Significant areas of land on either side of the Ballyhooley Road to the north-east of Ballyvolane are identified for future growth incorporating residential, employment, local services and open space. The appeal site is one such site. Objective 10.75: Ballyvolane East and West Expansion Areas seeks to ‘*To support the compact growth and development of Ballyvolane East and West Expansion Areas as strategic City consolidation and expansion areas, as identified in the Core Strategy. All development shall be designed, planned and delivered in a coordinated and phased manner, using a layout and mix of uses that form part of an emerging neighbourhood integrated with the wider area.*’
- 8.2.4. Therefore, I am satisfied that the proposed residential development and creche is consistent with the zoning provision for the area and the wider objective for Ballyvolane including the designated as a key growth area. I note the Planning Authority raised no concerns in this regard.

Design Context and Established Residential Amenity

- 8.2.5. Regarding concerns raised by the observer that the development is out of character with the immediate area and does not provide for an appropriate transition in design and scale relative to the receiving environment. It is of relevance that the Cork City Development Plan policy seeks to maximise the use of zoned and serviced residential land as expressed in Objective 2.32 *Housing Supply* which states that the objective is to support an increase in the supply, affordability and quality of new housing in the city and provide a range of housing options delivering good design that is appropriate to the character of the area in which it is built, while also achieving an efficient use of zoned and serviced land.
- 8.2.6. In my opinion, the proposed development would be acceptable having regard to prevailing and evolving residential development in the area, the need to balance the design with the characteristics of the site, the location of the site in close proximity to the proposed Cork Northern Distributer Multi-modal Route (CNDMR) which upon completion will provide for orbital movement for bus, pedestrian, cycle and some strategic and general traffic and reduce reliance on radial routes through the city centre thereby enhancing the accessibility of the site.
- 8.2.7. I further note as regards the proposed design that the development height ranges from 2-3 storeys only, with a density of 40uph. Section 3.25 of the Development Plan addresses residential density and states that Greenfield sites will need to be developed to densities that reflect their suitability for urban density. This will require a step-change in the urban density of schemes being proposed. As a general rule the minimum density shall be 35 dwellings per hectare (net density), excluding one-off houses. Residential densities and building height strategy are further set out in Table 11.2 of the Plan. Densities are expressed in terms of target minimums and maximums for the constituent areas of the City and provides a density ranges of 40uph- 60uph and building heights of up to four storeys for the 'Outer Suburbs'. Similarly, the Sustainable Residential Development and Compact Settlements Guidelines provide a density range of 40 dph to 80 dph (net) with densities of up to 150 dph (net) open for consideration at 'accessible' suburban / urban extension locations. The proposed density at 40uph is at the lowest range of the density standards and the proposed building heights below the maximum range of 4 storeys. Therefore, I am satisfied that

the proposed density and building heights have regard to the context of the site and ARE in accordance with Development Plan standards.

- 8.2.8. As regards the Observers concerns with respect to overlooking, I note the minimum distance to a shared boundary to the north is at house no. 97 and is 4.0550m. I further note first floor windows on the north facing elevation are two no. bathroom windows only. Of note all elevations with the exception of no. 128 are side facing elevations with only first floor bathroom windows facing north. No 128 has been oriented facing north to address and overlook the open space to the north of the site and not directly the adjoining dwellings located to the northeast. Therefore, there is no direct overlooking of adjoining properties to the north.
- 8.2.9. In any case, I further note that the separation distance between any opposing windows of the proposed development and the adjoining detached houses to the north is 30m minimum. A minimum clearance distance of circa 22 metres, in general, is required, between opposing windows (section 11.100 of the Development Plan). The proposed development provides in excess of 22m in all instances and the Plan establishes that subject to design lesser separation distances are acceptable. Furthermore, I draw the Boards attention to SPPR1 of the Compact Settlement Guidelines which stipulates *“It is a specific planning policy requirement of these Guidelines that statutory development plans shall not include an objective in respect of minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level. When considering a planning application a minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level shall be maintained”*.
- 8.2.10. I note the concerns raised by the observer as regards an appropriate landscape buffer and I am satisfied that the proposed separation distances combined with the retention and enhancement of existing site boundaries where the internal roads terminate adjacent to the shared boundaries provide for an adequate buffer between the existing and proposed development.
- 8.2.11. Therefore, I am satisfied that the proposed layout is consistent with Development Plan policies. I note the Planning Authority have raised no issues in this regard.

- 8.2.12. The Board will not also that the Planning Authority raised no concerns in terms of unit mix, floor areas, privacy, aspect, natural light and ventilation, private open space and amenity spaces and consider these would be acceptable and in accordance with Development Plan standards and the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2023 and the Compact Settlement Guidelines 2024.

Conclusion

- 8.2.13. The principle of the proposed development is in accordance with the zoning objective for the site.

In summary, the site of the proposed development is on serviceable lands, within the development boundary of Cork, and identified in Figure 2.21 Growth Strategy Map of the Development Plan for Compact Growth. It is considered that the proposed development would be of a sufficiently high density to provide for an acceptable efficiency in serviceable land usage at a transitional location of the periphery of the city and where ambitious housing targets are proposed and will be supported by infrastructure improvements including upgrades to the bus network through BusConnects (CBC 4 – North of Dublin Hill to City Centre via Blackpool as identified in Chapter 4 of the Development Plan) and Northern Distributor Road. Overall, It is considered that the proposed development would be consistent with the objectives of the Core Strategy as set out in Chapter 2 of the Plan and the National Planning Framework which aims to achieve compact growth through effective density and consolidation rather than more sprawl of urban development.

8.3. Drainage

- 8.3.1. The Planning Authority recommended refusal for two reasons no. 1 – Surface Water Drainage and no. 2 – Flood Risk downstream. The PA in their assessment rely on the report received from the Drainage Department. The Drainage Department raised concerns that the design approach altered from the original proposals presented and discussed at pre-planning stage. In response the applicant sets out that the design approach did not alter from the initial planning application and argue that matters raised were not justification for refusal and could have been addressed by condition. Notwithstanding, I will address the matters raised in the reason for refusal. For ease

of reference I have set out each reason for refusal under the relevant subsection below.

Reason for Refusal No. 1 – Surface Water Drainage

- 8.3.2. The Board will note that the PA recommended refusal for the following reason:

The applicant has not demonstrated to the satisfaction of the Planning Authority that the proposed drainage network, specifically Attenuation Basin No. 4, will be fit for purpose or can operate safely. Additionally, the stormwater discharge calculations provided include errors such that the Planning Authority cannot be satisfied that the internal drainage network and SuDS features are correctly sized. The Applicant therefore has not demonstrated that the proposed development accords with Objectives 9.2 and 9.4 of the Cork City Development Plan 2022. The proposed development therefore does not accord with the proper planning and sustainable development of the area.

- 8.3.3. In the first instance, the Drainage Department raised concerns that the redesign in response to the RFI resulted in changes to Attenuation Basin No. 4 and effectively provided for three separate basins which surcharge and fill at different stages, with water flowing from one basin to another via weirs. Concern was also raised that it is not clear what rate of flow can be expected between and across the basin in an extreme flood event. The Drainage Department also expressed concern about the design of the weirs noting that the two weirs between the three basins are set at a width of 0.5m and the upstream faces have a height of 0.5m with slopes of 1:2 and the downstream faces have a height of 1.0m with slopes of 1:5. It is set out that slopes in attenuation basins should be a maximum of 1:4 to reduce the hazard of falling in, and to facilitate egress when they contain water. Concern is raised that the weirs would appear as play features and the level reduced through play, vandalism or erosion during a flood event.

- 8.3.4. The appeal submission was accompanied by a report from OSL Butler Consulting Engineers. The report sets out compliance with the technical issues raised by the Planning Authority. The Board will note that the development always consisted of a combination of the attenuation measures, including nature based solution such as 4 no. attenuation basins, swales and permeable paving in the parking areas. It is set out that due to site restrictions and the requirement for the total discharge to the existing

stream to be a maximum of 2/l/s/ha, 3 no. hard attenuation tanks were required with the discharge to the stream. It is set out that the changes to the surface water design were made in response to the RFI issued by CCC to remove a section of the system discharging to the previously permitted development to the south (ABP 311730-21 / CCC 2140038). This resulted in the attenuation basin and tank involved being reversed in operation and the outfall switched back to the subject site. In addition the design of attenuation basin no. 4 to the east of the site was revised splitting the basin into three sections as noted above. The splitting of the basin into three sections was required to avoid having excess height difference from the proposed estate road directly west. It is set out that the design principle has always been to only flood when the system surcharged from the flow control devices 4 and 4A. I note also that at no stage does the basin convey flowing water. Having regard to the above I have no concerns with the design principles of attenuation basin no. 4.

- 8.3.5. As regards concerns raised about the attenuation basin slopes, I note the SuDS Manual sets out that the maximum slope to an attention basin is 1:3. The applicant in their appeal response sets out that a slope of 1:3 can be incorporated into the final design. Revised drawings have been submitted in this regard, I refer the Board 23031-GA-44 B, 23031-GA-45 B, GA 23031-GA-46B and 23031-GA-49 B. I am satisfied this matter can be addressed by way of condition should the board be minded to grant planning permission.
- 8.3.6. Regarding the stability and functionality of the weir, the design solution presented consists of a stiff clay bedded on an engineered stone base graded to form the embankment incorporating a geo grid support system, a concrete apron will be installed over the top of the weir locations which will maintain the height and structural integrity of the weirs despite being used as a play area. I am satisfied that this is acceptable and the use of concrete a durable material and the weirs will add interest to the use of the area as a functional amenity space. I note the applicant has submitted revised drawings regarding maintenance and access issues raised by raised by the Drainage Department. With respect to liability concerns when taken in charge, while this is not a matter for the Board, I am satisfied that the proposed materials are consistent with similar durable materials used in walls and playgrounds and other elements of the wider housing development and do not pose significant risk.

- 8.3.7. With respect to stormwater calculation, the applicants appeal submission sets out that the original discharge rates from the site were based on a maximum discharge rate of 2l/s/hect. It is set out that the Drainage Report analysis is a misinterpretation of the table illustrated in the applicant's RFI response. The 11.79l/s identified in the RFI response is the total discharge of the 7 no. storage areas. The design provides that each catchment has been designed to manage their own subsystem and release its surface water discharge at a controlled rate into the catchment thereby allowing reduced pipe sizes by virtue of the controlled and limited discharges. All run off untimely ends up within the Catchment A surface water network and Basin no. 4 and it's 2 no. discharges points. Controlled discharge from SW12.1 is 2.69l/s and controlled discharge from SW12.2 is 0.44l/s. The total discharge from the proposed development to the existing stream is 3.13l/s which equates to 0.53l/s/ha. (5.895 ha. site) only. This is significantly less than the 2l/s/ha typical imposed by CCC. The application also included a Drainage Impact Assessment. This report states that the runoff discharge rate for the site has been designed at a rate of 2 litres per second per hectare on advice of Cork City Council with an extra 20% added to account for the effects of climate change. I am satisfied that this is acceptable and consistent with the maximum discharge rate of 2l/s/hect as required by CCC.
- 8.3.8. Regarding concerns raised as regards access to non-return valve fitted in a pipe approximately 4m from surface water Mh1 1.1, the appeal response includes an undated drawing 23031-GA-15-D which provides for a concrete chamber to be constructed around the non-return valve with will along for access, maintained without intrusive works to the base of the attenuation basin. I am satisfied that this is a reasonable approach.
- 8.3.9. I draw the Boards attention to the specific objectives referenced in the reason for refusal. Objective 9.2 which relates to Waste Water and requires separate foul and surface water drainage systems and the incorporation of SUDs. Objective 9.2 requires separate foul and surface water drainage systems and SUDs. It is set out that the development provides for separate foul and surface water systems and SUDs measures. Secondly the objective requires evidence of consultation with Uisce Eireann. In compliance the applicant provided both Confirmation of Feasibility and a Statement of Design Acceptance. Objective 9.4 relates to Sustainable Urban Drainage Systems (SUDS) and SUDs implementation measures. Regarding the concerns

raised with respect to SUD's measures, as set out above, I am satisfied that the proposed measures including those proposed as part of the appeal submission (which I do not consider to be material amendments) reflect compliance with Objective 9.2 and Objective 9.4 of the Development Plan. I am further satisfied that matter requiring further detailed design and agreement can be addressed by way of condition should the Board consider this appropriate.

Reason for Refusal No. 2 – Flood Risk

8.3.10. The Board will note that the PA recommended refusal for the following reason:

The Applicant has not demonstrated to the satisfaction of the Planning Authority that the proposed development accords with Objectives 9.8 and 9.10 of the Cork City Development Plan 2022, that it will not increase flood risk on site or downstream, of the subject site. The proposed development is therefore contrary to Strategic Objective 8 and does not accord with the proper planning and sustainable development of the area.

8.3.11. Objective 9.8 relates to *Flood Protection* and the City's floodplains, wetlands and coastal habitat that are subject to flooding The applicant contends that the site is not located within, or near a floodplain, wetland or coastal habitat. It is further set out that as per the objective Appropriate Assessment was carried out (I refer the Board to section 9.0 below).

8.3.12. Objective 9.10 relates to development within Flood Risk Zones. The nearest identified flood risk areas are associated with the Glenamought River, c. 400m to the west beyond a number of roads and housing estates, and the Glen River, c. 2km to the south. I further note that both the EclA and AA noted this watercourse was completely dry where it adjoins the site during the site visit in May 2023 and that there was a strong flow during wet conditions in October 2023.

8.3.13. The site is not identified to fall within an indicative, predicative, historical or anecdotal flood zone and therefore it is argued that the development does not interfere with the existing storage or conveyance of flood water within the Ballyvolane Stream watercourse. A Hydrological & Hydraulic Analysis did accompany the Flood Risk Assessment submitted (as per Objective 9.10). The Hydrological & Hydraulic Analysis indicated that the attenuated stormwater discharge was not predicated to result in an adverse impact to the existing hydrological and hydraulic system of the Ballyvolane

Stream watercourse or increase flood risk elsewhere. The Board will note that subsequent to a requested for further information from CCC the applicant submitted a full stage 3 Flood Risk Assessment including detailed 1D-2D fluvial and pluvial hydraulic modelling.

8.3.14. The Hydrological and Hydraulic Analysis presented indicates that the attenuated stormwater discharge from the proposed development site (and inclusive of the granted development to the south) would result in an imperceptible impact to the existing undeveloped baseline scenario water depths in the Ballyvolane Stream channel watercourse. The attenuated stormwater discharge from the proposed development site (and inclusive of the granted development to the south) is not predicted to result in any significant increase to water levels at the inlet to any hydraulic structure (culverts) and does not result in hydraulic exceedence of or overtopping of any hydraulic structure which is not already predicted to be hydraulically exceeded or overtopped in the existing undeveloped baseline scenario. In summary, the Hydrological and Hydraulic Analysis determined that the attenuated stormwater discharge from the proposed development site (and inclusive of the granted development to the south) is not predicted to result in an adverse impact to the existing hydrological and hydraulic regime of the Ballyvolane Stream watercourse or increase flood risk elsewhere.

8.3.15. In response to the appeal and the concerns raised in the report from the Drainage Department, additional assessment and analysis have been presented and supersede the 1D hydraulic cross-sectional channel capacity presented previously. Noting the concerns raised by CCC Drainage Department it is stated that no significant low bank points or gaps were excluded as part of the 1D-2D hydraulic modelling exercise. The modelled water levels provided in the FRA have been plotted on a long section along with the left and right overbanks and the bed profile of the stream. The long section indicates that flood waters remain mostly within the channel bank, with out of bank flooding only occurring along the left overbank of the stream at the location of cross-section S19 and right and left overbank flooding occurring at the location of cross-section S14. It is set out that waters around S19 flow back into the channel around cross section S17. Flood waters around cross section S14 only show flooding around the immediate area and does not result in flood waters travelling down the Ballyvolane

Stream. Overall it is set out that flood water predominantly remains within the stream. I refer the Board to Appendix A - Supplementary Maps of the appeal response.

- 8.3.16. With respect to the predicated pluvial model and the concerns raised by the Drainage Department with regards the maximum extent and depth of flooding observed during Storm Babet in October 2023 along Ballyhooley Road and the entrance to Meelick Park to the south of the site. As noted above, two out-of-channel flooding instances were identified but their extent is clarified and they do not result in any flood waters travelling down Ballyvolane Road. It is set out that the flooding experienced at Mervue Lawn on 18th October 2023 can be attributed to a pluvial event as opposed to a fluvial event. The pluvial model prepared by IE Consulting in support of the application concluded that the surface water system, has no impact on the potential for flooding downstream. The site is further north of these sites and is to discharge surface water at less than greenfield run off rates. It is further stated that the accuracy or otherwise of the pluvial model prepared is of no relevance to this conclusion. I would agree.
- 8.3.17. In addition, the applicant contends that the hydraulic modelling simulation exercise indicate that even during the occurrence of an extreme fluvial flood event, such as the 0.1% AEP (1 in 1000 year flood event), fluvial waters predominately remain within the Ballyvolane channel and did not result in the extent of flooding witnessed in October 2023.

Conclusion

- 8.3.18. Having reviewed the available information, there is no evidence of historic flooding affecting the site. The closest historic floods are identified as being associated primarily with the River Bride over 1km downstream of the site. The site is not covered by OPW flood mapping studies (CFRAM). Additional measures have been provided to reduce run-off and the development will discharge surface water at less than greenfield run off rates.

In addition, I note also that there will be a 400mm freeboards incorporated in the final design for the embankment to elevate any potential for overtopping and flow getting into the stream. Furthermore, the hydraulic modelling simulation exercise indicates that even during the occurrence of an extreme fluvial flood event fluvial waters predominately remain within the Ballyvolane channel. Therefore, I am satisfied the

proposed development will not give rise to a risk of flooding downstream and accords with Objectives 9.8 and 9.10 of the Cork City Development Plan 2022-2028.

- 8.3.19. As regards Strategic Objective 8 which required that '*Proposals for new development in Cork City will not be permitted where they would have an unacceptable detrimental impact on water resources or infrastructure, water quality or air quality, have inadequate waste management mitigation, generate excessive noise or otherwise have an unacceptable detrimental impact on the environmental infrastructure of Cork City.*', I am satisfied that the development does not result in detrimental impact upon the City's environmental infrastructure.

Ballyhooley Road Access

- 8.3.20. In the interest of clarity for the Board, the construction of the entrance on the Ballyhooley Road will include a suspension bridge over the stream which is intended to negate interaction with the stream. The watercourse depth is extremely shallow at this location likely dictated by the field gate entrance. The Board will note that some information is provided in the Ecological Impact Assessment (EclA) submitted. Notwithstanding, detailed design for this bridge does not appear to have been submitted. I note Inland Fisheries Ireland also raised this concern in their submission. Further hydraulic modelling will need to be undertaken to help size this culvert under the road crossing adequately. I am satisfied the this information can be addressed by way of condition in the event the Board is minded to grant planning permission.

8.4. Other Matters

Consultation

- 8.4.1. Concerns was raised by the observer that the applicant did not engage with the public/third parties in the vicinity of the site. The planning process does not require an applicant to consult with third parties on an individual basis. Public engagement on a planning application is provided as part of the submission/observation process where relevant planning considerations will be given due consideration.

Maintenance of Trees

- 8.4.2. Regarding the concerns raised by the observer as regards the maintenance of trees. Trees on third party lands are the responsibility of the relevant landowner. The side and rear gardens of the development abutting the existing hedgerows to the north will

have secure 1.8m high weld mesh fence to minimise impact on existing vegetation and providing some separation. The documentation submitted with the application notes that 'part of a hedgerows along site boundaries which adjoin housing plots will remain in the ownership of the residents. Any management of overhanging branches to occur from within the garden.' I am satisfied that this is an acceptable proposal and will ensure the existing hedgerow is maintained with minimal disturbance to the integrity and established biodiversity whilst also providing access from third party properties.

- 8.4.3. Regarding tree maintenance in the buffer of the overhead line, I note the landscaping plan does not include any significant tree planting along the identified buffer corridor.

Ecology - Wildlife Impact

- 8.4.4. The observation received raised concerns about the impact on local wildlife. An Ecological Impact Assessment (EclA) accompanied the planning application. The EclA concludes that the proposed development will impact primarily on low to moderate value habitats. Existing hedgerows will largely be retained and the provision of a site entrance from the Ballyhooley Road will have a minor impact on the stream, in terms of adjacent hedgerow loss, which dries out during periods of low rainfall. However, as the entrance will take the form of a single span bridge, there will be no direct removal of any aquatic habitat. While the observation makes reference to impacts on bats, the EclA notes that no trees suitable for bat roosting were identified on site. However, bat foraging activity was recorded on site. The proposed development involves the loss of some bat foraging habitat and as mitigation, bat boxes will be provided to enhance the habitat on site and suitable condition with respect to mitigation measures identified in the EclA is recommended in the event the Board is minded to grant planning permission.

Road Safety Audit Issues

- 8.4.5. I note the Road Safety Audit submitted includes a number of recommendations. In the event the Board is minded to grant planning permission, I consider these matters should be addressed by way of condition. However, regarding a footpath connection fronting Ballyhooley Road while this would be preferred, the provision of same would not connect to any existing footpath either to the north or south of the site and in any case would require the removal of the roadside hedgerow with potential impact on

adjacent watercourse and established local biodiversity. As an alternative pedestrian connection is provided internally within the site with onward connections via the residential development under construction to the south in addition to connections to Dublin Pike Road via the western site entrance where onward pedestrian footpath connection is available. On balance, I am satisfied this is acceptable in the context of the site and the established and emerging pattern of development whilst also ensuring the protection of the established biodiversity in accordance with the National Biodiversity Action Plan (NBPA) 2023-2030.

9.0 Appropriate Assessment

9.1. I refer the Board to Appendix A-AA Screening Determination.

Screening Determination Conclusion

9.1.1. I conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

9.1.2. I am satisfied the potential for significant effects, as a result of surface generated during the construction and operational stages, on the qualifying interests of the applicable Natura 2000 site, Cork Harbour SPA can be excluded having regard to the following:

- During the construction stage best practice standards, environmental guidelines and mitigation measures will be adhered to in order to avoid impacts on surface water.
- Should a pollution event occur during the construction phase, due to the accidental spillage or release of contaminants, this would not be of such magnitude so as to have a significant adverse effect on downstream water quality due to the level of separation and the dilution arising from the volume of water between the sites.
- There will be an improvement in surface water run-off during the operational phase, relative to the existing situation, as surface water will be attenuated/ part treated within the site.

9.1.3. There is no potential for impacts on the qualifying interests due to noise and other disturbance impacts during construction and operational phases given the level of

separation between the sites. While there is a potential risk of noise and disturbance during construction to ex-situ qualifying species, no significant effects are predicted as it is unlikely that the qualifying species will use habitats within the subject lands and in any case the proposed development is not likely to result in a significant increase in noise and disturbance over the existing levels.

Summary

- 9.1.4. Significant water quality impacts are not predicted, habitat loss/alteration within Cork Harbour SPA are not foreseen, and significant disturbance or displacement of any of the qualifying interest species is not expected to ensue. Taking account of the temporary nature of the construction works, the potential ecological impacts which have been identified, it is concluded that there will be no significant direct or indirect habitat loss/alteration to Cork Harbour SPA as a result of the proposed development. In addition, the proposed works will not result in significant disturbance/displacement impacts to species protected within any Natura 2000 site.
- 9.2. It is evident from the information before the Board that on the basis of the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening report that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on Cork Harbour SPA (004030) or an European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.
- 9.3. In reaching my screening assessment conclusion, no account was taken of measures that could in any way be considered to be mitigation measures intended to avoid or reduce potentially harmful effects of the project on any European Site. In this project, no measures have been especially designed to protect any European Site and even if they had been, which they have not, European Sites located downstream are so far removed from the subject lands and when combined with the interplay of a dilution affect such potential impacts would be insignificant. I am satisfied that no mitigation

measures have been included in the development proposal specifically because of any potential impact to a Natura 2000 site.

10.0 Environmental Impact Assessment

I refer the Board to Appendix B attached.

10.1. Preliminary Examination Screening for Environmental Impact Assessment

10.1.1. An Environmental Impact Assessment (EIA) Screening Report was not submitted with the application.

10.1.2. With regard to EIA thresholds, Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

10.1.3. Class 14 of Schedule 5 relates to works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

10.1.4. A detailed description of the development is outlined in section 2 of this report. In summary, it is proposed to construct 166 dwellings and extend previously permitted creche (ref. TP21/40038 (PL.28.311730), new vehicular access and all associated site works. Therefore, the maximum number of dwellings proposed is significantly below the threshold of 500 dwelling units.

10.1.5. The site has an overall area of c.6.571ha and a detailed description is outlined in section 1 of this report. The site is zoned ZO 1 Sustainable Residential Neighbourhoods where the objective is: ‘To protect and provide for residential uses and amenities, local services and community, institutional, educational, and civic uses’.

- 10.1.6. The predominant use in the area is residential. Based on the zoning and predominant land uses the site cannot be considered to fall within a business district. In any case, the site size is significantly below the applicable threshold of 2 ha for a 'business district'.
- 10.1.7. As outlined above, the criteria at Schedule 7 to the Planning and Development Regulations 2001 (as amended) are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that should be the subject of environmental impact assessment. I would note that the requirement for EIA has not been suggested by any of the submissions or reports connected to the application and appeal.
- 10.1.8. The site is a greenfield site and is largely surrounded by existing and under construction residential developments and agricultural lands. The Ecological Impact Assessment determines the lands to be largely improved agricultural grassland (GAI)/ Scrub WS1. Residential use is already established in this area and is supported under the zoning objective. The introduction of additional residential development will not have an adverse impact in environmental terms on surrounding land uses.
- 10.1.9. The proposed development will not increase the risk of flooding within the site. The development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The development is served by municipal drainage and water supply. The site is not subject to a nature conservation designation and does not contain habitats or species of conservation significance. The AA Screening set out in Section 9 of this report concludes that the potential for adverse impacts on Natura 2000 site can be excluded at the screening stage.
- 10.1.10. Having regard to the nature and scale of the proposed development, the brownfield nature of the receiving environment, and to the nature, extent, characteristics and likely duration of potential impacts, I conclude that the proposed development is not likely to have significant effects on the environment and that the submission of an Environmental Impact Statement is not required. The need for environmental impact assessment can, therefore, be excluded at preliminary examination. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

11.0 Recommendation

11.1.1. Having regard to the land use zoning of the site ZO 1 Sustainable Residential Neighbourhoods where the objective is: 'To protect and provide for residential uses and amenities, local services and community, institutional, educational, and civic uses.', the scale, design, layout and density of the proposed development, and to the nature and pattern of existing and emerging development in the vicinity. I am satisfied that the development would not seriously injure the residential or visual amenities of the area or of property/land in the vicinity, would be consistent with national and local planning policy and would be acceptable in terms of design, scale, height, mix and quantum of development, would not have a detrimental impact on residential amenities of existing properties and would be acceptable in terms of pedestrian and traffic safety, I also consider that the development would not subject future occupiers to flood risk or increase the risk of flood elsewhere.

On the basis of the above planning assessment and the Appropriate Assessment I recommend that, subject to the conditions outlined below permission should be granted for the proposed development in accordance with the recommended Board Order in section 12 and the reasons and considerations contained therein.

12.0 Recommended Board Order

Planning and Development Acts 2000 to 2020 as amended.

Planning Authority: Cork City Council

Planning Register Reference Number: 2442789

Appeals by 1) O Leary & O Sullivan Developments Ltd against the decision made on the 10th September 2024 to refuse permission to O Leary & O Sullivan Developments Ltd for the proposed Large Scale Residential Development application.

Location: Dublin Pike and, Ballyhooley Road, Ballincroilig, Cork City.

Proposed Development:

Development of a Large-scale Residential Development (LRD) will consist of:

(i) the construction of 166no. residential dwellings comprising 26no. 1-bed apartments

and 42no. 2-bed apartments in 12no. 2 storey blocks and 2no. 3-storey duplex blocks, 20no. 2-bed townhouses, 18no. 3-bed townhouses, 42no. 3-bed semi-detached houses, and 18no. 4-bed semi-detached houses, all 2-storeys in height;

(ii) the construction of an extension to previously permitted crèche TP21/40038 (PL.28.311730) to allow for an increase of its capacity from 40no. child spaces to 76no. spaces;

(iii) a new vehicular access from the Ballyhooley Road and a new vehicular access from the L2980 road

(iv) vehicular/pedestrian connections to the south through permitted development TP21/40038 (PL.28.311730) which leads through Coppenger Fields development

(v) car and bicycle parking, bin storage facilities and public lighting throughout scheme;

(vi) landscaping, neighbourhood and local play areas and an ecology corridor to stream along Ballyhooley Road; (vii) drainage and surface water management works including attenuation basins and swales, and

(viii) all associated boundary, site and development works.

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

Matters Considered

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

Reasons and Considerations

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

(a) the location of the site in an area where residential and childcare use development is permitted under ZO 1 Sustainable Residential Neighbourhoods where the objective is: 'To protect and provide for residential uses and amenities, local services and

community, institutional, educational, and civic uses.’ of the Cork City Development Plan 2022-2028.

- (b) the policies and objectives of the Cork City Development Plan 2022-2028;
- (c) The nature, scale and design of the proposed development and the availability in the area of infrastructure;
- (d) The planning history;
- (e) The pattern of existing and permitted development in the area;
- (f) The provisions of Housing for All, A New Housing Plan for Ireland 2021;
- (g) The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities prepared by the Department of Housing, Local Government and Heritage, 2024
- (h) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (i) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government 2023;
- (j) Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (k) The provisions of the Climate Action Plan 2024;
- (l) National Biodiversity Action Plan (NBPA) 2023-2030;
- (m) The policies and objectives set out in the National Planning Framework;
- (n) The policies and objectives of the Regional and Spatial Economic Strategy for the Southern Regional Assembly;
- (o) The grounds of appeal received;
- (p) The observations received;
- (q) The submission from the Planning Authority,

it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density, would not

seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development in a serviced urban area, the Appropriate Assessment Screening Report and other documentation submitted with the application to Cork City Council, the Inspector's report, and submissions on file received at application and appeal stage. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening exercise of the proposed development and considered that having regard to the nature and scale of the proposed development, the nature of the receiving environment, and to the nature, extent, characteristics and likely duration of potential impacts, the Board agreed with and adopted the report of the Planning Inspector and concluded that the proposed development is not likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable quantum and density of development in this suburban / brownfield location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and scale of development, would be acceptable in terms of impacts on traffic, would provide an acceptable form of

residential amenity for future occupants. The Board considered that the proposed development would be compliant with the provisions of the Cork City Development Plan 2022-2028, and 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 22nd March 2024 and 14th August 2024 and as amended by the further plans and particulars submitted on 4th October 2024 to on An Bord Pleanála, 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. Prior to the commencement of development that applicant shall submit for the written agreement of the Planning Authority design details for the proposed suspension bridge over the stream along the eastern side boundary access onto Ballyhooley Road. Further hydraulic modelling maybe required to be undertaken to help size this culvert under the road crossing adequately.

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

3. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

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

4. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

5. Details of signage, waste management and hours of operation of the proposed Creche shall be submitted to and agreed in writing with the planning authority prior to commencement of development.
6. Prior to the commencement of development that applicant shall submit for the written agreement of the Planning Authority revised drawings/specifications in compliance with the recommendation of the Road Safety Audit with the exception of item 3.1. The preservation of the hedgerow and adjacent watercourse along the eastern site boundary is considered appropriate in this instance.

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

7. The design and associated infrastructure of Attenuation Basin No. 4 incorporating the weir construction shall be as per revised drawings submitted to An Bord Pleanala on 4th October 2024, Drawing reference numbers 23031-GA-44 B, 23031-GA-45 B, GA 23031-GA-46B and 23031-GA-49 B unless otherwise agreed with the Planning Authority.

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

8. The mitigation measures contained in the submitted Ecological Impact Assessment (EclA) shall be implemented.

Reason: To protect the environment

9. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:
 - a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation relating to the proposed development,
 - b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

Reason: In the interest of clarity.

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

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

11. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths, kerbs, and the underground car parks shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS). Details of all locations and materials to be used shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

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

12. A minimum of 10% of the proposed car parking spaces shall be provided with electric vehicle charging stations or points. The remaining car parking spaces shall be fitted with ducting for electric connection points to allow for future fitout of charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transport

13. Prior to the opening or occupation of the development, a Mobility Management Plan (MMP) 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 and walking by residents and staff employed in the development. 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.

14. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall be consistent with the biodiversity mitigation measures outlined in Ecological Impact Statement. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

15. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

16. Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and wastewater collection network. Reason: In the interest of public health and to ensure adequate water and wastewater facilities

17. a) The landscaping shall be carried out within the first planting season following substantial completion of external construction works.

b) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

18. 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 shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained, and waste shall be managed in accordance with the agreed plan.

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

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

Reason: In the interest of proper planning and sustainable development

20. The construction of the development shall be managed in accordance with a Construction 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 compound(s) including area(s) 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;
 - 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 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. Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l. Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- m. A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.

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

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

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

- 22.a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage, and all areas not intended to

be taken in charge by the local authority, shall be maintained by a legally constituted management company.

b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

23. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the transfer of land in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on the land in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

24. 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.

25. 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.

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

Irené McCormack

Senior Planning Inspector

23rd January 2025

Appendix A – Appropriate Assessment Screening Determination

Screening for Appropriate Assessment Screening Determination

1: Description of the project

I have considered the Coppenger Woods LRD in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

There are no European sites in the immediate vicinity of the proposed development site. The closest European site to the proposed development is Cork Harbour SPA (site code 004030) 4.3km to the south of the site (10.58km via hydrological connection). The Great Island Channel SAC (site code 001058) is located 8.5km to the southeast, the Backwater River (Cork Waterford) SAC (site code 002170) is located c. 11km to the north of the site.

The proposed development comprises the construction of 166 no. residential units, an extension to the previously permitted creche (ABP PI28.311730 /CCC Reg. Ref. 21/40038) and associated site development works.

Site surveys were carried out on 12th of April 2023, 31st May 2023, 15th August and 23rd October 2023 as well as the 10th of February, 18th of February and 4th of March 2024 to identify the habitats, flora and fauna present at the site. The surveys assessed the potential for all Qualifying Interests (QIs)/ Special Conservation Interests (SCIs) of European sites and third schedule invasive species to occur within the proposed site.

Submissions and Observations

The planning authority referred to the application to the relevant prescribed Bodies. The submission for Inland Fisheries Ireland is noted in section 4.2 of the main report above.

2. Potential impact mechanisms from the project

Zone of Influence

All of the European sites present in the vicinity of the proposed development are shown on Figure 3 of the AA screening report submitted and the QIs/SCIs of the European sites in the vicinity of the proposed development are provided in Table 1.

In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, aided in part by the EPA Appropriate Assessment Tool (www.epa.ie), as well as by the information on file, and I have also visited the site.

Habitat Impact

The site is not within or directly adjoining any Natura 2000 sites. Cork Harbour SPA (004030) is the closest Natura 2000 sites to the proposed development. It is separated from Cork Harbour SPA by c. 4.3km this distance extends to c. 10.58km via hydrological connection. In addition most of the intervening land reflect significant urban development. Accordingly, I do not consider that there is potential for any direct impacts such as habitat loss / modification, direct emissions, or species mortality/disturbance.

The site is suburban urban in nature. Landcover at the proposed project site is classified as improved agricultural grassland (GA1)/Scrub WS1, with some Treeline WL2, Earth banks (BL2) Hedgerows (WL1)/Treeline WL2 boundaries, Eroding river FW1 along the eastern site boundary and spoil and bare ground ED2/ Buildings and artificial surfaces BL3 associated with ongoing construction works to the south.

There are no Annex I habitats present within the proposed development site or immediate environs. The main habitats within the proposed project site comprise hedgerow and treeline and the Ballyvolane Stream. The habitat types are described in greater detail in the Ecological Impact Assessment Report accompanying this application.

Bird surveys were carried out in conjunction with habitat surveys in May, August and October 2023 as well as winter bird survey during February and March 2024. During the surveys, all birds seen or heard within the development site were recorded. The majority of birds utilising the proposed works areas were common in the local landscape. No Annex I bird species were recorded during the site surveys. Species recorded during the surveys are shown in Table 6. of the AA Screening Report submitted.

Of note Both the EclA and AA note that this watercourse was completely dry where it adjoins the site during site visits in May 2023 and accordingly state that at this location it is incapable of supporting permanent macroinvertebrate populations. The substrate is mixed with coarse gravel. Brooklime and fool's watercress are occasional. While Brown Trout and Eel do occur in the River Bride further downstream however given that this watercourse adjacent to the proposed development site dries up it is unable to support a permanent fish population at this location.

There is nothing to differentiate the grassland and arable habitats onsite from other similar habitats in the vicinity and they do not represent critical foraging or roosting habitat for the SCI birds of Cork Harbour SPA. As noted no signs of SCI birds were recorded here, or in the fields surrounding the proposed development site during site surveys. The vegetation onsite does not provide suitable foraging habitat for wading birds. The proposed development will not result in any significant deterioration in habitat quality or loss of habitat

within the Cork Harbour SPA. Therefore, it is concluded that the proposed development will not result in any loss, deterioration or fragmentation of habitat within Natura 2000 sites.

Surface Water

The Ballyvolane Stream runs along the eastern boundary of the site. While in the upper catchment where the development site occurs, this stream is not mapped on the EPA online mapping system, further downstream this watercourse is referred to as the Ballincolly Stream. This is a small tributary of the Glen (Cork City) watercourse which joins with the River Bride (Cork City) to form the Kiln River. The Kiln River discharges to an estuarine section of the River Lee which flows into the Cork Harbour SPA near Blackrock Castle.

The proposed development site is located approximately 10.8km upstream of the Cork Harbour SPA. Although unlikely, surface water run-off during the construction or operational phase of the proposed development could potentially flow into Cork Harbour SPA via the Ballyvolane Stream. Habitats within or near the proposed development site could potentially provide ex-situ foraging grounds for SCI species outside the Cork Harbour SPA.

Ground Water

There is also a potential hydrogeological pathway. During groundworks and other construction activities, the ground will be exposed and any potential accidental discharges to ground could potentially migrate vertically downward to the underlying groundwater, contributing to the hydrological pathway to the European sites in Lough Mahon / Cork Harbour (Cork Harbour SPA and Great Island Channel SAC).

Disturbance

The construction and operational phases have the potential for disturbance related to increased dust, noise, lighting, and human activity. Given the distance between the site and the nearest designated sites (4.3 km), I do not consider that there is potential for significant construction-related disturbance effects.

Wastewater

The proposed residential development could potentially result in an increase in nutrients discharging to Cork Harbour via the Cork City Wastewater Treatment Plant (WWTP). Increased nutrients can potentially impact on estuarine habitats by changing baseline ecological conditions and increasing algal growth. Based on the planned occupancy, the P.E. for the proposed development has been conservatively calculated at 448. This would increase the current WWTP load from 235,720 (based on 2022 EPA data) to 236,168 which is well within the 413,200 P.E. design capacity. Given the limited scale of the proposed development and the ability of the WWTP to cater for the additional loading, no impact is expected.

Invasive Species

No high-risk invasive species were recorded within the proposed development. While medium impact species Travellers Joy was recorded, this species does not present a significant risk to the Cork Harbour

SPA. Therefore, no risk from the spread of invasive species will occur. Therefore, there is no risk to Cork Harbour SPA via impacts from the spread of invasive species.

Other European Sites and potential Impact Mechanisms

I have noted the range of other European Sites in the wider environment. The next nearest SAC is the Great Island Channel SAC (001058) c. 8.25km and the River Blackwater (Cork/Waterford) SAC (002170) c. 11km.

While the proposed development is potentially hydrologically connected to the Great Island Channel SAC via Cork Harbour, given the small scale of the proposed development, the dilution capacity available within Cork Harbour and the robust nature of the estuarine qualifying habitats for the Great Island Channel SAC, no pathway for impact has been identified.

The proposed development is not hydrologically connected to the Blackwater River (Cork/Waterford) SAC. Given the distances involved and the lack of hydrological connection, no pathway for impact has been identified between the proposed development and any other Natura 2000 site.

I do not consider that there would be any other potential impact mechanisms within the zone of influence of the development

Having regard to the foregoing, my screening assessment will focus on the impact of the proposal on the conservation objectives of Cork Harbour SPA (Site code 004030). I am satisfied that no other European Sites fall within the possible zone of influence.

3. European Sites at risk

Having regard to the potential ZOI and the submitted AA document, the following Natura 2000 site is identified as requiring further consideration for potential impacts due to possible indirect hydrological connections between the development and the European Site:

- **Cork Harbour SPA (Site code 004030).**

The Qualifying Interests of the Cork Harbour SPA (Site code 004030) are described under Table 1 below. A brief description is also provided.

Table 1 European Sites at risk from impacts of the proposed project

Effect mechanism	Impact pathway/Zone of influence	European Site(s)	Qualifying interest features at risk
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Surface / groundwater drainage	<p>Surface water - Discharges via Ballyvolane Stream has potential for construction and operational pathways.</p> <p>Groundwater - Inadvertent spillages of hydrocarbon and/or other chemical substances during construction could introduce toxic chemicals into the aquatic environment via direct means, surface water run-off or groundwater contamination.</p>	Cork Harbour SPA	<p>Little Grebe; Great Crested Grebe; Cormorant; Grey Heron; Shelduck; Wigeon; Teal; Pintail; Shoveler; Red-breasted Merganser; Oystercatcher; Golden Plover; Grey Plover; Lapwing; Dunlin; Black-tailed Godwit; Bar-tailed Godwit; Curlew; Redshank; Greenshank; Black-headed Gull; Common Gull; Lesser Black-backed Gull; Common Tern; Wetland and Waterbirds</p>	
Species Disturbance	<p>As previously outlined, construction-related disturbance is not likely to be significant. Bird species would also be accustomed to human activity in this area and additional housing is unlikely to significantly affect this.</p> <p>Any increase in illumination is likely to be localised and is not anticipated to negatively impact upon species.</p> <p>However, given the height and scale of the</p>	Cork Harbour SPA	As above	
Wastewater discharge	<p>There is an indirect pathway via the wastewater discharge from Cork City Wastewater Treatment Plant (WWTP).. However, as outlined above, the potential for significant effects can be excluded given the</p>	Cork Harbour SPA	As above	

	capacity and treatment standard at the plant.			
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Cork Harbour SPA comprises most of the main intertidal areas of Cork Harbour. It is of major ornithological significance, being of international importance both for the total numbers of wintering birds (i.e. > 20,000) and also for its populations of Black-tailed Godwit and Redshank. In addition, it supports nationally important wintering populations of 22 species, as well as a nationally important breeding colony of Common Tern. Several of the species which occur regularly are listed on Annex I of the E.U. Birds Directive, i.e. Whooper Swan, Little Egret, Golden Plover, Bar-tailed Godwit, Ruff, Mediterranean Gull and Common Tern. The site provides both feeding and roosting sites for the various bird species that use it. Cork Harbour is also a Ramsar Convention site and part of Cork Harbour SPA is a Wildfowl Sanctuary.

4.. Likely significant effects on the European site(s) 'alone'

Taking account of baseline conditions and the effects of ongoing operational plans and projects, this section considers whether there is a likely significant effect 'alone'.

Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on Cork Harbour SPA relate to:

- Changes in water quality and resource as a result of surface water/groundwater discharge

Table 2: Could the project undermine the conservation objectives 'alone'

European Site and qualifying feature	Conservation objective (summary)	Could the conservation objectives be undermined (Y/N)?
<u>Cork Harbour SPA</u> Little Grebe; Great Crested Grebe; Cormorant; Grey Heron; Shelduck; Wigeon; Teal; Pintail; Shoveler; Red-breasted Merganser; Oystercatcher; Golden Plover; Grey Plover; Lapwing; Dunlin;	To maintain the favourable conservation condition.	No

Black-tailed Godwit; Bar-tailed Godwit; Curlew; Redshank; Greenshank; Black-headed Gull; Common Gull; Lesser Black-backed Gull; Common Tern; Wetland and Waterbirds			
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It is considered that there is nothing unique or particularly challenging about the proposed urban development, either at construction or operational phase

Assessment of Likely Significant Effects on Designated Sites

Surface water run-off containing silt, sediments and/or other pollutants into the Ballyvolane Stream from the proposed development site during the construction and operational phases

Given the distance between the proposed development and the marine QIs of the SPA and the attenuation potential of the receiving water network, it is not considered that there will be any likely significant effect on the marine type qualifying interests.

Construction Stage Impacts

The construction stage includes potential for sediment or pollutants such as hydrocarbons to be discharged to Cork Harbour via surface water and groundwater flows. Notwithstanding the fact that such indirect impacts are unlikely to arise, the application outlines that a number of measures have been designed and will be implemented in order to ensure that there are no adverse effects on European Sites. I consider that many of the measures comprise standard best practice construction measures which, it could be argued, would be applied even in the absence of any potential impacts on European Sites.

Given the large size of the Cork Harbour SPA, the dilution provided in the estuarine environment and naturally fluctuating levels of silt within these estuarine habitats, impacts are only likely to arise from extremely severe levels of siltation or major spills of hydrocarbons. The small scale of the proposed development means there is no significant risk of severe silt levels being generated or major spills of hydrocarbons. A natural buffer zone exists between the development area and the stream and the provision of a single span bridge will result in limited ground disturbance of riparian habitats. Therefore, construction runoff from the site will be negligible.

It is noted that environmental control measures will be implemented during construction in line with standard guidelines. Whilst the implementation of such measures during construction will assist in minimising impacts on the local environment, the implementation of these measures has not been taken into consideration in this screening report when reaching a conclusion as to the likely impact of the development on Natura 2000 sites.

Surface Water Impacts

As per Sustainable Drainage Systems (SuDS) principles, management of surface water run-off during operation of the residential development has been built into the plans. The proposed storm water drainage system has been designed to cater for all hard surfaces within the proposed development including roadways, roofs and parking areas. All surface water generated within the proposed development will flow by gravity through a proposed surface water network including attenuated storage tanks, attenuation basins and swales to final discharge at the existing stream which runs along the eastern boundary. The runoff discharge rate for the site has been designed at a rate of 2 litres per second per hectare on advice Cork City Council with an extra 20% added to account for the effects of climate change. Surface water discharge from the proposed storm sewer network will be controlled by a series of Hydrobrakes and associated attenuation tanks. Surface water discharge will also pass through a hydrocarbon interceptor before discharging into the existing storm sewer.

A hydrological and hydraulic analysis carried out for the proposed development concluded that the attenuated stormwater discharge from the proposed development site (and inclusive of the granted development to the south) is not predicted to result in an adverse impact to the existing hydrological and hydraulic regime of the Ballyvolane Stream watercourse or increase flood risk elsewhere. Overall, no significant effects from operational surface water runoff is predicted to occur.

The proposed development site is located a considerable distance from the Cork Harbour SPA (10.8 km upstream). Given the small scale of the proposed development, the distance upstream of the SPA and subsequent dilution available in local watercourses, there is no significant risk silt or hydrocarbon contamination within Cork Harbour SPA. Therefore, no impact on water quality within Natura 2000 sites during construction is predicted to occur.

Summary

- During the construction phase of development all construction phase water will be directed to the drainage system. Best practice standards, environmental guidelines and mitigation measures will be defined in the CEMP and adhered to in order to avoid impacts on soil quality; therefore, overall, significant effects from pollution impacts on the existing land and soils environment are not anticipated during the construction phase.
- The drainage design for the proposed development has been designed in accordance with the principles of Sustainable Urban Drainage Systems (SUDS) as per the recommendations of the Greater Dublin Strategic Drainage Study (GDSDS) which have been incorporated into the project at design stage, such as tree pits, bioretention rain gardens and soak-aways throughout the site to enhance storm water infiltration. Surface water from the operational phase of the proposed development will ultimately be discharged at a controlled rate to the Stream. The implementation of appropriate control measures (including an emergency spill response plan) and best management practices will reduce the risk of accidents from polluting substances entering soil and groundwater. The risk of disasters (typically considered to be natural catastrophes e.g., very severe weather event)

or accidents (e.g., fuel spill, traffic accident) is considered low.

I refer the Board to section 9 Screening conclusion and statement of the AA screening report. I agree with the conclusion presented therein.

5: Where relevant, likely significant effects on the European site(s) ‘in-combination with other plans and projects’

In combination or Cumulative Effects

Section 8.6 of the AA Screening Report identifies Other developments near the site and potential in combination impacts (Table 8). The AA identifies high negative threats, pressures and activities identified for the Cork Harbour SPA include roads, motorways, port areas, industrial or commercial areas, urbanised areas, human habitation and marine and freshwater aquaculture. Table 8 includes relevant Plans and Projects and key Policies/Issues/Objectives Directly related to the Conservation of the Natura 2000 Network. The implementation and compliance with key environmental policies, issues and objectives of these Plans/Projects will result in positive in-combination effects to European sites, a positive impact for the biodiversity and will not contribute to in-combination or cumulative impacts with the proposed development.

The area surrounding the proposed development is also heavily populated with a mixture of residential estates, commercial/light industrial developments and roads. Wastewater is also discharged from other settlements (e.g., Blarney, Douglas, Ringaskiddy) and local industry. However, in the absence of any significant impact associated with this project no in-combination impacts on water quality have been identified. Similarly, no significant incombination impacts in relation to noise and disturbance have been identified.

The report concludes and I would agree that no projects or plans would act in-combination with the proposed development to cause any likely significant effects on any European sites.

Regarding the cumulative effect in relation to surface water discharge all other developments will be required to incorporate appropriate construction management measures and to incorporate GDSDS requirements to suitably manage the quantity and quality of surface water discharge. Accordingly, I am satisfied that there would be no potential for significant cumulative / in-combination effects on the Cork Harbour SPA a result of surface water.

The Cork City Development Plan 2022-2028 includes a range of objectives intended to protect and enhance the natural environment, including those relating to European Sites, wastewater management, and surface water management. These objectives have themselves been subject to Appropriate Assessments, which have concluded that their implementation would not adversely affect the integrity of European sites.

It is reasonable to conclude that on the basis of the information on the file, which I considered adequate in order to issue a screening determination, that the proposed development individually or in combination with

other plans or projects would not be likely to have a significant effect on the Cork Harbour SPA (Site Code 004030) or any European site, in view of the sites' conservation objectives.

Overall Conclusion- Screening Determination

I conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

I am satisfied the potential for significant effects, as a result of surface generated during the construction and operational stages, on the qualifying interests of the applicable Natura 2000 site, Cork Harbour SPA can be excluded having regard to the following:

- During the construction stage best practice standards, environmental guidelines and mitigation measures will be adhered to in order to avoid impacts on surface water.
- Should a pollution event occur during the construction phase, due to the accidental spillage or release of contaminants, this would not be of such magnitude so as to have a significant adverse effect on downstream water quality due to the level of separation and the dilution arising from the volume of water between the sites.
- There will be an improvement in surface water run-off during the operational phase, relative to the existing situation, as surface water will be attenuated/ part treated within the site.

There is no potential for impacts on the qualifying interests due to noise and other disturbance impacts during construction and operational phases given the level of separation between the sites. While there is a potential risk of noise and disturbance during construction to ex-situ qualifying species, no significant effects are predicted as it is unlikely that the qualifying species will use habitats within the subject lands and in any case the proposed development is not likely to result in a significant increase in noise and disturbance over the existing levels.

Summary

Significant water quality impacts are not predicted, habitat loss/alteration within Cork Harbour SPA are not foreseen, and significant disturbance or displacement of any of the qualifying interest species is not expected to ensue. Taking account of the temporary nature of the construction works, the potential ecological impacts which have been identified, it is concluded that there will be no significant direct or indirect habitat loss/alteration to Cork Harbour SPA as a result of the proposed development. In addition, the proposed works will not result in significant disturbance/displacement impacts to species protected within any Natura 2000 site.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

Appendix B

Form 1

EIA Pre-Screening [EIAR not submitted]

An Bord Pleanála Case Reference	320966-24		
Proposed Development Summary	Large scale residential development: Construction of 166 dwellings, extension to previously permitted creche (ref. TP21/40038 (PL.28.311730), new vehicular access and all associated site works. (www.coppengerwoodslrd.ie)		
Development Address	Dublin Pike and Ballyhooley Road, Ballincroig, Cork City		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	x
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	x	An environmental impact assessment would be mandatory if the development exceeded the specified threshold of 500 dwelling units or 10 hectares, or 2ha if the site is regarded as being within a business district. In addition, Class 14 relates to works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the	Proceed to Q.3

		environment, having regard to the criteria set out in Schedule 7	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		The nature and the size of the proposed development is well below the applicable thresholds for EIA.	No EIAR or Preliminary Examination required
Yes		n/a	Proceed to Q.4
4. Has Schedule 7A information been submitted?			
No	N/A	Preliminary Examination required	
	N/A	Screening Determination required	

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP- 320699-24
Proposed Development Summary	Construction of 166 dwellings, extension to previously permitted creche (ref. TP21/40038 (PL.28.311730), new vehicular access and all associated site works

Development Address	Dublin Pike and Ballyhooley Road, Ballincrookig, Cork City
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development</p> <p>(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).</p>	<p>The site has an overall area of c.6.571ha and a detailed description is outlined in section 1 of this report.</p> <p>The site is zoned ZO 1 Sustainable Residential Neighbourhoods where the objective is: 'To protect and provide for residential uses and amenities, local services and community, institutional, educational, and civic uses'.</p> <p>I would note that the uses proposed are similar to predominant land uses in the area and that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and 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>The site is not subject to a nature conservation designation and does not contain habitats or species of conservation significance nor it is located within the designated Conservation Area.</p> <p>An Appropriate Assessment Screening Report was submitted with the application. An Ecological Impact Assessment was also submitted with the application.</p>

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).	No significant risk is predicted having regard to the nature and scale of the development.
Conclusion	
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>	<p>I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility and it would not be likely to have significant effects on the environment.</p>

Inspector:

Date: