



An  
Bord  
Pleanála

**Board Direction**  
**BD-005158-20**  
**ABP-305673-19**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 13/02/2020.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to the zoning objective of the subject site, as set out in the Cobh Municipal District Local Area Plan 2017, the site location within the existing IDA Business Park, and the nature, scale and form of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would conform to the zoning provisions as set out in the statutory plan for the area, would not seriously injure the amenities of the area, or of residential properties in the vicinity and would not lead to a risk of flooding. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and

particulars submitted on the 26<sup>th</sup> July 2019, and by the further plans and particulars received as unsolicited further information on the 12<sup>th</sup> September 2019, 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. The proposed development shall not be made available for occupation until (a) completion of the IDA Business Park internal road upgrades and associated works permitted under Register Reference: 19/5836 and, (b) completion of the flood management scheme permitted under Register Reference: 18/5609.

**Reason:** In the interest of traffic management, flood management and orderly development.

3. The developer shall ensure that all construction methods and environmental mitigation measures set out in the Natura Impact Statement and associated documentation, and in the document entitled 'EIA Screening Report', submitted with the application, are implemented in full, save as may be required by conditions set out below.

**Reason:** In the interest of protection of the environment.

4. The development shall be operated and managed in accordance with an Environmental Management System (EMS), which shall be submitted by the developer to, and agreed in writing with, the planning authority prior to commencement of development. This shall include the following:
  - a. Proposals for the suppression of on-site noise
  - b. Proposals for the on-going monitoring of sound emissions at dwellings in the vicinity.

- c. Proposals for the suppression of dust on site.
- d. Monitoring of ground and surface water quality, levels and discharges.
- e. Details of site manager contact numbers (including out of hours) and public information signs at the entrance to the facility.

**Reason:** In order to safeguard local amenities.

5. The landscaping scheme as indicated in the Landscaping Specification and Performance Standard Report and Drawing No. 15-036-LP-01-PP – Overall Landscape Plan, as submitted to the planning authority on the 26<sup>th</sup> day of July, 2019 shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development 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.

6. 60 car parking spaces located in the two northernmost rows of proposed car park adjoining the existing vegetation buffer along the northern boundary, as detailed on Drawing DR-C-0001, 'Proposed Road and Carpark Layout' submitted with the application, shall be omitted. The area of these parking spaces and the associated movement route between the two rows, shall be landscaped with additional planting. Revised plans, detailing the omitted parking spaces and the replacement planting scheme, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of traffic management and in the interest of proper planning and sustainable development.

7. A minimum of 10% of the proposed car parking spaces shall be provided with electrical connection points, to allow for functional electric vehicle charging. The

remaining car parking spaces shall be fitted with ducting for electric connection points to allow for future fitout of charging points.

**Reason:** In the interest of sustainable transport.

8. Prior to the opening of the development, an updated Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by staff employed in the development and to reduce and regulate the extent of staff parking. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

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

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 (including hydrological and geotechnical investigations) relating to the proposed development,
  - b. employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
  - c. provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

**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.

10. Comprehensive details of the proposed lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The agreed lighting system shall be fully implemented and operational, before the proposed development is made available for occupation.

**Reason:** In the interest of public safety and visual amenity.

11. 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, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

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

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

13. 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.

14. The developer shall pay to the planning authority a financial contribution in respect of the Cobh / Midleton – Blarney Suburban Rail Project in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

15. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of works proposed to be carried out, for the provision of a pedestrian and cycle route to connect to Carrigtwohill train station. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate.

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

**Board Member**

**Date:** 14/02/2020

---

Chris McGarry