



An  
Bord  
Pleanála

**Board Direction**

**BD-007191-20**

**ABP-308111-20**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 16/12/2020.

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 following:

- The site's location within the administrative area of Cork City Council with a zoning objective for residential development;
- The policies and objectives in the Ballincollig/Carrigaline Local Area Plan 2017-2023 and the Cork County Development Plan 2014-2020;
- The nature, scale, density and design of the proposed development;
- The pattern of existing and permitted development in the area;
- The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- Regional Spatial and Economic Strategy for the Southern Region, 2020;

- The 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;
- The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018;
- The Urban Development and Building Heights Guidelines for Planning Authorities 2019;
- The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') 2009;
- Submissions and observations received; and
- The Chief Executive's Report.
- The report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment screening and environmental impact assessment screening.

### **Appropriate Assessment**

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 within a zoned and serviced urban area, the lack of direct connections with regard to the source-pathway-receptor model, the report for the purposes of Appropriate Assessment Screening submitted with the application, the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on any European site, in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment (and submission of a Natura Impact Statement) is not, therefore, required.

### **Environmental Impact Assessment**

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- b) the location of the site on BG-R-11 'Medium A' density zoned lands in the Maglin UEA forming part of the Ballincolig/Carrigaline Local Area Plan 2017-2023,
- c) The existing use on the site and pattern of development in surrounding area;
- d) The availability of mains water and wastewater services to serve the proposed development,
- e) The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended),
- f) The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003),
- g) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

it is considered that the proposed development would not be 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**

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of

the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considered that, subject to compliance with the conditions set out below, that the proposed development 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, would not have a negative impact on the character or setting of Ballincollig Castle to the west of the site 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.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of clarity

2. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

3. The proposed cycle infrastructure be designed so as to comply with all necessary standards in the NTA National Cycle Manual.

Details of the layout, marking demarcation and security provisions for the cycle spaces and cycle infrastructure shall be as submitted to An Bord Pleanála with this

application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

4. The developer shall facilitate the protection of archaeological materials or features which may exist within the site. In this regard, the developer shall -
  - (a) undertake an Archaeological Impact Assessment, submitted prior to commencement of any development to the Planning Authority for writing approval,
  - (b) 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,
  - (c) submit to and agree in writing with the planning authority any revised proposals for the design which is deemed necessary to ensure that the development will not cause avoidable disturbance to archaeological material and will limit any unavoidable disturbance,
  - (d) submit full details relating to the proposed buffer zone around RMP C0073-161 including the long term management of this buffer zone.
  - (e) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
  - (f) 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.

5. Mitigation and monitoring measures outlined in the plans and particulars, including the Section 11 of the EclA 'Mitigation Measures', shall be carried out in full, except where otherwise required by conditions attached to this permission. A qualified ecological specialist shall monitor these works.

**Reason:** In the interest of protecting the environment and in the interest of public health.

6. 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

7. (a) Detailed arrangements for the pedestrian and cycling infrastructure on the Maglin Road, the Maglin Road/Killumney junction and the pedestrian and cyclist crossing of Castle Road shall be carried out in full by the developer at the developer's expense. A final design of each of the above measures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development. The final design shall comply with the provisions of DMURS and include the recommendations of the Stage 1/2 Road Safety Audit. A Stage 3/4 Road Safety Audit and a Quality Audit shall be agreed and discharged with the planning authority.  
(b) The residential units shall not be made available by the developer for occupation until such time as the works to the Maglin Road have been constructed and completed in full to the written satisfaction of the planning authority.

**Reason:** To facilitate safe pedestrian and vehicular access to the proposed development.

8. Prior to the opening/occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents/occupants/staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy submitted shall include proposals for implementation.

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

9. A minimum of 10% of all car parking spaces shall be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of EV charging points/stations at a later date. Detailed

proposals to comply with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of the development.

**Reason:** To provide for and/or future proof the development such as would facilitate the use of electric vehicles

10. (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.

11. The landscaping scheme and play facilities shown on Drawing no. 4000, Landscape Masterplan, as submitted to An Bord Pleanála as part of this application, shall be carried out within the first planting season following substantial completion of external construction works. In addition to the proposals in the submitted scheme, the following shall be carried out: The site shall be landscaped, using only indigenous deciduous trees and hedging species, and shall include:

(a) the relocation of a bin store from the front of the site to an appropriate accessible and overlooked location to the rear of the apartment building.

(b) the submission of a revised landscaping plan to incorporate trees and hedgerow on the southern site boundary as part of the central amenity area and trees to the northeast of the site at the location of the relocated bin store.

(c) submission of a tree planting scheme including details of the type, quantity and location.

(d) the planting shall integrate the recommendations as proposed in the Ecological Impact Assessment.

(e) play facilities shall be provided within the communal areas of the apartment development in line with the requirements of Section 4.13 of the Sustainable Urban

Housing: Design Standards for New Apartments. Guidelines for Planning Authorities (2018)

(f) all details of the play facilities and passive recreation facilities

(g ) details of all boundary treatments.

(h) provision of a designated pedestrian path through the biodiversity corridor.

Revised drawings/ documentation showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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.

12. Prior to the commencement of development, the applicant shall submit an Invasive Species Management Action Plan for the written agreement of the planning authority to include full details of the eradication of the Japanese Knotweed from the site prior to any construction works commencing. An annual update report to include photographs shall be submitted to the Planning Authority for their written approval

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

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

Reason: In the interest of visual amenity.

14. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external



plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

15. The developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

**Reason:** In the interest of public health.

16. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

**Reason:** In the interest of public health and surface water management

17. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

18.

All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of orderly development, the visual amenities of the area and for satisfactory future maintenance.

18. A plan containing details for the management of waste 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 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.

19. 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 place names for new residential areas.

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

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

21. 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 hours of working,

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

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

22. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be 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 of the area.

23. 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 of roads, footpaths, watermains, drains, 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 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 of the development.

24. 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.

**Board Member**

**Date:** 16/12/2020

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Terry Prendergast