



An
Bord
Pleanála

Board Direction
BD-007860-21
ABP-309059-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 08/04/2021.

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

- a) the central and accessible location of the site and the policies and objectives of the Cork City Development Plan 2015 – 2021, including the zoning objectives for the lands, wherein residential use is acceptable in principle.
- b) the provisions of the National Planning Framework with regard to compact growth in Cork City, and of the Southern Region, Regional Spatial and Economic Strategy with regard to the regeneration of Cork City Docklands.
- c) to the provisions of the *Guidelines for Planning Authorities on Sustainable Residential Development In Urban Areas* and the *Urban Design Manual – A Best Practice Guide*, issued by the Department of the Environment, Heritage and Local Government, the *Sustainable Urban Housing: Design Standards for New Apartments* issued by the Department of Housing, Local Government and Heritage, the *Urban Development and Building Heights Guidelines for Planning Authorities* issued by the Dept of Housing, Planning and Local Government, 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; the *Planning System and Flood Risk management Guidelines for Planning Authorities*, issued by the Department of the Environment , Heritage and Local Government, the *Childcare Facilities – Guidelines for Planning Authorities*, published by the Government of Ireland, the *Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment*, issued by the Department of Housing Planning and Local Government.

- d) the nature, scale and design of the proposed development and to the pattern of development in the surrounding area,
- e) the planning history relating to the site,
- f) existing and planned transport and recreational infrastructure in the area,
- g) to the submission of the Chief Executive and the submissions of prescribed bodies in respect of the application,
- h) to the report of the planning Inspector.

The Board 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, would be acceptable in terms of residential amenity, and in terms of pedestrian and traffic safety and convenience and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment: Stage 1

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 Natura Impact Statement Report submitted with the application, the Inspector's Report, and submissions on the file. 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, other than European Site Cork Harbour SPA (004030) Great Island Channel SAC (001058), which are European sites for which there is a likelihood of significant effects.

Appropriate Assessment: Stage 2

The Board considered the Natura Impact Statement and all other relevant submissions on the file and carried out an Appropriate Assessment of the implications of the proposed development on Cork Harbour SPA (004030) Great Island Channel SAC (001058), in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the appropriate assessment, the Board considered, in particular, the following:

- a) the site-specific conservation objectives for the European sites,
- b) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, and in particular the risk of impacts on surface water and ground water quality,
- c) the mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' conservation objectives.

The Board noted the potential impacts of hydrocarbons on downstream waterbodies, that dilution is considered to be a relevant consideration in respect of silt run-off, and considered that subject to the measures identified as part of the proposal, including the interception of contaminated waters prior to discharge to drains and other waterbodies during construction and excavation works, and on-going monitoring of water quality, and were satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of European Sites in view of the sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of European Sites in view of the sites' conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

This conclusion is based on the following:

- a) The excavation and removal of contaminated soils from the site.
- b) The measures identified to control the quality of surface water discharges which provide for the interception of silt and other contaminants prior to discharge from the site during construction and operational phases, and for the avoidance of ground water contamination.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) The nature, scale and extent of the proposed development;
- (b) The Environmental Impact Assessment Report and associated documentation submitted in support of the planning application;
- (c) The submissions from the Chief Executive and the prescribed bodies in the course of the application; and
- (d) The Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the planning application.

Reasoned Conclusions on the Significant Effects:

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the project on the environment, taking into account current knowledge and methods of assessment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Board considered and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated where required, as follows:

Impacts on surface and ground waters in respect of silt and other contaminants during construction, mitigated by:

- The excavation and removal of contaminated soils from the site.
- Implementation of the Construction Environment Management Plan and identified measures for the control and treatment of surface waters prior to discharge from the site.
- Compliance with standard guidance for the management of surface waters on construction sites.
- The use of a piling methodology to maintain the integrity of the low permeability silt layer between the made ground and the underlying aquifer.

Impacts on air quality from dust, including that generated by contaminated soils mitigated by:

- Adherence to regulatory requirements, as administered by the Health and Safety Authority (HSA), to be subject to independent monitoring of air quality.
- Implementation of the Construction Environment Management Plan and Dust Management Plan.

Potential spread of invasive species mitigated by the implementation of Invasive Species Management Plan as part of the Construction and Environmental Management Plan.

Potential Noise and Vibration impacts on sensitive receptors, mitigated by

- Implementation of a Construction and Environmental Management Plan and a Noise and Vibration Management Plan.
- Duration and timing of construction activities.
- Adherence to identified emission limit values, and monitoring in the vicinity of the site throughout construction work.
- Use of bored pile construction rather than driven piles.
- Glazing to proposed dwelling units in accordance with identified standards and the fitting of mechanical ventilation with acoustic grade vents.

A significant direct positive effect with regard to Population and Human Health due to the increase in housing stock that would be made available in the city and to the Cork Metropolitan Area.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the environmental impact assessment report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that the proposed development is broadly compliant with the provisions of the Cork City Development Plan 2015-2021, apart from the building height and apartment design parameters, and would therefore be in accordance with the proper planning and sustainable development of the area.

The Board considers that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a land use zoning objective of the Development Plan, it would materially contravene objectives of the Plan with regard to building height and apartment design. The Board considers that, having regard to the provisions of section 37(2)(b) (i) and (iii) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the development plan would be justified for the following reasons and considerations:

- (a) The proposed development is considered to be of strategic or national importance having regard to the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended; and its potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under-supply as set out in *Rebuilding Ireland Action Plan for*

Housing and Homelessness 2016, and to facilitate the achievement of greater density and height in residential development in an urban centre close to public transport and centres of employment.

- (b) It is considered that in respect of building height, permission for the proposed development should be granted having regard to Government policies as set out in the National Planning Framework, in particular objectives 13 and 35, and the *Urban Development and Building Height Guidelines for Planning Authorities*, in particular SPPR1 and SPPR3.
- (c) It is considered that in respect of apartment design and size, the proposed development should be granted permission having regard to Government Policy set out in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020).

In accordance with section 9(6) of the 2016 Act, the Board considered that the criteria in section 37(2)(b)(i) and (iii) of the 2000 Act were satisfied for the reasons and considerations set out.

Furthermore, the Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and mix of unit types and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area or be prejudicial to public health, would be acceptable in terms of urban design and height and in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In not agreeing with the Inspectors recommendations to;

- Reduce the height of Block 4 fronting the proposed Monaghan's Road Extension / Marina Park by one storey - the Board had regard to the intention of demarcating the entrance to Marina Park by the provision of a 14 storey block and considered that, given the disposition of the blocks on the site and the proposed height of the adjacent blocks, and notwithstanding the levels on the site, that a reduction in height of Block 4 would not be necessary to allow

Block 2 to function as a local feature, and decided not to omit a storey from Block 4.

- Modify the footprint of Block 8 such that it does not extend beyond the building line to the north east, which is formed by the south eastern elevations of Block 7 and Block 9. – the Board was not satisfied that such a modification would result in significant additional sunlighting of the Local Centre Square, given the location of Block 7 to the south west of the Square and the location of Block 8 to the south east of the Square. Furthermore, the Board considered that the disposition of Block 7 and Block 8 as proposed would provide an interesting threshold space providing transition between the public square and the communal space of the courtyard, and decided not to modify the footprint of Block 8.
- Allow planning permission duration for a period of 7 years – The Board considered the rationale provided by the applicant for a duration of 10 years planning permission to be reasonable in this instance, given the significant external infrastructural works programme for the area planned to be delivered by the City Council and other State Agencies, and decided to allow a planning permission duration for a period of 10 years.
- Omit on-street parking on Marquee Road and Street B / New Link Road – The Board considered that the limited number of on-street car spaces proposed would provide a positive level of passive surveillance and animation at street level, and decided not to omit the parking spaces.

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, or as otherwise stipulated by conditions hereunder, 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. Mitigation and monitoring measures outlined in the plans and particulars submitted with this application, including the measures identified in Chapter 15 of the Environmental Impact Assessment Report '*Schedule of Mitigation and Monitoring*', the *Outline Construction Management Plan* contained in Appendix 2.1, and the I.A.P.S. Site Assessment Report & Management Plan contained in Appendix 9.3, shall be carried out in full, except where otherwise required by conditions attached to this permission.

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

3. The mitigation measures contained in the Natura Impact Statement which was submitted with the application shall be implemented in full.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the European sites.

4. The proposed development shall be amended as follows:

The red colour of the metal frames and pressed metal balustrades to the balconies of Block/Building numbers 4, 8 and 12, shall be replaced with a dark grey or bronze colour.

Details of the colour and finish to this element of the proposed development shall be submitted, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matters in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity

5. The period during which the development hereby permitted may be carried out shall be ten years from the date of this order.

Reason: Having regard to the nature and scale of the development, the Board considers it appropriate to specify a period of validity of this permission in excess of five years.

6. The permitted use of the multi-purpose room within the Community Resource facility in Block 9, at the corner of Centre Park Road and the Local Centre Square, shall include uses permissible under ZO 9 Neighbourhood Centres land use zoning objective, as defined in the Cork City Development Plan 2015-2021. Revised details to facilitate such use shall be submitted to and agreed in writing with the planning authority prior to first occupation of the unit.

Reason: In order to facilitate appropriate levels of street level activity at this important nodal location.

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

Reason: In the interest of visual amenity

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

Reason: In the interests of amenity and public safety.

9. Proposals for a street, building and public space naming scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all street signs and dwelling numbers, shall be provided in accordance with the agreed scheme. 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 names.

Reason: In the interest of urban legibility.

10. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the detailed requirements of the planning authority for such works and services. Details to be agreed in writing prior to the commencement of development on the site shall include:

- a) A finalised surface water attenuation / storage solution which shall be suitable for the groundwater conditions at the application site.
- b) Revised drainage and / or taking in charge details such that surface water attenuation tanks shall not be located on lands intended to be taken in charge by the local authority.
- c) Final details of proposed works to existing drainage channels or culverts as part of the proposed development.

Reason: In the interests of public health

11. 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 that 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

12. (a) The mitigation measures identified in the Flood Risk Assessment Report (23 November 2020) submitted with the application shall be implemented in full. Any proposed changes to the measures shall be agreed in writing with the planning authority prior to the commencement of development on the site.

(b) Prior to first occupation of any unit on the site, a Flood Emergency Management Plan shall be submitted to and agreed in writing with the planning authority. Such plan shall be subject to regular review by the management company for the development.

Reason: In the interests of public health and safety

13. The developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

14. (a) All mitigation measures identified in the Pedestrian Level Wind Microclimate Assessment (30 November 2020) shall be implemented in full, including in particular, the measures identified in section 7.2.1.5 of that report.

(b) Prior to first occupation of residential units in Phase 1 and Phase 2, a further assessment shall be undertaken to ascertain the requirement for additional temporary mitigation measures pending the completion of subsequent phases of development on the site. Details in this regard shall be agreed in writing with the planning authority prior to the commencement of development on the site.

Reason: In the interests of residential amenity and public safety

15. (a) The site shall be landscaped and paving and earthworks carried out in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

(b) The palette of materials to be used, including street furniture, paving etc to be used in public spaces shall be agreed in writing with the planning authority prior to the commencement of development on the site.

Reason: In the interest of residential and visual amenity

16. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs within and adjoining the site which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

(c) No trench, embankment or pipe run shall be located within three metres of any trees which are to be retained on the site.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

17. A schedule of landscape management and maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. This schedule shall cover a period of at least three years from completion of the overall development, and shall include details of the arrangements for its implementation.

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

18. Final landscaping and finished ground levels within the proposed linear park shall be agreed in writing with the planning authority prior to the commencement of development, which levels shall ensure that universal access to pedestrian crossings of the Monaghan's Road Extension is achieved.

Reason: In order to provide universal access between the development and Marina Park.

19. The developer shall engage with the operators of Cork Airport and with the Irish Aviation Authority and shall:

- a) Undertake a preliminary assessment of the potential impact of the proposed development, including construction cranes, on instrument flight procedures, and communications, navigation or surveillance equipment at Cork Airport.
- b) Agree an obstacle lighting scheme for structures on the site.
- c) Provide at least 30-days' notice of any proposed crane operations on the site.

Reason: In the interests of public and aircraft safety

20. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

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

21. (a) The road network serving the proposed development, including junctions, surfacing, parking / set-down areas, car park access roads layouts, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and the design standards outlined in the Design

manual for Urban Roads and Streets (DMURS) 2020 and the National Cycle Manual. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

(b) Prior to the commencement of development, full design details in respect of shared surfaces and raised tables at proposed junctions, including geometry and materials, shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of amenity and of traffic and pedestrian safety, and to ensure an appropriate standard of development.

22. (a) A revised strategy for the design and treatment of footpaths, public spaces and landscaped areas along Marquee Road shall submitted to and agreed in writing with the planning authority prior to the commencement of development.

(b) Carriageway width on Street B / New Link Road shall be reduced to 5.5m in accordance with its role as a local street.

Reason: In the interests of pedestrian safety and to provide an improved quality of public urban space.

23. (a) All findings of the Quality Audit at initial and detailed design stages shall be finalised and incorporated into the development in a manner to be agreed in writing with the planning authority prior to the commencement of development.

(b) A stage 3 / 4 Road Safety Audit in respect of the proposed development shall be undertaken and the findings of the audit shall be incorporated into the development. Final details in this regard shall be submitted to and agreed in writing with the planning authority.

Reason: In the interests of road safety

24. Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other

spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units.

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

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

26. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials [and for the ongoing operation of these facilities] for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

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

27. Prior to the opening/occupation of the development, a Mobility Management Strategy (including an interim or temporary strategy reflecting any requirements or adjustments relating to Covid-19 movement and travel patterns) 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. Details may include the provision of centralised facilities within the commercial element of the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy. The interim or temporary strategy, where applicable, should reflect the requirements of DMURS Interim Advice Note – Covid Pandemic Response (May, 2020). 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 and reflecting the needs of pedestrians and cyclists during Covid-19 pandemic..

28. A minimum of 10% of all communal car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted 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

29. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, 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.

30. Details of all security shuttering, external shopfronts, lighting and signage shall be as submitted to An Bord Pleanála with this application unless otherwise submitted to, and agreed in writing with, the planning authority prior to occupation of the commercial/retail units.

Reason: In the interest of the amenities of the area/visual amenity

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

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

- k) Means to ensure that surface water run-off is controlled such that no silt or other pollutants / contaminants enter local surface water sewers or drains.
- l) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.
- m) Measure to fully remediate the site in accordance with a Construction Stage Invasive Plant Species Management plan, in advance of the commencement of construction activities.

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

32. A suitably qualified / experienced Ecologist shall be appointed in the role of Ecological Clerk of Works, who shall be responsible for the implementation, management and monitoring of the identified construction mitigation measures, and the Construction and Environmental Management Plan.

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

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

Reason: In the interest of sustainable waste management.

34. 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.

35. Prior to the commencement of development, details of a S.47 Agreement in respect of the LIHAF Low-Cost Homes Strategy shall be submitted to and agreed in writing with the local authority.

Reason: In order to comply with the requirements of the Local Infrastructure Housing Activation Fund and ensure the provision of low-cost housing.

36. 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.

37. 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.

38. 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

39. The developer shall pay to the planning authority a financial contribution in respect of the Cork 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.

Board Member

Date: 09/04/2021

Michelle Fagan