



An  
Bord  
Pleanála

**Board Direction**  
**BD-017347-24**  
**ABP-313994-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 27/08/2024.

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**

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.

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

- The site's location on lands with a zoning objective for residential development;
- The policies and objectives in the Cork City Development Plan 2022-2028
- Nature, scale and design of the proposed development;
- Pattern of existing 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;
  - The Southern Regions Regional Spatial and Economic Strategy (RESES);

- The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities prepared by the Department of Housing, Local Government and Heritage, 2024;
- 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;
- Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government, 2023;
- The Urban Development and Building Heights Guidelines for Planning Authorities 2018;
- The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') 2009;
- Chief Executive's Report;
- Inspectors Report; and
- Submissions and observations received.

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, 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:**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account 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 documentation and the Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Inspector and 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 any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

**Environmental Impact Assessment:**

The Board completed, in compliance with s.172 of the Planning and Development Act 2000, 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 application, (c) The submissions from the applicant, planning authority, third parties and the prescribed bodies in the course of the application; and (d) The Planning 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. The Board considered that the main significant direct and indirect effects of the proposed development, on the environment are and where appropriate would mitigate as follows:

- Traffic and Transportation impacts mitigated by the management of construction traffic by way of Construction and Environmental Management Plans.
- Air Quality and Climate impacts mitigated by dust minimisation plan.
- Noise and Vibration impacts mitigated by adherence to requirements of relevant code of practice.
- Biodiversity impacts mitigated by appropriate work practices and additional planting/landscaping.
- Archaeology and Cultural Heritage. Given the greenfield location of the site and the absence of any archaeological, built heritage or feature of cultural

significance no significant adverse direct, indirect or cumulative effects are likely to arise.

- Landscape and Visual Assessment impacts would be significant with a direct effect on land by the change in the use and appearance of a relatively large area of greenfield site to residential. Given the location of the site within the urban area and the public need for housing in the region, this effect would not have a significant negative impact on the environment.
- Land, Soils and Geology impacts mitigated by construction management measures including minimal removal of topsoil and subsoil; management and maintenance of plant and machinery; dust suppression measures.
- Water impacts to be mitigated by upgrade works to the network and the management of surface water run-off during construction to prevent run off discharging directly into watercourses.
- Resources and Waste Management impacts which will be mitigated by preparation of site-specific Construction and Demolition Waste Management Plan
- Material Assets – Services, Infrastructure and Utilities. An upgrade of utilities and telecommunications will have a long-term positive impact for the site and the surrounding area.
- Population and Human Health impacts mitigated by appropriate construction and operational management plans. Direct positive effects with regard to population and material assets due to the increase in population to help sustain and generate improvements to physical infrastructure in the 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, 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/land in the vicinity, would be consistent with national and local planning policy and would be acceptable in terms of design, scale, height, quantum of development, 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.

The Board considered that the proposed development is 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.

### **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, including the Environmental Impact Assessment Report submitted with this application, 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 development shall be carried out in accordance with the phasing scheme submitted with the application subject to agreement with Uisce Eireann with respect to upgrade requirements.

Full details of phasing shall be submitted and agreed with the Planning Authority in writing prior to the commencement of development and, prior to the

commencement of each phase the developer shall provide confirmation in writing to the Planning Authority that capacity is available to serve the development.

**Reason:** In the interest of proper planning and orderly development and in the interest of public health.

4. Prior to the commencement of development, the applicant shall submit for the written agreement of the Planning Authority a revised set of house, duplex and apartment drawings that include the design's submitted with this application and units that are shown on Site Layout sheet 1 plan Drawing number 1003, and Site Layout sheet 2 Drawing number 1004 that were not included eg mirrored dwellings.

**Reason** In the interest of clarity

5. A schedule of all materials to be used in the external treatment of the development to include a variety of high-quality finishes, such as brick and stone, roofing materials, windows and doors shall be submitted to and 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 and to ensure an appropriate high standard of development.

6. Details of signage, waste management, set down/drop off and hours of operation of the creche shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity

7. No additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks, ducts or other external plant other than those shown on the drawings hereby approved, unless authorised by a prior grant of Planning Permission.

**Reason:** To safeguard the amenities of surrounding occupiers and the visual amenities of the area in general.

8. The construction of the development shall be managed in accordance with a Construction 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. A Pre-Construction Invasive Species Management Plan and an Invasive Species Management Plan if required;
- b. Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- c. Location of areas for construction site offices and staff facilities; e) Details of site security fencing and hoardings;
- d. Details of on-site car parking facilities for site workers during the course of 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. Details of lighting during construction works;
- h. Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- i. 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 works;
- j. Provision of parking for existing properties at during the construction period;
- k. Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- l. 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;
- m. Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- n. Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

- o. A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.

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

- 9. Construction and demolition waste shall be managed in accordance with a construction waste and demolition 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 Environmental Protection Agency, 2021.

**Reason:** In the interest of sustainable waste management.

- 10. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays and between 0800 and 1400 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.

- 11. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be soiled, seeded, and landscaped in accordance with the landscape scheme submitted to planning authority with the application, unless otherwise agreed in writing with the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority or management company.

**Reason:** In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

- 12. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:
  - a) proposals to provide screen planting along the eastern site boundary between the site and Delaney GAA grounds and along the entire length of the southern site boundary.

- b) proposals to provide mature tree planting to the north of the proposed apartment blocks.
- c) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development.
- d) proposed locations of street trees and additional street trees at appropriate intervals, other trees and other landscape planting in the development, including details of proposed species and settings;
- e) details of proposed street furniture, including bollards, lighting fixtures and seating;
- f) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes. Proposals shall include a 2-metre-high blockwork boundary wall between the creche and the adjoining residential properties to the west.
- g) the proposed 'fence' referenced in Section 5.2 of the Flood Risk Assessment at the northern boundary of the site to prevent access to the adjacent Glenamought watercourse shall be omitted. The applicant shall submit revised proposals to address the interface of the site and the watercourse for the written agreement of the planning authority.
- h) a suitably scaled Arboriculture Impact Drawing and separate Tree Protection Plan.

The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.

**Reason:** In the interest of the proper planning and orderly development and the appropriate integration of the development into the receiving environment.

13. Prior to commencement the developer shall submit, for the written agreement of the planning authority,
  - a) Revised proposals to reduce the 136m directionally drilled section of 225mm storm sewer beneath the Marsh Fritillary to the minimum distance possible of

- c. 80m. The Applicant shall investigate if there is a preferred time of year wherein these works could take place.
- b) A Marsh Fritillary monitoring programme shall be undertaken at seasonably appropriate times both before the start of works and upon completion.
- c) Prior to occupation Marsh Fritillary monitoring reports shall be submitted to the Planning Authority for the review and written agreement of the planning authority.

**Reason:** To protect and conserve the Marsh Fritillary

- 14. Prior to commencement the developer shall submit, for the written agreement of the planning authority, a detailed fungi survey and impact report prepared by a suitably qualified person at a seasonably appropriate time with respect to the northern 'Open Space' zoned portion of the proposed site to include measures to protect, where appropriate.

**Reason:** To protect and conserve rare fungi

- 15. Future access arrangements and Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority.

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

- 16. With reference to the historic dumping of waste construction material on the site, prior to commencement, the Applicant shall agree an extensive suite of sampling and testing throughout the site with the Planning Authority, to ensure any pockets of contaminated material are identified and managed appropriately, before construction activities begin.

**Reason:** In the interests of public health

- 17. Prior to the commencement of development, the applicant shall submit for the written agreement of the Planning Authority a DMURS Quality Audit. 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 particular, the applicant shall provide for a segregated pedestrian and cycle path along the link road to the south of the site.

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

18. All recommendations of the road safety audit are to be incorporated into the development at the expense of the developer. A Stage 3/4 audit is to be carried out at the appropriate stage and all recommendations to be incorporated into the works at the applicant's expense.

**Reason:** In the interest of traffic safety

19. Temporary signage shall be erected on the L-5093 Old Whitechurch Road and L-2980 Dublin Hill to warn road users of Construction accesses and the movement of construction traffic as indicated in the Construction Management Plan.

**Reason:** In the interest of Public Road safety.

20. The applicant shall sign a connection agreement with Uisce Eireann prior to any works commencing and connecting to the Irish Water network.

- a) Irish Water does not permit any build over of its assets and separation distances as per Irish Waters Standards Codes and Practices shall be achieved. (i) Any proposals by the applicant to build over/near or divert existing water or wastewater services subsequently occurs, the applicant shall submit details to Irish Water for assessment of feasibility and have written confirmation of feasibility of diversion(s) from Irish Water prior to connection agreement.
- b) All development shall be carried out in compliance with Irish Water Standards codes and practices.

**Reason:** To aid in the provision of, and to protect, water related infrastructure.

21. a) Prior to the commencement of any construction activity the wet meadow and woodland habitats should be fenced to prevent the entry of any construction related plant or machinery. No storage or stockpiling of soil or other construction related products or by-products should be permitted in these areas or in any lands in close proximity to the Glenamought River.
- b) Prior to the commencement of any construction activity effective silt fencing or other silt control measures should be installed and maintained at the site along all site boundaries to prevent the escapement of solids contaminated site runoff to surface waters.
- c) During construction all solids contaminated site water should be treated on site to a maximum of 20 mg/l before being released to any surface water network.

d) There shall be no interference with, bridging, draining, cleaning, maintaining, or culverting of the Glenamought River or any watercourse, their banks or bankside vegetation to facilitate this development.

**Reason:** To protect surface water bodies

22. Prior to commencement, the Applicant shall submit a site layout drawing clearly demonstrating how access for maintenance will be maintained throughout the lifetime of the project, for access and servicing of stormwater manholes and outfall in the north of the site.

**Reason:** In the interests of public health

23. 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.

24. Proposals for a naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names 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 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.

25. All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located  
Ducting shall be provided by the developer to facilitate the provision of  
broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

26. Prior to the commencement of development details and drawing of areas proposed to be taken in charge shall be submitted to the Planning Authority for written agreement, all other area shall be managed by a management company.

**Reason** In the interest of orderly development

27. (a) Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall

confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

**Reason:** To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good

28. Prior to commencement of development, the developer 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 plan of the area.

29. 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 (as per Drawing No. 1009 - Site layout – Areas to be Taken In Charge), 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

30. 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 Contribution Scheme made under section 48 of the Act be applied to the permission.

Note: The Board concurred with the Inspector and decided that no oral hearing is required in this case

**Board Member**

  
Mary Henchy

**Date:** 29/08/2024