



An  
Coimisiún  
Pleanála

**Direction**  
**CD-020415-25**  
**ABP-322434-25**

The submissions on this file and the Inspector's report were considered at a meeting held on 06/08/2025.

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

**Planning**

**Commissioner:**

*Patricia Calleary*  
Patricia Calleary

**Date:** 06/08/2025

**DRAFT WORDING FOR ORDER**

**Reasons and Considerations**

The Commission performed its functions in relation to the making of its decision, in a manner consistent with the Climate Action and Low Carbon Development Act 2015, as amended; the Climate Action Plan 2024 and Climate Action Plan 2025, and had regard to the following:

- (a) the nature, scale, and extent of the proposed development and the pattern of existing and permitted development in the area,

- (b) the provisions of the Project Ireland 2040 National Planning Framework: First Revision (April 2025),
- (c) the provisions of the National Biodiversity Action Plan 2023-2030, which have been considered,
- (d) the provisions of the Sustainable Residential and Compact Settlement Guidelines for Planning Authorities (January 2024),
- (e) the provisions of the Urban Development and Building Height Guidelines for Planning Authorities (December 2018),
- (f) the provisions of the Sustainable Urban Housing: Design Standards for New Apartments (July 2023),
- (g) the provisions of the Design Manual for Urban Roads and Streets (2019),
- (h) the provisions of the Regional Spatial and Economic Strategy for the Southern Region 2020-2032,
- (i) the provisions of the Cork City Development Plan 2022-2028,
- (j) the documentation submitted with the planning application, such as the Environmental Impact Assessment Report and Natura Impact Statement, and the grounds of appeal,
- (k) the submissions and observations received on file including from the planning authority, prescribed bodies, and third parties,
- (l) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects on European sites,
- (m) the planning history of the site and the vicinity of the site, and,
- (n) the report of the Planning Inspector.



### **Appropriate Assessment: Stage 1:**

The Commission considered the documents submitted with the application, and all the other relevant submissions on file, and carried out an Appropriate Assessment screening in relation to the potential effects of the proposed development on designated European sites. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that Cork Harbour Special Protection Area (Site Code 004030) is the only European Site in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the site and that Stage 2 Appropriate Assessment is, therefore, required.

### **Appropriate Assessment: Stage 2:**

The Commission considered the Natura Impact Statement, and all the other relevant submissions on file, and carried out an Appropriate Assessment of the implications of the proposed development on Cork Harbour Special Protection Area (Site Code 004030) in view of this site's Conservation Objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's Conservation Objectives using the best scientific knowledge in the field. In completing the assessment, the Commission considered, in particular, the following:

- (i) the site-specific Conservation Objectives for the European Site,
- (ii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and
- (iii) mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Commission 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 Site. In overall conclusion, the Commission were satisfied that the proposed development would not adversely affect the integrity of the European Site in view of the site's

Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.

### **Environmental Impact Assessment**

The Commission completed an Environmental Impact Assessment of the proposed development taking account of:

- (a) the nature, scale, location, and extent of the proposed development,
- (b) the Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the application,
- (c) the submissions received from the applicant, planning authority, prescribed bodies and observers in the course of the application, and,
- (d) the Planning Inspector's report.

The Commission 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 Commission 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 application.

### **Reasoned Conclusion on the Significant Effects**

The Commission considered that the main significant direct and indirect effects of the proposed development on the environment, with the implementation of the proposed migration measures, are as follows:

#### **Population and Human Health**

Significant direct, and cumulative positive effects on population, due to the substantive increase in the housing stock during the operational phase, as a result of



this proposed development; Significant, short term indirect effects on the economy during the construction phase as a result of employment and benefits to local shops and services; Significant indirect impacts on human health as a result of the provision of amenities including the proposed cycleway and public open space provided.

### **Biodiversity**

Likely, short-term negative, significant effects at construction phase on bird assemblages should vegetation be cleared during the breeding season, which would be mitigated by appropriate and lawful timing of vegetation clearance; likely, short-term negative, significant effects on aquatic faunae which can be mitigated by appropriate surface water management measures; Likely, long-term, negative, significant effects at construction phase as a result of the introduction and/or spread of invasive species which can be mitigated by way of appropriate site management practices, including the preparation of a project specific Invasive Alien Plant Species (IAPS) standard operating procedure document.

### **Water**

Likely, negative, significant, and temporary impacts on the adjacent Glashaboy Estuary from the pollution of water during the construction phase, which would be mitigated by appropriate construction phase measures.

### **Noise and Vibration**

Likely, negative, significant, and temporary effect, as well as potential negative cumulative effects, resulting from noise impacts on properties fronting onto the Dunkettle Road (identified as NSL1 within the EIAR) during the construction phase (in particular from rock breaking and excavation), which would be mitigated by appropriate construction phase measures and by way of additional environmental conditions.

### **Traffic and Transport**

Likely significant, negative, direct and cumulative residual effects on the surrounding road network as a result of increased congestion, notwithstanding the mitigation measures as proposed in the EIAR, which include, but are not limited to, upgrades to surrounding junctions in the area. However, the Commission is satisfied the effects



described in the EIAR can be considered 'worst-case' and that continuing developments in the area, in terms of improved public transport services, and improved pedestrian and cycle infrastructure provision, will see an increased modal shift towards more sustainable forms of transport, with a subsequent decrease in impacts on the local road network; Significant positive effects resulting from aspects of the development which encourage a shift towards more sustainable modes of travel and the location of the site which will allow future occupiers to benefit from improvement in public transport in the area.

The Commission completed an Environmental Impact Assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed as set out in the Environmental Impact Assessment Report, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Commission adopted the report and conclusions of the Inspector. Overall, the Commission is satisfied that the proposed development would not have any unacceptable effects on the environment, save for the significant, negative, direct and cumulative residual effects on the surrounding road network identified within the EIAR. Notwithstanding the conclusion reached in respect of the inability of the proposed measures to fully mitigate the operational phase significant, negative, direct and cumulative effects on the surrounding road network resulting from increased traffic congestion, it is considered that the environmental effects would not justify a refusal of planning permission having regard to overall benefits of the proposed development, including the provision of housing in a time of housing need, and noting that such effects on the road network can be considered 'worst-case' effects, having regard to the potential for public transport improvements in the area, as well as improved pedestrian and cycle infrastructure, to result in an increased modal shift towards more sustainable transport modes.

### **Proper Planning and Sustainable Development**

The Commission considers that, subject to compliance with the conditions set out below, the proposed development would be consistent with the applicable zoning objectives pertaining to the site, and other policies and objectives of the Cork City

Development Plan 2022-2028, would result in an appropriate density of residential development, would constitute an acceptable mix and quantum of residential development, would provide acceptable levels of residential amenity for future occupants, would provide the essential community and childcare services, would not seriously injure the residential or visual amenities of property in the vicinity, would not cause adverse impacts on or result in serious pollution to biodiversity, lands, water, or air, would be acceptable in terms of pedestrian, cyclist and traffic safety and convenience, and would be capable of being adequately served by water supply, wastewater, and surface water networks without risk of flooding. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on 14<sup>th</sup> day of February 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The period during which the development hereby permitted may be carried out shall be eight years from the date of this Order.

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



3. The mitigation measures contained in the submitted Environmental Impact Assessment Report and Natura Impact Statement shall be implemented.

**Reason:** To protect the environment and the integrity of European Sites.

4. The phasing of the proposed development shall be carried out in accordance with a Final Phasing Strategy, to be submitted to, and agreed in writing with the planning authority prior to the commencement of the development. The phasing strategy shall incorporate the completion of the childcare unit and medical centre, to an operational standard, prior to the completion of the development.

**Reason:** In the interests of clarity and in order to ensure the satisfactory implementation of the development and in order to ensure the provision of essential community and childcare services.

5. Details of the materials, colours, and textures of all the external finishes to the proposed development shall be as submitted with the application, unless otherwise agreed in writing with the local authority prior to commencement of development.

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

6. Drainage arrangements including the attenuation and disposal of surface water shall comply with the requirements of the relevant Section of the Council for such works and services. Prior to the 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.



7. The developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann prior to commencement of development.

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

8. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within the open space areas. Such lighting shall be provided prior to the making available for occupation of any residential unit in that phase.

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

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

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

10. The following transportation requirements shall be complied with:
  - (a) Prior to the commencement of development, the applicant shall submit to the planning authority for approval in writing final details of bike racks/housing/stores, including final locations of same.
  - (b) Any overlooked bin or bike stores shall have a sedum roof.
  - (c) Prior to occupation of any of the residential units hereby permitted, the Active Travel Route north towards Dunkettle Road including the required safe crossing point of Dunkettle Road shall be completed.

- (d) Prior to the commencement of development, the applicant shall submit to the planning authority for approval in writing details of the provision of a pedestrian connection to the north of Duplex Block H6 to tie-into the footpath running adjacent to residential unit Number 393. Once agreed in writing same shall be completed prior to occupation of the adjoining residential units.
- (e) The final geometric layout for the Phase 1 entrance on Dunkettle Road shall be finalised in consultation with Cork City Council and agreed in writing with the planning authority prior to commencement of development. The works shall then be completed by the developer at their own cost to the written satisfaction of the planning authority.
- (f) All off-curtilage parking serving the residential units (the proposed undercroft parking spaces are considered in-curtilage under this condition) shall not be reserved for individual residential units. All EV noted parking spaces should be enabled to support the delivery of electric vehicle charging points and designed in line with the Universal Access Guidelines as prepared by Zero Emission Vehicles Ireland.
- (g) Prior to occupation of any of the residential units within the permitted scheme, the following works shall be completed:
  - (i) The Ballinglanna Crossroads shall be upgraded as presented in the submitted Transport Assessment and the EIAR.
  - (ii) The capital costs of any upgrade to the above junction will be solely borne by the applicant and the final design of the improvements shall be prepared in consultation with, and agreed in writing with, the planning authority prior to the commencement of development.
- (h) The layout and final construction details of the junction between the northern pedestrian access and the newly constructed infrastructure as part of the Glanmire Road Improvement Scheme Contract 1 shall be



finalised in consultation with, and agreed in writing with, the planning authority prior to commencement of the development.

- (i) The operation of the two number toucan crossings in close proximity to each other on the Dunkettle Road shall be monitored and adjusted as necessary post construction and prior to occupation of the permitted dwellings in consultation with Cork City Council. All costs associated within this to be borne by the applicant.

**Reason:** In the interests of orderly development, in the interest of promoting a modal shift towards sustainable transport modes and to ensure the safe operation of the road network for all users.

- 11. The internal road and cycle network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).

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

- 12. All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

- 13. Roads and footpaths shown to adjoining lands shall be constructed up to the boundaries to provide access to adjoining lands with no obstruction including the erection of any structure which would otherwise constitute exempted

development under the Planning and Development Regulations, 2001 (as amended).

**Reason:** In the interest of permeability and proper planning and sustainable development.

14. Site access arrangements, and the provision and maintenance of visibility splays shall comply with the requirements of the planning authority for such works.

**Reason:** In the interests of road safety.

15. Proposals for an estate/street name, house/apartment 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/apartment 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 name(s).

**Reason:** In the interest of urban legibility.

16. (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.

17. (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 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.
- (b) For the duplex apartments and mixed-use block this plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.
- (c) For the terraced housing this plan shall provide for screened bin stores, which shall accommodate not less than three standard sized wheeled bins within the curtilage of each house plot.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

18. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records, including for waste and all resources, pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of reducing waste and encouraging recycling.

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

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

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

- (a) the location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) the 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 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. In this regard, all construction related traffic will be required to access the site via Dunkettle Road from the south and no construction related Heavy Goods Vehicles (HGVs) will be permitted to access the construction site via Glanmire Bridge;



- (f) measures to obviate queuing of construction traffic on the adjoining road network;
- (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) the 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) the off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (l) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains;
- (m) a record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.

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

21. An Updated Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management,

protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

**Reason:** In the interest of environmental protection and residential amenities.

22. Prior to the commencement of development, the applicant shall submit a detailed Noise Management Plan for approval by the planning authority. The Plan shall include the following:

(a) Rock Breaking:

- (i) A detailed schedule for rock-breaking activities in both the east and western sections of the site, including the expected duration of these works and if these will be carried out at the same time.
- (ii) Rock-breaking activities shall be scheduled between the hours of 0900 and 1700 to minimise noise disturbance during early morning hours.

(b) Liaison Strategy:

- (i) A strategy for engagement with nearby noise-sensitive receptors, particularly those at locations NSL 1 and NSL 2, likely to be affected by such works.
- (ii) A timeline for early engagement with affected parties prior to commencement of rock breaking and other construction works likely to affect nearby properties, facilitated by the Community Liaison Officer.
- (iii) The name and contact number of a designated representative for the project to be provided to residents in close proximity to the site, ensuring open lines of communication for addressing noise related



concerns.

- (c) Screening and Mitigation Measures: Drawings and descriptions of proposed noise screening measures including the location and design of these screens.
- (d) Monitoring Procedure: A procedure for ongoing monitoring during noise breaking activities to ensure compliance with agreed noise limits.

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

23. (a) The site shall be landscaped, and all earthworks carried out in accordance with the Landscape Plan submitted with the application, unless otherwise agreed in writing with the planning authority prior to the commencement of development.
- (b) This landscaping scheme shall be implemented fully before any of the residential units are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the management company or planning authority. Any plant materials that die or are removed within three years of planting shall be replaced in the first planting season thereafter.
- (c) Prior the commencement of the development, final details of the Natural Play areas are to be submitted to the planning authority for written approval.

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

24. (a) The applicant shall commission a qualified ecologist who is a National Parks and Wildlife Service (NWPS)-licenced bat worker to survey the site for bats prior to commencement of site clearance works and, if there is bat usage of the existing vegetation or buildings on the site found, the

applicant shall ensure that;

- (i) a licenced bat works is present on site prior to and during the removal of existing trees planned for removal; and
  - (ii) all necessary licences for relocation of bats are obtained in advance from the NPWS.
- (b) A suitably qualified Ecological Clerk of Works (ECoW) to be present on site for the duration of the construction phase.
- (c) Prior to the commencement of development, an alien species management plan shall be submitted to the planning authority setting out how on-site alien invasive species are to be removed, managed and monitored over the time period of the development, pre, during and post-construction.
- (d) Prior to the commencement of development revised details of swift bricks (a minimum of 20 number) and caller systems shall be submitted to the planning authority for approval in writing.
- (e) Prior to the commencement of development details of bat roosts (a minimum of six number) shall be submitted to the planning authority for approval in writing.
- (f) Prior to the commencement of development details of log piles and insect hotels shall be submitted to the planning authority for approval in writing.
- (g) Prior to the commencement of development, a detailed Hedgerow Management Plan shall be submitted to the planning authority for approval in writing.
- (h) Appropriate public lighting shall be installed to protect nocturnal wildlife within appropriate areas of the permitted development and to comply with guidelines from the Bat Conservation Trust and Institute of Lighting



Engineers, 2023.

**Reasons:** In the interests of Biodiversity.

25. (a) Prior to the commencement of development, the developer shall submit an Arboricultural Impact Assessment for approval in writing by the planning authority. This shall detail the number/quantum of trees and hedges to be felled, removed and retained within the site and shall be based on the Tree Survey (updated August 2024) and recommendations therein, as submitted with the application. No other trees, other than Category U Trees, that are not indicated for removal within this survey, plan shall be felled, removed or damaged.
- (b) Prior to the commencement of the development the applicant shall:
- (i) retain the services of an Arborist. Their name, qualifications and contact details shall be provided to the planning authority before the commencement of works;
  - (ii) submit a Site-Specific Tree Protection plan (1:500@A1) showing the trees and hedges to be protected, details of Tree Protection Fencing and Root Protection Areas; and
  - (iii) provide a programme of subsequent tree surveys on 12-month cycles to be agreed in writing with the planning authority.

**Reason:** In the interest of visual amenity and in the interests of biodiversity.

26. (a) 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 the development in the interest of residential amenity.

27. 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 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

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

28. (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 relevant 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.

- 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, 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 Coimisiún Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

30. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. 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 Coimisiún Pleanála for determination.

**Reason:** To secure the protection of trees on the site.

31. 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 Coimisiún 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.

32. 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 Coimisiún 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.