



An
Coimisiún
Pleanála

Direction
CD-020528-25
ABP-322566-25

The submissions on this file and the Inspector's report were considered at a meeting held on 22/08/2025.

The Commission decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

Planning

Commissioner:

Date: 25/08/2025


Mick Long

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 County 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 Ballymacoda Bay SPA (004023) and Ballymacoda (Clonpriest and Pillmore) SAC (000077) are 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 Ballymacoda Bay SPA (004023) and Ballymacoda (Clonpriest and Pillmore) SAC (000077) in view of this sites' 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 Sites. In overall conclusion, the Commission were satisfied that the proposed development would not adversely affect the integrity of the European Sites 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 proposed development is below the thresholds for mandatory EIAR having regard to Schedule 5, Part 2 of the Planning and Development Regulations 2001, due to the size of the net site area and due to the number of residential units at 150, a mandatory EIAR is not required.

Having regard to: -

1. the criteria set out in Schedule 7, in particular
 - (a) the nature and scale of the proposed housing development, in an established residential area served by public infrastructure
 - (b) the absence of any significant environmental sensitivity in the vicinity, and the location of the proposed development outside of the designated archaeological protection zone
 - (c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)
2. the results of other relevant assessments of the effects on the environment submitted by the applicant
3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment,

The proposed development is below the thresholds for mandatory EIAR having regard to Schedule 5, Part 2 of the Planning and Development Regulations 2001.

The development includes 150 no. houses, creche and all associated site development works on a 6.88 ha site (net site area 4ha) and is therefore sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001 as amended, in that it is less than 500 units and is below the 10 hectares.

The Commission concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

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 the policies and objectives of the Cork County 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 necessary community and childcare services, would not seriously injure the residential or visual amenities of property in the vicinity, would not cause adverse impacts to biodiversity, lands, water, or air, would be acceptable in terms of pedestrian, cyclist and traffic access 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.

In deciding not to accept the Inspector's recommendation to refuse permission, the Commission agreed that the proposed development of 150 residential units would exceed the quantum of residential units on one site assigned to Castlemartyr village set out in the Core Strategy Table 2.9 of the Cork County Development 2022-2028. However, the Commission was satisfied the development of 109 residential units, at this time, on foot of the conditions imposed in this permission would provide an appropriate phased approach to the proposed development. The phasing of the development would align with the planning authority's permission and allow for childcare and access facilities to be delivered in a sequential manner and would not contravene provisions of Section 4.9.2 and Objectives CS 2-1 and CM-DB-01 of the Cork County Development Plan 2022-2028 and would comply with the density for Medium Density B zoned lands and not contravene Specific Objective CM-R-01 and Objective HOU 4-7 of the Cork County Development Plan 2022-2028.

The Commission had regard to the removal of units from the proposed development within Conditions 1(b) and 2 as permitted in Cork County Council's notification of decision to grant permission for the development. However, the Commission considered that the omission of residential units 1-41 and permission of units 42-150, located most adjacent to the urban area would allow for pedestrian and vehicular access to the site to be established and would support the sequential development of the village. Furthermore, the Commission was satisfied the phased delivery of the site would allow for the lands to the north adjacent to the N25, the omitted units 1-41 and the additional units shown to the south of the site outside the proposed development area to be considered within future development proposals. 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 28th 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. (a) The permission is for a total of 109 dwelling units and creche and ancillary development required for dwelling units numbered 42-150 on Drawing 23069/P/003 dated 24/10/2024.
(b) Proposed dwellings numbered 1-41 shall be omitted from the development at this time. The vacated area shall not form any part of the permitted

development, shall be secured/fenced and treatment of the area shall be agreed with the Planning Authority.

Reason: In the interest of clarity and proper planning and sustainable development and to accord with core strategy.

3. The phasing of the proposed development shall be carried out in accordance with a 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 creche, to an operational standard, prior to the occupation 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.

4. The mitigation measures contained in the submitted Natura Impact Statement shall be implemented.

Reason: To protect the environment.

5. The mitigation measures specified in the EclA received by the Planning Authority on the 21/11/2024 shall be implemented

Reason: In the interest of protection of protected species and/or habitats of high natural value.

6. 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.

7. Drainage arrangements including the attenuation and disposal of surface water shall comply with the requirements of the planning authority. 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.

8. 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.

9. Public lighting shall be provided in accordance with the reports and drawings received by the planning authority on 28th day of February 2025, except as otherwise agreed with the planning authority. 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. Public lighting columns shall be located in areas where they do not interfere with traffic especially adjacent to driveways.

Reason: In the interest of amenity and public safety.

10. 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.

11. (a) The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development. Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority archaeologist or the NMS as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation. The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

(b) Prior to the commencement of the development, an exclusion zone shall be established around Anomalies T-U as identified during Geophysical Survey and Archaeological Testing (17E0487) as recommended in the AIA submitted.

Reason: To protect items of archaeological heritage and ensure the continued

preservation either in situ or by record of places, caves, sites, features or other objects of archaeological interest

12 (a) The necessary Transport Infrastructure Ireland (TII) approvals, including the submission and acceptance of a Design Report and Stage 2 Road Safety Audit in accordance with TII standards, for the design and location of the access to the N25 national road and any necessary changes to the N25 road itself including adjacent junctions shall be obtained in advance of development commencing on site.

(b) An independent Stage 3 Road Safety Audit in accordance with TII Standards shall be carried out immediately post construction of the works to the N25 shall be carried out prior to first occupation of the development. Any recommended measures shall be agreed with the Planning Authority and TII and carried out prior to first occupation of the development.

Reason: In the interests of road safety.

13. 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.

14. 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.

15. 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.

16. 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.

17. (a) The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

18. 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.

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

19. 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.

20. 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.

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

- (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 from the N25 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 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.

22. 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.

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.
- (d) Prior the commencement of the development, final details of the retention of willow scrub on site shall 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 Trees with bat roosting potential shall be identified by a bat specialist prior to the commencement of felling and shall only be felled following examination by and under the supervision of a bat specialist. All tree felling work shall be carried out in the period from September to mid-October only.

Swift (*Apus apus*) boxes shall be incorporated on the external walls of the development and shall be retained thereafter.

Reason: To protect bats.

25 A competent Environmental Clerk of Works (EnCoW) shall be appointed to oversee the implementation of the mitigation measures and efficacy of controls as per application documents. This EnCoW shall have the authority to halt any works where a failure or risk of failure of any control(s) or unforeseen event arising during development, presents a potential for adverse

Reason: To protect amenities and the environment.

26 Cutting or removal of trees, hedgerows and clearance of ground vegetation shall not be undertaken between the 1st of March and 31st August.

All of the western hedgerow (H2 -Arboricultural Report) shall be retained.

Reasons: In the interests of Biodiversity.

27. All roads, footpaths and cycleways 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. These areas shall be shown in a drawing which shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

28. 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.

29. (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.

30. 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.

31. 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.

32. 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.

33. 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.