

An  
Coimisiún  
Pleanála

## Commission Order ABP-320648-24

**Planning and Development Act, 2000 as amended**

**Planning Authority: Cork County Council**

**Application** by Cork County Council for approval under section 177AE of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including a Natura Impact Statement, lodged with An Coimisiún Pleanála on the 23<sup>rd</sup> day of August 2024, as amended by the further information received by An Coimisiún Pleanála on the 23<sup>rd</sup> day of October 2025.

**Proposed Development:** The proposed development consists of the construction of 138 residential units and a crèche on a developable area of 3.79 hectares on a total site of 5.26 hectares.

The proposed development will comprise of:

- (a) four four-bed semi-detached houses,
- (b) 14 three-bed semi-detached houses,
- (c) 20 three-bed townhouses,
- (d) 36 two-bed townhouses,
- (e) 32 two-bed apartments,
- (f) 32 one-bed apartments,
- (g) one 42-place crèche, and
- (h) all associated ancillary development and works including one vehicular entrance, footpaths, cycle paths, bike and bin stores, parking, drainage, landscaping and amenity areas.

All located on lands at Spa Glen, Mallow, County Cork.

## **Decision**

**Approve the above proposed development based on the reasons and considerations set out under and subject to the conditions set out below.**

## **Reasons and Considerations**

In the making of its decision, the Commission performed its functions in a manner consistent with:

Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, including the relevant provisions of the Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and National Climate Change Risk Assessment 2025 and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

The Commission also had regard to the following in coming to its decision:

1. European Union legislation, including of particular relevance:
  - (a) Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union,
  - (b) Directive 2011/92/EU (Environmental Impact Assessment Directive) as amended by Directive 2014/52/EU as implemented by Article 94 and Schedule 6 (paragraphs 1 and 2) of the Planning Regulations as amended, and,

- (c) Directive 2000/60/EC, the Water Framework Directive and the requirement to exercise its functions in a manner which is consistent with the provisions of the Directive and which achieves or promotes compliance with the requirements of the Directive.
- 2. National and regional planning and related policy, including:
  - (a) National policy with regard to the development of Compact Urban Settlements, particularly the National Planning Framework First Revision 2025 and the updated housing growth requirements,
  - (b) the two pillars and key priorities of Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness, and,
  - (c) the objectives and targets of Ireland's 4<sup>th</sup> National Biodiversity Action Plan 2023-2030.
- 3. Regional and local planning policy, including:
  - (a) the Regional Spatial and Economic Strategy for the Southern Region, and,
  - (b) Cork County Council Development Plan 2022-2028.
- 4. Other relevant national policy and guidance documents including:
  - (a) National Planning Framework Implementation: Housing Growth Requirements – Guidelines for Planning Authorities, July 2025,
  - (b) Sustainable Urban Housing Design Standards for New Apartments - Guidelines for Planning Authorities, 2023, and,
  - (c) Sustainable Residential and Compact Settlement Guidelines for Planning Authorities, 2024.
- 5. The nature, scale and design of the proposed development as set out in the planning application and the pattern of development in the vicinity.
- 6. 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 of the proposed development on European Sites.
- 7. The Natura Impact Statement and Ecological Impact Assessment submitted.



8. The submissions and observations made in connection with the planning application.
9. The further information response received from the applicant on the 23<sup>rd</sup> day of October 2025.
10. The report and the recommendation of the Inspector, including the examination, analysis and evaluation undertaken in relation to appropriate assessment.

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

The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Kilcolman Bog Special Protection Area (Site Code: 004095) and the Blackwater River (Cork/Waterford) Special Area of Conservation (Site Code: 002170), are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

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

The Commission considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment.

The Commission completed an appropriate assessment of the implications of the proposed development for the affected European Site, namely the Blackwater River (Cork/Waterford) Special Area of Conservation (Site Code: 002170) in view of the Site's conservation objectives. The Commission considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Commission considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,

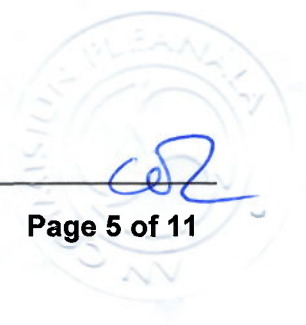
- ii. the mitigation measures which are included as part of the current proposal, and,
- iii. the conservation objectives for the European Site.

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 integrity of the aforementioned European Site, having regard to the Site's conservation objectives.

In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site, in view of the Site's conservation objectives.

**Proper Planning and Sustainable Development/Likely effects on the environment:**

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would provide for the delivery of an appropriate mix of housing units on zoned land, in accordance with national, regional and local policy, would not have significant negative effects on the environment or the community in the vicinity, would not give rise to a risk of pollution, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the amenities of property in the vicinity, would not adversely impact on the cultural, archaeological and built heritage of the area, would not interfere with the existing land uses in the area and would not interfere with traffic and pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.



## Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, including the further information received by the Commission on the 23<sup>rd</sup> day of October 2025, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures set out in the Natura Impact Statement or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

**Reason:** In the interests of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. Prior to the commencement of development, the following works shall be implemented and completed in full:
  - (a) The existing Part 8 planning consent for 'the road improvement works' to St. Joseph's Road and the junction with Aldworth Heights shall be completed in accordance with the tender drawings and Drawing Number SJ-RL-T01 and SJ-AW-T01 submitted to the Commission on the 23<sup>rd</sup> day of October 2025.
  - (b) The proposed pedestrian improvement works to St. Josephs Road shall be completed in accordance with Drawing Number SJ-PR-P01 and SJ-PR-P02 submitted to the Commission as part of the Residential Travel Plan on 23<sup>rd</sup> day of August 2024.

**Reason:** In the interests of public safety, traffic safety and orderly development.



3. The proposed development, including the Aldworth Heights service road to its junction with St. Josephs Road, and all works required by Condition Number 2 shall be subject to a Stage 2 and Stage 3 Road Safety Audit which shall be placed on file and retained as part of the public record.

**Reason:** In the interests of public safety, traffic safety and orderly development.

4. The mitigation and monitoring measures identified in the Natura Impact Statement submitted with the application shall be implemented in full. Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be prepared by the local authority and placed on file and retained as part of the public record.

**Reason:** In the interest of protecting the environment, the protection of European Sites and in the interest of public health.

5. A suitably qualified Ecological Clerk of Works or Environmental Manager shall be retained by the local authority to oversee the site set up and construction of the proposed development and implementation of all mitigation measures relating to ecology. The Ecological Clerk of Works or Environmental Manager shall be present during the works. Upon completion of works, an ecological report of the site works shall be prepared by the appointed Ecological Clerk of Works or Environmental Manager to be kept on file as part of the public record.

**Reason:** In the interests of nature conservation and biodiversity.

6. No vegetation removal shall take place during the period of the 1st day of March to the 31st day of August (inclusive) without the written approval of the

Ecological Clerk of Works or Environmental Manager. Such approval shall be placed on the public file.

**Reason:** In the interests of biodiversity and nature conservation

7. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare, in consultation with the project ecologist and relevant statutory agencies, a Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement and Ecological Impact Assessment and demonstration of proposals to adhere to best practice and protocols. The CEMP shall be placed on file and retained as part of the public record and shall include:
- (a) all mitigation measures indicated in the updated Natura Impact Statement and Ecological Impact Assessment,
  - (b) location and extent of silt fencing to be installed on site,
  - (c) 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 Heavy Goods Vehicle traffic and associated loads to the site and to avoid conflict with schools and pre-schools,
  - (d) measures to facilitate demands for vulnerable road user's and measures to obviate queuing of construction traffic on the adjoining road network,
  - (e) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network or the service road within Aldworth Heights,
  - (f) all mitigation measures to be employed to protect the archaeological environment during all phases of site preparation and related construction activity in accordance with Condition Number 10, and,
  - (g) specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness.

**Reason:** In the interest of protecting the environment and the European Site.



8. Prior to commencement of development, the local authority, or any agent acting on its behalf, shall enter into Connection Agreements with Uisce Éireann to provide for service connections to the public water supply and wastewater collection network.

**Reason:** In the interest of public health and to ensure adequate water/wastewater facilities.

9. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays.

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

10. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the local authority for such works

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

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

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

12. The local authority and any agent acting on its behalf shall ensure that all plant and machinery used during the works should be thoroughly cleaned and

washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

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

13. (a) The local authority, or any agent acting on its behalf shall engage a suitably qualified Archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological test excavation in all areas of proposed ground disturbance and prepare an updated Archaeological Impact Assessment following consultation with the Department of Housing, Local Government and Heritage, and in advance of any site enabling/preparation works or ground works including site investigation works, topsoil stripping, site clearance works or construction works. The Archaeological Impact Assessment report shall include an archaeological impact statement and mitigation strategy and be placed on file and retained as part of the public record.
- (b) Where archaeological material is shown to be present, avoidance, preservation in situ, preservation by record (archaeological excavation) and/or monitoring may be required. Any further archaeological mitigation requirements specified following consultation with the Department, shall be complied with by the local authority or any agent acting in its behalf.
- (c) The Department shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work and this final report shall be placed on file and retained as part of the public record.

**Reason:** To ensure the continued preservation (either in situ or by record) of places, caves, sites features or other objects of archaeological interest.

14. The estate/street name, house numbering scheme shall accord with the agreed local authority scheme for the naming and numbering of housing developments.

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

  
**MaryRose McGovern**  
**Planning Commissioner of An Coimisiún**  
**Pleanála duly authorised to authenticate**  
**the seal of the Commission.**

Dated this *16<sup>th</sup>* day of *January* 2026