

An
Coimisiún
Pleanála

Commission Order
ABP-321945-25

Planning and Development Acts 2000 to 2024

Planning Authority: Cork City Council

Planning Register Reference Number: 2443164.

Appeal by Infrastructure Investment Fund ICAV – Valley Healthcare Fund care of HW Planning of 6 Joyce House, Barrack Square, Ballincollig, Cork against the decision made on the 27th day of January 2025, by Cork City Council to refuse permission for the proposed development.

Proposed Development: Permission for construction of a part two, part three-storey primary care centre. The development will be accessed via the existing vehicular/ pedestrian access on Old Court Road and provides for public realm upgrades including the provision of pedestrian crossing and build out of existing kerbs and continuation of greenway pedestrian/ cycle path on East Cliff Road. Provision is also made for the future connection of the proposed development to the lands to the south via a new access gate. The proposed development also includes the provision of one number retail unit and two number GP Practices at ground floor, Solar PV at roof level, and all ancillary development works including ESB substation, bin store, plant room, signage, boundary treatments, bicycle and car parking, at Riverstown, Glanmire, Cork.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the Z06 Urban Town Centre zoning objective, and having regard to; the need provide sufficient healthcare services, including the provision of a Primary Care Centres serving local populations, the Government's Slaintecare Programme, as supported by the provisions of the National Planning Framework: First Revision (April, 2025) and the provisions of the Regional Spatial and Economic Strategy for the Southern Region 2020-2032 (RSES); the provisions of the Cork City Development Plan 2022-2028; the provisions of the Flood Risk Management - Guidelines for Planning Authorities (2019) and having regard to the flood risk mitigation measures as set out in the applicant's Flood Risk Assessment, including the preservation and enhancement of floodplain capacity; and the scale and nature of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute a facility of value to the community, would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health; would be acceptable in terms of flood risk, traffic and pedestrian safety and visual amenity, and would not be likely to have a significant effect on European sites or on the achievement of water quality objectives. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 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 Great Island Channel Special Area of Conservation (Site Code 001058), and Cork Harbour Special Protection Area (Site Code 004030) are the only European Sites in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the sites 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 Great Island Channel Special Area of Conservation (Site Code 001058), and Cork Harbour Special Protection Area (Site Code 004030) in view of these 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 sites' 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 Sites,
- (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 sites' Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.

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 the 20th day of December 2024, 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 mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

Reason: To protect the integrity of European Sites.

3. The mitigation measures contained in the Ecological Impact Assessment Report shall be implemented.

Reason: To protect biodiversity and protected species.

4. The glazing to all first and second floor windows on the northern elevation shall be manufactured opaque or frosted glass to a minimum height of 1.8m above floor level and shall be permanently maintained.

Reason: In the interest of privacy and amenity of neighbouring properties.

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

Reason: In the interest of visual amenity.

6. A scheme indicating boundary treatments 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. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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

8. The developer shall submit to the planning authority, for written agreement, details of additional flood protection measures for the proposed surface water infrastructure located within Flood Zone B, including measures as relates to the proposed attenuation tank.

Reason: In the interest of flood risk management.

9. The developer shall enter into water and wastewater connection agreements with Uisce Éireann, prior to commencement of development.

Reason: In the interest of clarity and public health.

10. The following requirements in terms of traffic, transportation and mobility shall be incorporated into the development and where required, revised plans and particulars demonstrating compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:
- (a) the developer shall liaise with Cork City Council to ensure the provision of an uncontrolled pedestrian crossing is provided on East Cliff Road;
 - (b) the developer shall liaise with Cork City Council in relation to the future delivery of that section of Greenway that traverses the applicant's wider landholding and to ensure that the development hereby permitted is compatible with the delivery of same;
 - (c) details and the extent of all road markings and signage requirements on surrounding roads, shall be submitted to the planning authority for approval prior to the commencement of development;

- (d) the roads and traffic arrangements serving the site (including arrangements for maintenance of sightlines, servicing of the site, and details of signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense;
- (e) the proposed uncontrolled pedestrian crossing along the development frontage on the L3010, and the internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, cycle paths and kerbs, pedestrian crossings and car parking bays, shall comply with the requirements of the Design Manual for Roads and Streets, the Cycle Design Manual (CDM) prepared by the National Transport Authority (NTA) 2023 and with any requirements of the planning authority for such road works;
- (f) the materials used on roads and footpaths shall comply with the detailed standards of the planning authority for such road works;
- (g) the developer shall carry out a Stage 3 Road Safety Audit of the constructed development on completion of the works and submit to the planning authority for approval and shall carry out and cover all costs of all agreed recommendations contained in the audit;
- (h) all car parking spaces are reserved for the sole use of patrons and staff of the approved buildings;

In default of agreement on any of these requirements, the matter shall be referred to An Coimisiún Pleanála for determination.

Reason: In the interest of traffic, cyclist and pedestrian safety and sustainable travel.

11. Prior to the opening of the development, an updated Mobility Management Plan (MMP) shall be submitted to, and agreed in writing with, the planning authority. This shall provide for incentives to encourage the use of public transport, cycling and walking by residents/occupants/staff employed in the development. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

Reason: In the interest of encouraging the use of sustainable modes of transport.

12. A minimum of 10% of the proposed car parking spaces shall be provided with electrical connection points, to allow for functional electric vehicle charging. The remaining car parking spaces shall be fitted with ducting for electric connection points to allow for future fitout of 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 transport.

13. All external shopfronts and signage shall be in accordance with details which shall be submitted to and agreed in writing with the planning authority prior to the provision of such shopfronts and signage. The signage shall be lit by external illumination only.

Reason: In the interest of visual amenity.

14. 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.

Reason: In the interest of amenity and public safety and to minimise disturbance to bats.

15. Prior to the commencement of any development works on the site, including the removal of any building, landscape feature or vegetation, a survey to ascertain the presence of any bat activity on the site for roosting or foraging purposes and an assessment of any potential impact on the species arising from the proposed development shall be undertaken by a suitably qualified ecologist and the findings submitted for written approval of the planning authority. Should the significant presence of bats be established on the site no development shall occur until the necessary permission/ derogation licence has been obtained from the appropriate statutory body.

Reason: In the interest of bat protection and to provide for the preservation and conservation of this species.

16. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. The cables shall avoid roots of trees and hedgerows to be retained in the site. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual and residential amenity.

17. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, medical and recyclable materials 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.

18. Prior to commencement of development, the developer shall prepare 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), including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development. 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 sustainable waste management.

19. The construction of the development shall be managed in accordance with a Construction and Traffic 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;
 - (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) 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) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (l) the means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

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.

20. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, from 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. Proposals for a development name, office/commercial unit identification 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 such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

22. The landscaping scheme, as submitted to the planning authority on the 7th day of August 2024, and as amended by details submitted on 20th December 2024, shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of biodiversity and visual amenity.

23. Prior to the commencement of development activity, protective fencing in accordance with BS 5837, shall be installed to protect all trees identified to be retained. The fencing shall be installed in such a manner as to provide protection to the critical root zone of trees to be protected and it shall be retained on site until all construction works are completed. No soil, spoil, construction material or waste will be stored or tipped within the fenced off area and no construction plant or vehicles will be parked within the spread of trees/hedgerows identified to be retained. The fencing shall be retained until such time as works are completed.

Reason: To protect biodiversity.

24. Trees identified for removal in the tree survey shall be marked prior to the commencement of works. Only those outlined in the Arboricultural Tree Survey, as submitted to the planning authority on the 7th day of August 2024, shall be felled.

Reason: To ensure the protection of trees.

25. During the operational phase of the proposed development the noise level shall not exceed
- (a) 55 dB(A) rated sound level between the hours of 0700 to 2300, and
 - (b) 45 dB(A) 15min at all other times, corrected for a tonal or impulsive component as measured at the nearest noise sensitive location.

Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity of the site.

26. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas, landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority, before the proposed development and any of the commercial units are made available for occupation.

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

27. 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.

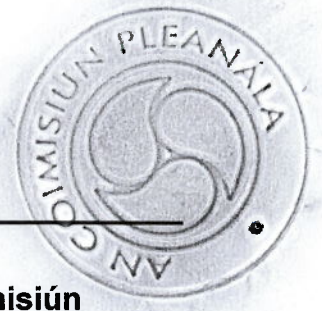
28. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.



Mary Gurrie

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



Dated this 24 day of June 2025.