

An  
Bord  
Pleanála

**Board Order**  
**ABP-321949-25**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Cork City Council**

**Planning Register Reference Number: 2443209**

**Appeal** by Dwellings Developments Bishopstown Limited care of HW  
Planning of 6 Joyce House, Barrack Square, Ballincollig, Cork against the  
decision made on the 27<sup>th</sup> day of January 2025 by Cork City Council, to refuse  
permission:

**Proposed Development:** The development will consist of 164 number  
residential units comprising of (i) 64 number three-bedroom semi-detached  
and terraced dwellings served by private open space in the form of private  
gardens; (ii) 54 number apartments contained within two number part four,  
part five-storey apartment blocks comprising 24 number two-bedroom  
apartments and 30 number one-bedroom apartments all served by balconies  
and/or ground floor terraces and (iii) 46 number duplex units contained within  
three number three-storey terraced buildings and one number part three, part  
four-storey terraced building comprised of 23 number two-bedroom and 23  
number three-bedroom units, all served by balconies and/or ground floor  
terraces. The proposed development will provide for a new vehicular access  
and pedestrian/cycle entrances onto Waterfall Road, improvement works on  
Waterfall Road comprising a traffic calming gateway, a two-way cycle track  
and pedestrian footpath along the site frontage to Waterfall Road, with a

toucan crossing to connect these works to the local active travel network. The proposed infrastructure development works also include the erection of a steel lattice ESB mast, associated undergrounding of powerlines, wastewater, surface water and water utility services. The proposed development provides for a creche and associated external play area, outdoor amenity areas, landscaping, acoustic noise barrier along the northern boundary, car parking, bicycle parking, bin stores, ESB substation, public lighting, roof mounted solar panels, green roofs, and all ancillary site development works, all on lands at Ardarostig and Ballinaspig More, Waterfall Road, Bishopstown, 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**

The Board made its decision consistent with the relevant provisions of the Climate Action and Low Carbon Development Act 2015, as amended; the Climate Action Plan 2024 and 2025.

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

- (a) Policies and objectives set out in the National Planning Framework 2040 (First Revision, 2025) and the Regional Spatial and Economic Strategy for the Southern Region 2020-2032.
- (b) Policies and objectives set out in the Cork City Development Plan 2022-2028, including the location of the site on lands subject to Zoning Objective ZO 1 'Sustainable Residential Neighbourhoods' and the permitted uses therein.



- (c) Housing for All, A New Housing Plan for Ireland, 2021.
- (d) The objectives and targets of the National Biodiversity Plan 2023-2030.
- (e) Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024.
- (f) Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2023.
- (g) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018.
- (h) Design Manual for Urban Roads and Streets, 2013, updated 2019.
- (i) Childcare Facilities, Guidelines for Planning Authorities, 2001.
- (j) Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009.
- (k) Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities, 2021, updated 2023.
- (l) Development Management, Guidelines for Planning Authorities, 2007.
- (m) The nature, scale, and design of the proposed development.
- (n) The availability in the area of a range of social, community, and transport infrastructure.
- (o) The pattern of existing and permitted development in the area.



- (p) The planning history at the site and within the area.
- (q) The reports of the planning authority.
- (r) The submissions received by the planning authority from observers and prescribed bodies.
- (s) The grounds of appeal and observations on the appeal.
- (t) The report and recommendation of the Planning Inspector including the examination, analysis and evaluation undertaken in relation to Appropriate Assessment, Environmental Impact Assessment, and Water Status Impact Assessment.

### **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment screening exercise (Stage 1) in relation to the potential effects of the proposed development on designated European sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment, the distances to the nearest European sites and the absence of any direct hydrological connections, submissions and observations on file, the information and reports submitted as part of the application and appeal, and the Planning Inspector's report. In completing the screening exercise, the Board adopted the report of the Planning Inspector and concluded that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, and that an Appropriate Assessment (Stage 2) and the preparation of a Natura Impact Statement would not, therefore, be required.

## Environmental Impact Assessment Screening

The Board completed an Environmental Impact Assessment screening determination of the proposed development, with regard being had to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, in particular:

- (a) to the nature and scale of the proposed residential development (which is below the mandatory thresholds for Class 10(b)(i) and Class 10(b)(iv) of the 2001 Regulations),
- (b) the greenfield nature of the site and its location in an outer suburban area which is served by public services and infrastructure,
- (c) the absence of any significant environmental sensitivity in the vicinity, the location of the development outside of any sensitive location specified in article 109(4)(a) of the 2001 Regulations,
- (d) the results of other relevant assessments of the effects on the environment submitted by the applicant,
- (e) the results of the strategic environmental assessment of Cork City Development Plan 2022-2028 undertaken in accordance with the SEA Directive (2001/42/EC), and
- (f) the features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment.

In completing the screening determination, the Board adopted the report of the Planning Inspector and concluded that by reason of the nature, scale and location of the proposed development, the development would not be likely to have significant effects on the environment and that an Environmental Impact

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Assessment and the preparation of an Environmental Impact Assessment Report would not, therefore, be required.

### **Water Status Impact Assessment Screening**

The Board completed a Water Status Impact Assessment screening exercise with regard being had to the objectives of Article 4 of the Water Framework Directive, taking into account:

- (a) the nature of the proposed development, site and receiving environment,
- (b) the hydrological and hydrogeological characteristics of proximate waterbodies,
- (c) the absence of any meaningful pathways to any waterbody,
- (d) the standard pollution controls and project design features,
- (e) the information and reports submitted as part of the application and appeal, and
- (f) the Planning Inspector's report.

In completing the screening exercise, the Board adopted the report of the Planning Inspector, and concluded that proposed development will not result in a risk of deterioration to any waterbody (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any waterbody in reaching its Water Framework Directive objectives, and that a Water Status Impact Assessment would not, therefore, be required.

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## **Conclusion on Proper Planning and Sustainable Development**

It is considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the applicable ZO 1 'Sustainable Residential Neighbourhoods' zoning objective 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 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 to the planning authority, as amended by the further information plans and particulars submitted to the planning authority on the 20<sup>th</sup> 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. Mitigation and monitoring measures outlined in the plans and particulars, including the outline Construction and Environmental Management Plan, Noise Impact Analysis Report, Air Quality Impact Assessment Report, Ecological Impact Assessment, and Site-Specific Flood Risk Assessment, submitted with the application shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** In the interest of protecting the environment, public health, and clarity.

3. (a) Prior to commencement of development the developer shall retain the services of a suitably qualified licensed archaeologist at the developer's expense to advise regarding the archaeological implications of the development site. Notification of these arrangements shall be submitted to and agreed with the planning authority prior to commencement of any development.
- (b) The developer shall employ the archaeologist to test the site prior to development. The testing programme will be undertaken as outlined in the Archaeological Assessment (Aug 2024). Facilities such as may be required shall be available to the archaeologist for this purpose.
- (c) The archaeologist shall submit a report to the planning authority outlining the results of the investigation.





- (d) If, in the opinion of the planning authority, significant archaeological remains are uncovered, and in so far as these remains are subject to disturbance by foundations for pilecaps, walls, floors, drainage, etc., then archaeological preservation of the site (either in-situ or by record) will be required.

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

4. Prior to the 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 proper planning and sustainable development.

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

- (a) 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) 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; and



- (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 Environmental Management Plan shall be kept for inspection by the planning authority.

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

6. Prior to commencement of development, proposals for a development name and numbering scheme, and associated signage shall be submitted to and agreed in writing with the planning authority. Thereafter, all such names and numbering 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 and to ensure the use for new residential areas.

7. (a) Details of the materials, colours, and textures of all the external finishes to the proposed buildings and boundary treatments shall be as submitted with the application, unless otherwise agreed in writing with the planning authority.
- (b) Details of security shuttering, external lighting, and signage for the childcare facility shall be agreed in writing with the planning authority prior to commencement of development.

- (c) Details of a maintenance strategy for all external finishes within the proposed development shall be submitted for the written agreement of the planning authority. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

- 8. (a) 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 Landscape Layout Drawing number LA001, submitted to the planning authority as further information on the 20<sup>th</sup> day of December 2024.
- (b) The design of the lighting scheme shall be approved of by a suitably qualified bat specialist. The details of the lighting scheme, including written evidence indicating approval by the bat specialist, shall be submitted to and agreed in writing with the planning authority prior to commencement of development/ installation of lighting.
- (c) The agreed lighting system shall be fully implemented and operational prior to the making available for occupation of any residential unit.

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

- 9. (a) The developer shall enter into water and/ or wastewater connection agreement(s) with Uisce Eireann, prior to commencement of development.



- (b) All development shall be carried out in compliance with Uisce Eireann codes and practices.
- (c) Where the developer proposes to build over or divert existing water and/ or wastewater services the applicant shall have received written Confirmation of Feasibility (CoF) of Diversion(s) from Uisce Eireann prior to any works commencing.

**Reason:** To provide adequate water and wastewater facilities in the interest of public health.

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

- 11. The development shall be implemented subject to the following:
  - (a) Prior to the making available for occupation by the developer of residential units, all access arrangements and transportation infrastructure on Waterfall Road serving the development, as indicated on drawing number DR-A-010-ZB (Site Layout Plan), shall have been designed, constructed, and finished to the standards required by and to the satisfaction of planning authority.



- (b) Prior to the commencement of development, a phasing programme for construction and making available for use of the childcare facility shall be submitted to, and agreed in writing with, the planning authority.
- (c) Any deviation from the above phasing sequence shall only be permitted where prior written approval has been received from the planning authority.

**Reason:** In the interest of orderly development and to ensure the timely provision of amenities and infrastructure for future residents and road users.

- 12. 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.

- 13. 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 interest of visual and residential amenity.

- 14. (a) The main entrance to the development on Waterfall Road shall be provided in accordance with the standards specified in the Design Manual for Urban Roads for a design speed of 50kph on a bus route (with minimum unobstructed visibility splays of 49 metres), and to the construction standards of the planning authority for such works.



- (b) All works shall be undertaken at the developer's expense and completed to the satisfaction of the planning authority.

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

15. Prior to commencement of development and/ or occupation of the residential units, as applicable, final Road Safety Audit(s) and/ or Quality Audit(s) of the development, including the main entrance, internal road, pedestrian/ cycle path layouts, shall be submitted to and agreed in writing with the planning authority.

**Reason:** In the interests of traffic, pedestrian and cyclist safety, and sustainable transport.

16. (a) Prior to the commencement of development, the developer shall submit to the planning authority for its written agreement, appropriately scaled drawing(s) with all car, motorcycle, and bicycle parking spaces intended for use by each residential unit, visitor use, and childcare facility use (customers and staff). The spaces shall be clearly identified, numbered, and of a design, construction and finish that is to the satisfaction of the planning authority.
- (b) The car parking spaces for visitor use shall be assigned permanently for the residential development and shall be reserved solely for that purpose.
- (c) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall indicate how car parking spaces within the development shall be



assigned, segregated, and continually managed.

**Reason:** To ensure that adequate parking facilities are permanently available to serve the residential development.

17. The internal road network serving the proposed development, including carriageway widths, corner radii, turning bays, junctions, set down/ drop off area(s), parking areas, footpaths, kerbs, pedestrian crossings, raised tables, and cycle lanes shall be in accordance with the detailed construction standards of the planning authority for such works, and design standards outlined in the Design Manual for Urban Roads and Streets and the National Cycle Manual issued by the National Transport Authority. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

18. A minimum of 20% of all car parking spaces shall be provided with functioning electric vehicle charging stations/ points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/ stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/ points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

**Reason:** To provide for and/ or future proof the development such as would facilitate the use of electric vehicles.



19. All links/ connections to adjoining lands shall be provided up to the site boundary to facilitate future connections subject to the appropriate consents.

**Reason:** In the interest of permeability and safety.

20. No interference with bridging, draining, and/ or culverting of the adjacent Two Pot River, its banks or bankside vegetation shall be undertaken without prior consultation with and written approval from Inland Fisheries Ireland.

**Reason:** To protect river water quality and the environment.

21. (a) The management and maintenance of the 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 so taken in charge.
- (b) The communal open spaces, hard and soft landscaping, car and cycle parking areas, access ways, refuse/ bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by the legally constituted management company.
- (c) 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:** In the interests of orderly development and to provide for the satisfactory future maintenance of this development.



22. (a) The areas of communal and public open space in the development shall be reserved for such use, levelled, contoured, soiled, seeded, and landscaped (hard and soft) in accordance with the landscaping plans and particulars as submitted with the application unless otherwise agreed with the planning authority.
- (b) Final design, finishes, methods of construction and/ or installation of footpaths, cycle paths, seating, crossing points over ditches/ drains/ SuDS features, equipment in play areas and boundary treatment shall be submitted to the planning authority for its written agreement.
- (c) The landscaping and planting schedule shall be managed and maintained in accordance with the Landscape Design Report submitted with the application, unless otherwise agreed in writing with the planning authority. This schedule shall cover a period of at least three years and shall include details of the arrangements for its implementation.
- (d) The areas of communal and public open space shall be reserved and maintained as such by the developer until taken in charge by the management company or by the local authority.

**Reason:** In the interest of nature conservation, residential amenity, and to ensure the satisfactory development of the open space areas and their continued use for this purpose.

23. (a) No additional development shall take place above roof parapet level of the apartment and/ or duplex blocks including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas, or equipment, unless authorised by a further grant of planning permission.
- (b) Roof areas of the apartment blocks shall be accessed for maintenance purposes only and shall not be used for any amenity or recreational purpose.

**Reason:** To protect the visual amenities of the area and residential amenities of property in the vicinity.

24. (a) An Operational Waste Management Plan (OWMP) containing details for the management of waste within the development, the provision of facilities for the storage, separation, and collection of the waste and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed OWMP.
- (b) The OWMP shall provide for screened bin stores for the duplex buildings, apartment blocks, and the childcare facility, the locations, and designs of which shall be as indicated in the plans and particulars lodged within the application unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage for the proposed development.

25. 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 sections 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

26. (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, that is, 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

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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.

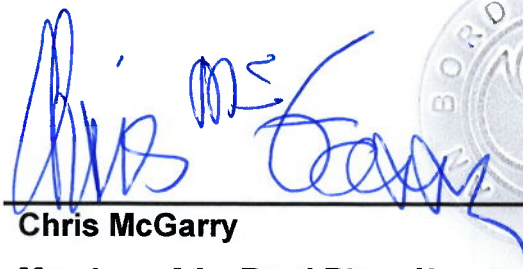
**Reason:** To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

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 and/ or management company 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 Bord 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 Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

  
Chris McGarry

Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.

Dated this 5<sup>th</sup> day of June 2025.