

An  
Coimisiún  
Pleanála

**Commission Order**  
**ACP-322837-25**

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

**Planning Authority: Cork City Council**

**Planning Register Reference Number: 25/43605**

**Appeal** by Liam Edwards of Riverview, Douglas East, County Cork and by others against the decision made on the 4<sup>th</sup> day of June, 2025 by Cork City Council to grant subject to conditions a permission to Barry Field Limited care of McCutcheon Halley of 6 Joyce House, Barrack Square, Ballincollig, County Cork in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of 124 number residential apartments (consisting of a mix of one, two and three-bed units), one number cafe unit and two number office units, in a development ranging in height from one to five storeys and all associated site development works, including footpaths, car and bicycle parking, drainage, bicycle and bin stores, lighting, fencing, landscaping/amenity areas, ESB substation/switchroom and plant room. Site development works include two number new uncontrolled pedestrian crossings and footpath improvements on Churchyard Lane which requires the removal of six number existing on-street car parking spaces. The proposed development works include a connection and construction of a new storm water and foul sewer along Carrigaline Road. Access to the site will be via a new vehicle access point and a new pedestrian connection from Carrigaline Road and two new pedestrian connections onto Churchyard Lane. The new

vehicular access requires the removal of four number existing car spaces, all at Barrys Field, Carrigaline Road and Churchyard Lane, Douglas, 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.**

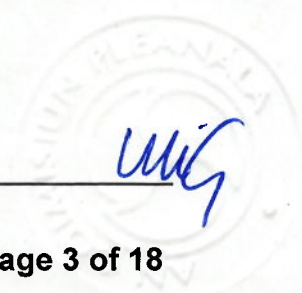
## **Reasons and Considerations**

In coming to its decision, the Commission performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, in accordance with the provisions of the Climate Action Plan 2024 and Climate Action Plan 2025, and also had regard to the following:

- (a) the location of the site in the established 'Inner Urban Suburb' of Douglas,
- (b) the relevant policies and objectives of the Cork City Development Plan 2022-2028, the Regional Spatial and Economic Strategy for the Southern Region 2020-2032, and the Cork Metropolitan Area Strategic Plan,
- (c) Housing for All – A New Housing Plan for Ireland (2021),
- (d) the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024),

- (e) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018),
- (f) the Design Manual for Urban Roads and Streets (DMURS) (2013),
- (g) the Planning System and Flood Risk Management, including the associated Technical Appendices (2009),
- (h) the nature, scale and design of the proposed development,
- (i) the availability in the area of a wide range of social, community, transport and water services infrastructure,
- (j) the submissions and observations received in connection with the planning application and the appeal,
- (k) the report of the planning inspector, and
- (l) the provisions of section 37(2)(a) of the Planning and Development Act 2000, as amended, in relation to a material contravention of the Cork City Development Plan 2022-2028 in relation to unit mix.

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development, would be acceptable in terms of traffic and pedestrian safety and convenience, and would, therefore, be in accordance with the proper planning and sustainable development of the area.





### **Appropriate Assessment Screening:**

The Commission agreed with the screening assessment and conclusion carried out in the Inspector's report that the proposed development would not have a likely significant effect on any European Site, either by itself or in combination with other plans or projects, and that the preparation of a Natura Impact Statement (Stage 2 Appropriate Assessment) is, therefore, not required. This conclusion is based on objective information presented in the Screening Report, the standard pollution controls that would be employed regardless of proximity to a European Site and the effectiveness of same, the distance from European Sites, and the absence of meaningful pathways to any European Site.

### **Environmental Impact Assessment (EIA) Screening:**

The Commission completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Report (EIAR) Screening Report submitted by the applicant identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. Having regard to:

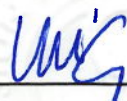
- (a) the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, in particular, the nature and scale of the proposed mixed-use development, in an established urban area served by public infrastructure, the absence of any significant environmental sensitivity in the vicinity, the location of the development outside of any sensitive location specified in Article 109(4)(a) of the Planning and Development Regulations 2001, as amended,

- (b) the results of other relevant assessments of the effects on the environment submitted by the applicant, and
- (c) the features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment and, in particular, the proposal to provide a high-quality design and a detailed landscape plan to mitigate the visual impact of the proposed development,

it is considered that the proposed development would not be likely to have significant effects on the environment, and that the preparation of an environmental impact assessment report is, therefore, not required.

#### **Conclusions on Proper Planning and Sustainable Development:**

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable density of development in this urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development, would be acceptable in terms of pedestrian and traffic safety, and 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, as amended by the further plans and particulars received by the planning authority on the 29<sup>th</sup> day of January, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

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

2. The mitigation measures and monitoring commitments identified in the Ecological Impact Assessment (EclA), Arboricultural Impact Assessment, Root Investigation Report, Tree Protection Plan, Japanese Knotweed Management Plan, Bat Survey, Construction and Environmental Management Plan and other plans and particulars submitted with the planning application shall be carried out in full, except as may otherwise be required in order to comply with the following conditions. Prior to commencement of development, the developer shall submit a schedule of mitigation measures and monitoring commitments in a single document, as identified in the submitted documents and details of a time schedule for implementation of the mitigation measures and associated monitoring, to the planning authority for written agreement.

**Reason:** In the interest of clarity and the protection of the environment during the construction and operational phases of the proposed development.



3. Prior to commencement of development, the developer shall submit the following to the planning authority for written agreement:
- (a) Details regarding the provision of hedgehog boxes and their connectivity within the proposed development.
  - (b) The provision of nest boxes for house sparrows. Details shall include location, plans and maintenance details of boxes.
  - (c) Final geometric layout for works on both Old Carrigaline Road and Churchyard Lane.
  - (d) The developer shall ascertain and comply with all requirements of the planning authority with regards to the eradication of invasive species from the site. Any works to eradicate invasive species from the site shall be carried out under the supervision of an invasive species specialist who shall monitor all site investigations and other works and who, on completion of works, shall submit a report certifying that the removal process of invasive species is satisfactory.

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

4. Prior to the occupation of any residential unit, the developer shall ensure that the public realm areas and new routes, as outlined in the site layout plan and landscape drawings, shall be fully completed and open to the public.

**Reason:** In the interest of social inclusion and to secure the integrity of the proposed development, including open spaces.

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

**Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development.

6. The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:
- (a) The roads and traffic arrangements serving the site, including signage, shall be in accordance with the requirements of the planning authority for such works and shall be carried out at the developer's own expense.
  - (b) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii.
  - (c) The materials used in any roads/footpaths provided by the developer shall comply with the standards of the planning authority for such road works.
  - (d) Parking shall be reserved for residents of the proposed development only. Spaces shall not be reserved for any individual or individual units.
  - (e) All construction related traffic shall access the site via the Old Carrigaline Road from the south. No construction related Heavy Goods Vehicles (HGVs) shall access the development site via Churchyard Lane.



A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

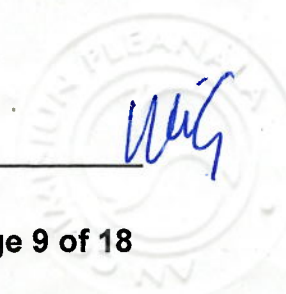
**Reason:** In the interest of traffic safety and convenience.

7. The proposed development shall make provision for the charging of electrical vehicles. All car parking spaces serving the development shall be provided with electrical connections to allow for the provision of future charging points and, in the case of 10% of each of these spaces, shall be provided with electrical charging points by the developer. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points and the provision for the operation and maintenance of the charging points, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

8. 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. Deviation from these times shall 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.

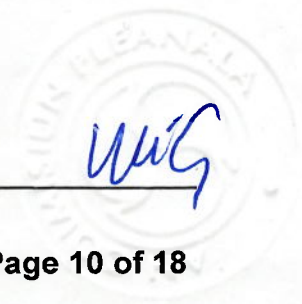


9. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate that 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.

10. Prior to commencement of development, the developer shall enter into a connection agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network.

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



11. The landscaping scheme 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. The developer shall retain the services of a suitably qualified Landscape Architect throughout the duration of the site development works. The developer's Landscape Architect shall certify to the planning authority by letter his/her opinion on compliance of the completed landscape scheme with the approved landscape proposal within six months of substantial completion of the development hereby permitted. Site clearance works, including the removal of existing vegetation, shall not be permitted during the bird nesting season (March 1<sup>st</sup> to August 31<sup>st</sup>).

**Reason:** To ensure a satisfactory completion and maintenance of the development in the interest of residential amenity and in the interest of protecting the environment.





12. Prior to commencement of development, the developer shall engage the services of a qualified arborist as an arboricultural consultant for the entire period of construction activity. The developer shall inform the planning authority in writing of the appointment and name of the consultant prior to commencement of development. The consultant shall visit the site at a minimum on a monthly basis to ensure the implementation of all of the recommendations in the tree reports and plans. To ensure the protection of trees to be retained within the site, the developer shall implement all the recommendations pertaining to tree retention, tree protection and tree works, as detailed in the submitted Tree Survey Report. All tree felling, surgery and remedial works shall be completed upon completion of the works. All works on retained trees shall comply with proper arboricultural techniques conforming to BS 3998: 2010 Tree Work – Recommendations. The clearance of any vegetation, including trees and shrubs shall be carried out outside the bird-breeding season (1 March–31 August inclusive) or as stipulated under the Wildlife Acts 1976 and 2000. The arborist shall carry out a post construction tree survey and assessment on the condition of the retained trees. A completion certificate shall be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the tree report. The certificate shall be submitted to the planning authority upon completion of the works.

**Reason:** To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.

13. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting.

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

14. No signage, advertisement or advertisement structure, including that which is exempted development under the Planning and Development Regulations 2001, as amended, other than those shown on the drawings submitted with the planning application, shall be erected or displayed on the buildings or within the curtilage of the site unless authorised by a further grant of planning permission.

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

15. 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.

16. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, as amended, or any statutory provision amending or replacing them, no additional plant, solar/PV panels, machinery or telecommunications structures shall be erected on the roof of the proposed development. No fans, louvres or ducts shall be installed unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenity of the area.

17. Proposals for an estate/street name, 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 signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. 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 of locally appropriate placenames for new residential areas.

18. The construction of the proposed development shall be managed in accordance with a Construction and 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, inter alia, details and location of proposed construction compounds, details of intended construction practice for the proposed development, including noise and dust management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste.

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





19. Prior to commencement of development, the developer shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA'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.

20. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.
- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

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

21. All plant, including extract ventilation systems and refrigerator condenser units, shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

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

22. 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 (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 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 of the area.

23. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the planning 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 the development.

24. 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 of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion 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 of the development.



25. 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.



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**Liam McGree**

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

Dated this 30<sup>th</sup> day of SEPTEMBER 2025.