

An
Coimisiún
Pleanála

Commission Order
ACP-324153-26

Planning and Development Act 2000, as amended

Planning Authority: Cork City Council

Planning Register Reference Number: 2544442

Appeal by Peter Horgan and Bessboro Mother and Baby Home Support Group and by Estuary View Enterprises 2020 Limited against the decision made on the 24th day of February 2026 by Cork City Council to grant, subject to conditions, a permission to Estuary View Enterprises 2020 Limited in accordance with plans and particulars lodged with the said Council:

Proposed Development: The demolition of 10 number existing agricultural buildings /sheds and log cabin residential structure and the construction of a residential development of 140 number residential apartment units over two number retained and repurposed farmyard buildings (A & B) with single storey extension and three number new blocks of three to five storeys in height, with supporting resident amenity facilities, crèche, and all ancillary site development works. The proposed development includes 140 number apartments to be provided as follows: Block C (nine number one-bedroom & 25 number two-bedroom over three storeys), Block D (34 number one-bedroom and 24 number two-bedroom over three to four storeys), Block E (27 number one-bedroom, 20 number two-bedroom and one number three-bedroom over four to five storeys). It is proposed to use retained Block A and Block B for resident amenities which include home workspace, library, lounge

and function space. The proposal includes a new pedestrian/cycle bridge over the adjoining Passage West Greenway to the east, connecting into the existing down ramp from Mahon providing direct access to the greenway and wider areas, as well as new pedestrian access to Bessborough Estate to the north including upgrades to an existing pedestrian crossing on Bessboro Road. The proposed development provides for outdoor amenity areas including publicly accessible parkland, landscaping, surface car parking, bicycle parking, bin stores, substation, public lighting, roof mounted solar panels, wastewater infrastructure including new inlet sewer to the Bessborough Wastewater Pumping Station to the west, surface water attenuation, water utility services and all ancillary site development works, all at Bessborough, Ballinure, Blackrock, Cork. Vehicular access to the proposed development will be provided via the existing access road off the Bessboro Road. Part of the proposed development is situated within the curtilage of Bessborough House which is a Protected Structure (Reference: RPS 490).

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 Commission 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 the Climate Action Plan 2025.

In making its decision, the Commission had regard the following:

- (a) the policies and objectives set out in the provisions of Project Ireland 2040, the National Planning Framework, including the First Revision (April 2025) and in the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031,
- (b) the provisions of Cork City Development Plan 2022-2028, including site zoning objectives: The majority of the site within ZO 17 (Landscape Preservation Zone) lands identified due to their sensitive character. This area of the site is also within Area SE 4 – Bessborough House with site specific objectives to reinstate the historic landscape, seek the use of grounds as a Neighbourhood Park and to allow development within the immediate environs to the north of Bessborough House consistent with the landscape and protected structure significance of the site. The remainder of the site is within an area zoned ZO 01 (Sustainable Residential Neighbourhood) with an overlay of 'Area of High Landscape Value'. The Commission noted the limitations for development within ZO 17 lands and Site Specific Objectives SE-4,
- (c) Delivering Homes, Building Communities (2025),
- (d) the National Biodiversity Action Plan 2023-2030,
- (e) Sustainable Residential and Compact Settlement Guidelines for Planning Authorities (January 2024),

- (f) Planning Design Standards for Apartments, Guidelines for Planning Authorities (2025),
- (g) Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of Housing, Local Government and Heritage,
- (h) the planning history of the site and in the vicinity of the site,
- (i) the availability of a range of social, community, and transport infrastructure in the area,
- (j) the documentation submitted with the planning application, including the Environmental Impact Assessment Report (EIAR) and the Natura Impact Statement (NIS),
- (k) the submissions received by the planning authority from observers, prescribed bodies and third parties,
- (l) the grounds of appeals from the first party and third parties,
- (m) the response to the grounds of appeals from the first and third parties and observations received,
- (n) the pattern of existing and permitted development in the area,
- (o) the Planning report and supporting technical reports of Cork City Council, and
- (p) the report and recommendation of the Planning Inspector.

Appropriate Assessment (AA):

The Commission completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a suitably zoned and adequately serviced urban site, the Appropriate Assessment Screening Report submitted with the application, the Inspector's Report, and reports on file. In completing the screening exercise, the Commission adopted the report of the Inspector and concluded that, by itself or in combination with other development 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, other than Cork Harbour Special Protection Area (Site Code 004030) which there is a likelihood of significant effects. There was, therefore, a requirement to carry out a Stage 2 Appropriate Assessment.

Appropriate Assessment Stage 2

The Commission considered the Natura Impact Statement (NIS) and all other relevant submissions including expert submissions received and carried out an appropriate assessment of the implications of the proposed development on Cork Harbour Special Protection Area (Site Code 004030) in view of the site's Conservation Objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's Conservation Objectives using the best available scientific knowledge in the field.

In completing the assessment, the Commission considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or

projects,

- (b) the mitigation measures which are included as part of the current proposal, and
- (c) 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 aforementioned European site. In overall conclusion, the Commission were satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of any European Site, in view of the site's Conservation Objectives.

Environmental Impact Assessment (EIA):

The Commission completed an environmental impact assessment of the proposed development, taking into account:

- (a) The nature, scale and extent of the proposed development.
- (b) The Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the planning application including the mitigation measures outlined.
- (c) The submissions from the planning authority, applicant, third party appellants and observers, and the prescribed bodies in the course of the application; and
- (d) The Inspector's report.

The Commission considered that the EIAR, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Commission agreed with the examination, set out in the Inspector's report, of the information contained in the EIAR and associated documentation submitted by the applicant and submissions made in the course of the planning application.

Reasoned conclusions on likely significant effects

The Commission considered that the main likely direct and indirect significant effects of the proposed development on the environment are, and would be mitigated where relevant, are as follows:

Population and Human Health:

Impacts are likely to be positive with the provision of additional housing and an increased local population that will avail of services/ facilities in the area, whilst supporting infrastructure and proposed infrastructure in the area such as Cork Bus Connects and Cork Luas.

Biodiversity:

Impacts would be mitigated by the proposed landscaping strategy, control of invasive species, significant provision of active and passive open space, protection of trees that are proposed to be retained, replacement tree planting for trees that would be removed and measures proposed to avoid disturbance to bats and birds.

Noise and Vibration:

Short-term temporary impacts from noise during construction would be mitigated by adherence to requirements of relevant standards, good construction management and through the regulation of operation hours and the use of suitable noise control measures on site. During construction, noise levels would be predominately below the criterion of 70dB LAeq for the

nearest residential properties. Vibration impacts above imperceptible during construction are not likely to arise.

Landscape and Visual Impact:

The site is located to the south of Cork City and as such the development would provide for a natural extension to the existing urban area and would result in a development that is visually keeping in character with the existing form of Mahon. The loss of trees surveyed would be mitigated by increased planting of trees throughout the site, the majority which will be native.

Architectural Heritage:

The development would be sited a sufficient distance from Bessborough House (protected structure) to ensure its heritage protection. The proposed demolition of structures and farm buildings are not of architectural importance to the north of the central core of Bessborough Farm (NIAH 20872006) would not result in any significant loss of architectural heritage value. Prior to their demolition, a full building record will be submitted to Cork City Council (and the Irish Architectural Archive).

Cultural Heritage (including archaeology and forensic archaeology):

There are no recorded archaeological sites located within the boundary of the subject lands and no potential unrecorded archaeological sites were identified within the subject lands during desktop research and field surveys carried out as part of the assessment that informed the EIAR. A programme of archaeological supervision/monitoring of all ground works is proposed to be undertaken by a suitably qualified archaeologist. Suitable measures would be put in place in the event that archaeological materials are found on site.

The EIAR has provided a detailed assessment of the possibility of the existence of unrecorded burials having regard to the well documented legacy issues arising from the use of Bessborough House as a Mother and Baby Home from 1922 through to the 1990s. From the information available, there is

no evidence that there are unrecorded burials in the area proposed for the subject development, located primarily to the north of Bessborough House, known as The Farm, within the overall Bessborough lands, however, it is acknowledged that the history of burials on these lands is incomplete due to the lack of records during the period of use of Bessborough House as a Mother and Baby Home. A methodology (as outlined in detail in Appendix 10.4 of the submitted EIAR) with respect to potential for unrecorded burials being encountered during the site development works has been submitted as part of the application. It is proposed that ground disturbance during construction would be systematically monitored by a suitably qualified and experienced forensic Archaeologist. Should human remains be discovered, full forensic controls would be applied. This includes stopping works, securing the area and notifying the Cork City Coroner immediately. The Commission was satisfied that the methodology proposed aligns with best practice in forensic archaeology and is appropriate having regard to the particular sensitivities associated with the Bessborough lands and the use of Bessborough House as a Mother and Baby Home.

The Commission completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, as set out in the Environmental Impact Assessment Report, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Commission adopted the assessment carried out by the inspector which informed the Commission's reasoned conclusion. Overall, the Commission is satisfied that the proposed development would not have any unacceptable effects on the environment.

Conclusions on Proper Planning and Sustainable Development:

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the relevant provisions of the Cork City Development Plan 2022-2028, would make efficient use of an appropriately zoned and accessible lands and are well served by community, social, retail and amenity infrastructure. The proposed development would positively contribute to an increase in housing stock, would be acceptable in terms of urban design, layout and building height and density, would be acceptable in terms of pedestrian and traffic safety and would provide an acceptable form of residential amenity for future occupants. The proposed development would not seriously injure the residential or visual amenities of the area or unduly increase traffic volumes in the area.

The Commission noted and agreed with the Inspector's assessment and recommendation to require the omission of Block C from the proposed development on the basis of Site Specific Objective SE4, that applies to the subject lands, with a specific objective to reinstate the historic landscape. The Commission also agreed with Cork City Council conservation officer that the provision of Block C in this location would adversely affect the former garden and would provide a clear separation of Bessborough House and its associated grounds and concluded that permitting Block C would not be consistent with the objective (SE4) to allow development within the immediate environs to the north of Bessborough House consistent with the landscape and protected structure significance of the site. The Commission was satisfied that subject to the omission of Block C, the proposed development is otherwise acceptable in terms of zoning and with architectural design, landscape, conservation and heritage protection.

The Commission was satisfied that the submitted documentation has demonstrated full regard to the former use of the Bessborough Lands as a Mother and Baby Home and the potential for unrecorded burials to be located

on the overall Bessborough lands is considered. From the available information there is no evidence that there are unrecorded burials in the area proposed for the subject development, known as The Farm, within the overall Bessborough lands. Where permission was previously refused on the wider Bessborough lands, the sites concerned were located to the south/ south east of Bessborough House and not in the area of the farm (the lands associated with the current proposal) to the north and which has been in place prior to the use of Bessborough House as a Mother and Baby Home. However, as referenced previously, it is acknowledged that the history of burials on these lands is incomplete due to the lack of records during the period of use of Bessborough House as a Mother and Baby Home. The Commission agreed with the inspector's recommendation that a suitable condition should be attached to a grant of permission to ensure that the Forensic Archaeological Methodology is implemented. The Commission was satisfied that subject to the implementation of the Forensic Archaeological Methodology set out, the development is acceptable in respect of forensic archaeology and the matter of potential for unrecorded burials to be encountered during the course of construction.

Overall, the Commission was satisfied that subject to conditions attached, the proposed development is in accordance with the proper planning and sustainable development of the area.

The Commission noted that the proposed development would contravene Objective 11.2 of the Cork City Development Plan 2022 – 2028 as the proposal would not demonstrate compliance with the Dwelling Size Mix provided in Table 11.8 for schemes within City Suburbs. However, having regard to the urgent need for housing supply to facilitate increased population growth and compact growth in accordance with the National Planning Framework First Revision (April 2025), and the location of the site within an area with established services and good public transport, it is considered that having regard to the provisions of 37(2)(a) of the Planning and Development Act 2000 (as amended), that the proposed development would be in

accordance with the proper planning and sustainable development of the area. The Commission also had regard to SPPR 1 of the Design Standards for Apartments: Guidelines for Planning Authorities 2025 which removes unit mix restrictions and considered the proposed housing mix to be acceptable in the context of SPPR 1.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

Reason: In the interest of clarity.

2. The proposed development shall be amended through the omission of Block C, its associated access road and car parking in their entirety. The removal of Block C includes the following:
 - (a) The access road and car parking to the west of the site of Block C shall be omitted.
 - (b) Car parking shall be provided on the site of the northern part of the footprint of Block C/ to the south of the access road where it turns east.

- (c) Additional car parking shall be provided to the north of Car Parking Space 25 and the proposed motorcycle parking be relocated to the north of these spaces.
- (d) All impacted footpaths etc. shall be revised in accordance with the above.
- (e) The final number and location of car parking spaces shall be agreed with Cork City Council.

Full details, including revised site layout and site sectional drawings shall be submitted for the written agreement of the planning authority prior to the commencement of development.

Reason: In the interests of cultural heritage and to support the restoration of the historic landscape on this part of the subject site.

- 3. The number of residential units permitted by this grant of permission is 106 residential units in the form of 61 number by one bedroom units, 44 number by two bedroom units and 1 number by three bedroom unit.

Reason: In the interests of clarity.

- 4. The mitigation measures contained in the submitted Environmental Impact Assessment Report (EIAR) and the Outline Invasive Species Management Plan shall be implemented in full.

Reason: To protect the environment.

- 5. The mitigation measures contained in the submitted Natura Impact Statement (NIS) shall be implemented in full.

Reason: To protect the environment.

6. (a) Prior to the commencement of on-site development, the developer shall submit for the written agreement of the planning authority a forensic archaeological monitoring methodology that is in accordance with Appendix 10.4 of the submitted Environmental Impact Assessment Report. The monitoring shall be carried out in accordance with the agreed methodology by at least one Forensic Archaeologist and one Osteo-Anthropologist with previous experience of forensic controls and the monitoring shall be led by a suitably qualified and experienced forensic archaeologist who is familiar with the Bessborough Estate and the Mother and Baby Home Commission of Investigation. Contemporaneous logs of personnel, decisions and actions, and evidence collected shall be maintained.
- (b) Prior to the commencement of development, a dedicated liaison officer shall be appointed to liaise with the Bessborough Mother and Baby Home survivor group/s to provide details and updates regarding the forensic monitoring and subsequent reporting. Details of the appointment and liaison proposals and details of reporting of the monitoring shall be agreed in writing with the planning authority prior to the commencement of the development.

Reason: In the interest of proper planning and suitable forensic archaeological monitoring of the site development works.

7. Prior to the commencement of development, the developer shall submit, for the written agreement of the planning authority, confirmation that:

- (a) the development shall be carried out under the supervision of a qualified professional with specialised conservation expertise, details to be provided, who shall certify upon completion that the works have been carried out in accordance with best conservation practice; and
- (b) competent site supervision, project management and skilled tradespeople will be engaged, who are suitably experienced in building conservation work.

Reason: To protect the historic building fabric and to enhance the character and integrity of the historic structure.

8. Prior to the commencement of development, a detailed method statement for the repair and conservation of existing historic buildings A and B, to include the boundary wall and gates, shall be prepared by a qualified professional with specialised conservation expertise and shall be submitted for the written agreement of the planning authority. This method statement shall include:

- (a) Full specifications, including details of materials and methods, to ensure that the development is undertaken in accordance with best conservation practice;
- (b) Information relating to the protection of existing historic fabric from damage during the conservation works.

These repair works shall be in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for

Planning Authorities (2011) and Advice Series issued by the Department of Housing, Local Government and Heritage. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic reinstatement. The Conservation works to Building A and B and their boundary treatments including historic gates, shall be undertaken first.

Reason: In the interest of protecting, conserving and enhancing the heritage of the protected structure and its curtilage structures and demesne.

9. The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping and groundworks as appropriate, following consultation with the Local Authority Archaeologist. Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority archaeologist or the National Monument Service as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation.

The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. Following the completion of all archaeological work on site and any necessary

post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

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

10. Proposals for a development name 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.

11. The hours of operation of the creche and the number of children to be accommodated shall be agreed in writing with the planning authority prior to the commencement of operation.

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

12. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the proposed buildings (or within the curtilage of the site) in such a manner as to be visible from outside the buildings, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

13. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the communal 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. Such lighting shall be provided prior to the making available for occupation of any apartment unit.

Reason: In the interests of amenity and public safety.

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

Reason: In the interests of visual and residential amenity.

P.C.

15. (a) The road network serving the proposed development, including junction tie ins, the interface between proposed development and Mahon Cycle and Pedestrian Safety Scheme, provision of turning bays, parking areas, footpaths and kerbs, access road to service areas, provision of suitable set-down/ pick-up areas/ service delivery areas shall be in accordance with the detailed construction standards of the planning authority for such works.
- (b) A Stage 3 Road Safety Audit shall be provided in accordance with the requirements of Cork City Council.
- (c) The footpath running to the west of Block E shall be extended north to connect with the Bessboro Road.

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

16. The developer shall ensure the following:

- (a) The pedestrian gates which serve the Communal Amenity Area/ Café, to the east of Block D, shall be removed and no gates or barriers shall be erected in advance of receipt of planning permission for such works.
- (b) The pedestrian gate to the south of Block A and to the south of Block C shall be omitted and no gates or barriers shall be erected in advance of receipt of planning permission for such works. A minimum width of five metres shall be provided at the pedestrian entrance to the south of Block C.

(c) The existing pedestrian entrance to the east of Block C and which serves the surface car park shall be ungated and no gates or barriers shall be erected in advance of receipt of planning permission for such works.

(d) No gates shall be provided to block access to car parking spaces.

Reason: To support enhanced sustainable mobility and ensure the creation of a safe pedestrian environment.

17. The provision of the active travel bridge and access road to the Passage West Greenway from the proposed development shall be constructed and open to the public prior to the first occupation of the apartment units.

Reason: In the interest of orderly development and to support enhanced sustainable mobility.

18. The developer shall provide for suitable bollards or planting along Bessboro Road opposite the public plaza in order to prevent unauthorised parking.

Reason: In the interest of proper planning and in the interest of pedestrian/ traffic safety.

p.c.

19. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. All car parking spaces shall be assigned permanently for the residential development as indicated and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.
- (b) Car parking for the creche shall be clearly identified for that purpose only.
- (c) Suitable indicated car parking shall be made available for car share use.
- (d) 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.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units and the remaining development.

20. A minimum of 20% of all car parking spaces serving the apartment units should be provided with functioning EV charging stations/ points, and ducting shall be provided for all remaining car parking spaces. Where proposals relating to the installation of EV ducting and charging stations/points has 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.

21. Bicycle parking spaces, room for cargo bicycles and E-Bikes with suitable infrastructure, shall be provided within the site. Details of the final number, layout, marking demarcation and security provisions for these spaces shall be agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

22. The developer shall implement in a Mobility Management Plan which shall be overseen by an appointed Mobility Manager.

Reason: In the interest of promotion of sustainable transport.

23. 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

24. The developer shall enter into water and waste water connection agreement(s) with Uisce Éireann, prior to commencement of development.

Reason: In the interest of public health.

25. (a) The site shall be landscaped (and earthworks carried out) in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development.
- (b) Full details of site management to be agreed with the planning authority prior to the commencement of development.
- (c) A fully qualified arborist shall be employed during the site development works.
- (d) A fully qualified Landscape Architect shall be employed during the landscaping phases of the development.
- (e) A fully qualified Ecological Clerk of Works shall be employed during the development of the site.

Reason: In the interest of residential and visual amenity.

26. (a) An accurate tree survey of the site, which shall be carried out by an arborist or landscape architect, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The survey shall show the location of each tree on the site, together with the species, height, girth, crown spread and condition of each tree, distinguishing between those which it is proposed to be felled and those which it is proposed to be retained.
- (b) Measures for the protection of those trees which it is proposed to be retained shall be submitted to, and agreed in writing with, the planning authority before any trees are felled.

Reason: To facilitate the identification and subsequent protection of trees to be retained on the site, in the interest of visual amenity.

27. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.
- (b) 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: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

28. Details and locations of the following shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:
- (a) The provision of two barn owl nest boxes in suitable trees.
- (b) The provision of 20 swift brick nest boxes in suitable locations.
- (c) The provision of two insect hotels.
- (d) Suitable connectivity measures within and to/ from the site for hedgehogs.

- (e) Details of suitable log pile locations on site.
- (f) Provision of suitable bat boxes on site.

The above shall be guided by the Ecological Clerk of Works.

Reason: In the interest of protecting and promoting biodiversity.

29. (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 for each apartment unit 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 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.
- (c) This plan shall provide for screened bin stores, which shall accommodate not less than three standard sized wheeled bins within the curtilage of each house plot.

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

30. Details of the materials, colours, and textures of all the external finishes to the proposed building 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 clarity and visual amenity.

31. 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.

32. The construction of the development shall be managed in accordance with a Construction Management and Demolition 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 and demolition refuse;

- (b) the location of areas for construction site offices and staff facilities;
- (c) the details of site security fencing and hoardings;
- (d) the details of on-site car parking facilities for site workers during the course of construction;
- (e) the 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 Management Plan shall be kept for inspection by the planning authority. The Construction and Environmental Management Plan shall include all applicable mitigation measures set out in the Environmental Impact Assessment Report (EIAR) and Natura Impact Statement and the content of other applicable conditions.

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

33. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, 0800 to 1400 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.

34. 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.

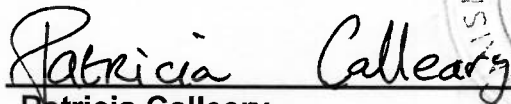
Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

35. 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.

36. 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.


Patricia Calleary


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

Dated this 8th day of July 2026