

An
Coimisiún
Pleanála

Commission Order
ACP-324262-26

Planning and Development Act 2000, as amended

Planning Authority: Cork City Council

Planning Register Reference Number: 25/44429

Appeal by Michael and Aoife Hackett, Bridgewater Homes (Maryborough) Limited and by Others against the decision made on the 14th day of April 2026 by Cork City Council to grant, subject to conditions, a permission to Bridgewater Homes (Maryborough) Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: The demolition and removal of an existing dwelling house and telecommunications mast; and the construction of 104 number residential dwelling houses (comprising 25 number four-bed dwellinghouses, 52 number three-bed dwelling houses and 27 number two-bed dwelling houses) and 72 number apartment/duplex units (comprising 12 number three-bed duplex units, 26 number two-bed apartment units and 34 number one-bed apartment units) in five number blocks ranging in height from two to four storeys with undercroft car parking in Blocks 1 and 2; one number three-storey creche; and all associated ancillary development including vehicular,

pedestrian and cycle access, car and bicycle parking, bin and bike stores, drainage, landscaping, public lighting, boundary treatments and amenity areas. The proposed development makes provision for two vehicular/pedestrian connections to the Maryborough Ridge residential development to the west and includes improvements to the local road and footpath network on the L-6477 Maryborough Hill with two new pedestrian crossings at the existing roundabout north of the site. Vehicular access to the proposed creche will be shared with an existing dwelling house on adjoining lands, all at Maryborough Hill, Moneygurney (townland), 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 within a 'greenfield' area within the 'City Suburbs', as designated by the Core Strategy and the Growth Strategy of the Cork City Development Plan 2022 – 2028;
- (b) the location of the site on lands zoned 'ZO 1 Sustainable Residential Neighbourhoods' and 'ZO 2 New Residential Neighbourhoods' under the Cork City Development Plan 2022 - 2028, where the objectives are to provide for residential uses and new residential development;
- (c) the policies and objectives of the Cork City Development Plan 2022 – 2028;
- (d) the policies and objectives set out in the National Planning Framework (revised 2025), Regional Spatial and Economic Strategy for the Southern Region 2020 - 2032 and Cork Metropolitan Area Strategic Plan;
- (e) Delivering Homes, Building Communities 2025 - 2030: An Action Plan on Housing Supply and Targeting Homelessness;
- (f) The Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities, issued by the Department of Housing, Local Government and Heritage in January 2024;
- (g) The Planning Design Standards for Apartments Guidelines for Planning Authorities, issued by the Department of Housing, Local Government and Heritage in July 2025;

- (h) The Urban Development and Building Heights, Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018, and to the Building Height Strategy of the Cork City Development Plan 2022 – 2028;
- (i) The Design Manual for Urban Roads and Streets, issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in 2013;
- (j) The Childcare Facilities, Guidelines for Planning Authorities (2001);
- (k) The Water Action Plan 2024, A River Basin Management Plan for Ireland;
- (l) the targets and objectives of the National Biodiversity Action Plan 2023 – 2030;
- (m) the nature, scale, height and design of the proposed development in response to the topography of the site;
- (n) the pattern of existing, permitted and emerging development in the area;
- (o) the reports of the planning authority;
- (p) the submissions and observations received in connection with the planning application and the appeal;

- (q) the terms of the Cork City Council Development Contribution Scheme 2023 - 2029, including Section 1.7 which specifies that only one category of reductions/exemptions shall apply, and
- (r) the report and recommendation of the Planning Inspector.

Appropriate Assessment Screening:

The Commission 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 planning application and the appeal, and the Planning Inspector's report. In completing the screening exercise, the Commission 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 Commission 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 to the following:

- the nature and scale of the proposed development (which is below the thresholds in respect of Class 10(b)(i) and Class 10(b)(iv) of the Planning and Development Regulations 2001, as amended);
- to its location within a suburban area on residential zoned lands under the Cork City Development Plan 2022 - 2028, which has been subject to Strategic Environmental Assessment under the SEA Directive, and to the site being served by public infrastructure;
- the absence of any significant cultural or archaeological environmental sensitivity within 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;
- the results of other relevant assessments of the effects on the environment submitted by the applicant, and

- 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 Commission adopted the report of the Planning Inspector and concluded that, by reason of the nature, scale and location of the proposed development, the proposed development would not be likely to have significant effects on the environment and that an Environmental Impact Assessment and the preparation of an Environmental Impact Assessment Report would not, therefore, be required.

Conclusions on Proper Planning and Sustainable Development:

The Commission considers that the proposed development responds well to the topographical features of the site by virtue of its general design, layout and positioning of built elements and, subject to compliance with the conditions set out below, the proposed development would constitute an appropriate form, scale and density of residential development, an acceptable mix and quantum of residential units, would provide appropriate levels of residential amenity for future occupants, would not seriously injure the residential or visual amenities of the area or the amenities of property in the vicinity and would be acceptable in terms of pedestrian and traffic safety and convenience, would be in accordance with the relevant provisions of the Cork City Development Plan 2022 - 2028, including those pertaining to zoning objectives 'ZO1 Sustainable Residential Neighbourhoods' and 'ZO2 New Residential Neighbourhoods', save for the provisions of Paragraph 11.245 (Electric Vehicle Parking) where a material contravention can be considered to arise.

Nevertheless, having regard to the fact that the EV requirements can be satisfactorily addressed by condition which would not result in a material alteration in the layout of the proposed parking, to the duplex units parking proposals including provision for all spaces to be wired for EV, which is in accordance with the remaining requirements of paragraph 11.245, and to the fact that the reallocation of these spaces for EV charging points will not impact compliance with the maximum standards set out in Table 11.13 of the Cork City Development Plan 2022 - 2028, it is considered that, having regard to the provisions of Section 37(2)(a) of the Planning and Development Act 2000, as amended, the proposed development would be in accordance with the proper planning and sustainable development of the area, and a grant of permission is, therefore, warranted in this instance, notwithstanding the above.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 18th day of March 2026, 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. (a) The mitigation measures contained in the submitted Ecological Impact Assessment (EclA), shall be fully implemented.
- (b) All works shall be supervised by an on-site Ecological Clerk of Works who will report on compliance with the relevant mitigation measures. A compliance monitoring report shall be prepared by the Ecological Clerk of Works and shall be submitted to the planning authority at the end of the main construction period.
- (c) Prior the commencement of felling or demolition works, trees and buildings with bat roosting potential shall be surveyed by a suitably qualified Ecologist who is appropriately qualified and experienced in undertaking bat surveys and in line with best practice at the appropriate time of year to confirm the absence of roosting bats. In the event that a previously undetected bat roost is identified and is likely to be disturbed, the applicant shall acquire a derogation under Regulation 54 of the European Communities (Bird and Natural Habitats) Regulations 2011 prior to the commencement of the relevant works. Prior to the removal of trees and/or works to building, the bat survey results, methodologies for felling/works and any derogations shall be submitted for the written agreement of the planning authority.
- (d) Artificial lighting shall be designed in accordance with the 2023 BCT Lighting Guidance (GN08/23 Bats and Artificial Lighting At Night). A lighting plan shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development.

- (e) A minimum of seven bird boxes shall be installed under the guidance of the Ecological Clerk of Works and the satisfaction of the planning authority.

Reason: In the interest of biodiversity.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings, ancillary structures and hard landscaping 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.

4. The route, alignment and finish of the extension of connection from the proposed development to the Ballybrack Valley Pedestrian Cyclist Route at Maryborough Ridge, as well as the location and design of the proposed pedestrian crossings at the Maryborough Hill roundabout, shall be agreed in writing with the planning authority prior to commencement of the development. Such works shall be constructed by the developer in accordance with the written agreements and shall be completed as part of phase 1 of the proposed development (as per the submitted proposed phasing plan lodged with the application).

Reason: In the interests of pedestrian and traffic safety.

5. Prior to the commencement of construction, a suitably qualified Ecologist who is appropriately qualified and experienced in undertaking invasive alien species (IAS) surveys and in line with best practice at the appropriate time of year, shall carry out a survey of the site for invasive alien species (IAS) designated under the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations (2011). A verification report shall be submitted to the planning authority prior to commencement of construction. Should any IAS be found, an IAS Management Plan is also to be provided to the planning authority. Implementation of any IAS Management Plan shall be monitored and signed off by the project ecologist in agreement with the planning authority. No works are to take place until actions of an IAS Management Plan are completed. Depending on the IAS in question, post-construction monitoring may be required to ensure controls have been successfully carried out. Any records of IAS found on the site are to be submitted to the planning authority and the National Biodiversity Data Centre (NBDC) using the NBDC standard reporting form to inform future planning and ensure monitoring.

Reason: In the interest of protecting biodiversity value within the site.

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

Reason: In the interest of biodiversity.

7. The landscaping proposals, including earthworks, shall be carried out in accordance with the detailed landscaping masterplan and associated drawings lodged with the planning authority on the 19th day of December 2025. Such works shall be carried out within the first planting season following substantial completion of external construction works. Final details of the natural play areas and gym equipment shall be submitted to the planning authority for written approval.

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, their opinion on compliance of the completed landscape scheme with the approved landscape proposals within six months of substantial completion of the development hereby permitted.

Wildflower seed mixes shall not be used as part of the landscaping/biodiversity planting measures. Wildflower meadows shall be allowed to generate naturally, with wildflowers occurring within the seed bank encouraged to flourish through a management regime. In certain circumstances, such as, where natural regeneration is not suitable, native wildflower seed from proven indigenous local seed sources may be used.

Reason: In the interests of residential and visual amenity and in the interest of biodiversity.

8. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the landscaping proposals lodged with the planning authority. This work shall be completed before any of the dwellings are made available for occupation unless otherwise agreed in writing with the planning authority and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

9. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority. Prior to the 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 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 interests of public health and surface water management.

10. 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 amenity.

11. The internal road network serving the proposed development (including turning bays, junctions, parking areas, footpaths, kerbs, underground car parks) shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).

Reason: In the interests of traffic and pedestrian safety.

12. All roads (including those adjacent to the southern boundary), footpaths and cycleways shown on adjoining lands shall be constructed up to the boundaries to provide access to adjoining lands with no obstruction, including the erection of any structure which would otherwise constitute exempted development under the Planning and Development Regulations 2001, as amended.

No gates or barriers shall be erected across the pedestrian paths proposed for part of the proposed development which is not proposed to be Taken in Charge.

Reason: In the interests of permeability and proper planning and sustainable development.

13. Proposals for an estate/street name, house/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 estate and street signs, and house/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.

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

15. A finalised Construction and Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction and demolition phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities. The CEMP shall also include a construction method statement for all site clearance and excavation works proposed along the western boundary of the site.

Reason: In the interest of environmental protection.

16. (a) 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.
- (b) Details of road signage, warning the public of the entrance and of proposals for traffic management at the site entrance, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of sustainable transport and safety.

17. The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking In Charge Standards and in the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

18. (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.

19. A finalised operational waste management 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 within each house plot and for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan.

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

20. Prior to commencement of development, a finalised 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 interests of reducing waste and encouraging recycling.

21. 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.

Reason: In the interests of amenity and public safety.

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

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

23. (a) All the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle (EV) charging points.
- (b) Prior to commencement of development, revised drawings of the duplex units off-curtilage spaces showing five spaces to be equipped for EV charging points shall be submitted to the planning authority for its written approval.
- (c) The location of the EV charging points for proposed apartment blocks 1 and 2 shall be in accordance with the basement plans lodged with the application.
- (d) No communal parking spaces (including duplex off-curtilage spaces) shall be reserved for either an individual or an individual residential unit.
- (e) No additional barriers or gates are permitted to control access to any parking spaces without specific planning permission permitting such interventions.

Reason: In the interest of orderly development, to ensure equitable access to sustainable transport options and to comply with the requirements of paragraph 11.245 (Electric Vehicle Parking) of the Cork City Development Plan 2022 - 2028.

24. 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 on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall 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, as set out in the Development Plan for the area.

25. (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 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.

26. 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.

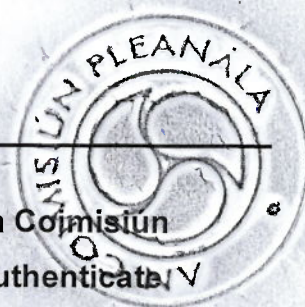
27. The developer shall pay to the planning authority a financial contribution of €833,948.34 in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with 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.

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.



Declan Moore

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



Dated this 11 day of August 2026.