An Coimisiún Pleanála

Commission Order
ACP-324475-26

Planning and Development Act 2000, as amended

Planning Authority: Cork County Council

Planning Register Reference Number: 26/1129

Appeal by Jacintha Warren and by Wayleaf B Limited against the decision made on the 25th day of June, 2026 by Cork County Council to grant subject to conditions a permission to Wayleaf B Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a residential development of 240 number residential units comprising 156 number dwellinghouses, 84 number apartments, a creche facility and all ancillary site development works. The proposed 156 number dwellinghouses comprise of 29 number four-bedroom detached/semi-detached dwellings, 126 number three-bedroom semi-detached/terraced units and one number two-bedroom detached dwelling house. The proposed 84 number apartments will consist of 60 number two-bedroom units and 24 number one-bedroom units to be accommodated in four number three-storey apartment buildings. Vehicular and pedestrian access to the proposed development will be provided via new entrances from the L-2033 local road which will serve the western areas of the proposed development and via Kilbrogan Street (L-2039) which will serve the eastern and northern areas of the proposed development. The proposed development also provides for two number shared vehicular entrances from

Convent Hill to the south (L-2011) to serve the southern areas of the proposed development. The proposed development also provides for public realm enhancements to Kilbrogan Street (L-2039), which include a raised table, and new footpath to connect to existing footpath infrastructure and provide connectivity to the Town Park. Other ancillary site development works include landscape and amenity areas, pedestrian and cycle paths within the site, bicycle parking and bin storage facilities, the removal/demolition of an existing pre-fab structure and a vehicular bridge crossing over an existing watercourse to serve as access for 26 number of the proposed dwellinghouses in the northern areas of the site, all at Coolfadda and Kilbrogan (Townlands), Bandon, County Cork.

Decision

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

Reasons and Considerations

The Commission has made its decision in consistency with:

(a) Relevant provisions of the Climate Action and Low Carbon Development Act 2015, as amended; and

(b) Climate Action Plans 2024 and 2025.

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

(a) the policies and objectives set out in the Cork County Development Plan 2022-2028, as varied, including the location of the site on lands subject to zoning 'Residential (RE)', Specific Objective 'BD-R-01', and the permitted uses therein;

(b) the nature, scale, and design of the proposed development;

(c) the availability in the area of social, community, and transport infrastructure;

(d) the pattern of existing and permitted development in the area;

(e) the planning history at the site and within the area;

(f) the National Biodiversity Plan 2023-2030;

(g) Housing for All – A New Housing Plan for Ireland 2021;

(h) the National Planning Framework 2040 (First Revision, 2025) and the Regional Spatial and Economic Strategy for the Southern Region 2020-2032;

(i) the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024);

(j) the Planning Design Standards for Apartments: National Planning Statement (2026);

(k) the Urban Development and Building Heights Guidelines for Planning Authorities (2018);

(l) the Design Manual for Urban Roads and Streets (2013) updated 2019;

(m) the Childcare Facilities Guidelines for Planning Authorities (2001);

(n) the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009);

(o) the Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities (2021) updated 2023;

(p) the Development Management Guidelines for Planning Authorities (2007);

(q) the reports of the planning authority;

(r) the submissions received by the planning authority from observers and prescribed bodies;

(s) the grounds of the third-party appeal;

(t) the response to the grounds of the third-party appeal by the planning authority and the applicant; and

(u) the reports and recommendations of the Planning Inspector, including the examination, analysis and evaluation undertaken in relation to Environmental Impact Assessment, Appropriate Assessment, and water status impact assessment.

Appropriate Assessment: Stage 1:

The Commission considered the documents submitted with the planning application, and all the other relevant submissions on file, and carried out an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that the Bandon River Special Area of Conservation (Site Code 002171) is the only European Site in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the site and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment: Stage 2:

The Commission considered the Natura Impact Statement and all other relevant submissions, including expert submissions received, and carried out an Appropriate Assessment of the implications of the proposed development on the Bandon River Special Area of Conservation (Site Code 002171) 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 Conservation Objectives of the site 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, having regard to the site's Conservation Objectives. In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site in view of its Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed development and there is no reasonable scientific doubt as to the absence of adverse effects.

Environmental Impact Assessment:

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 and associated documentation submitted in support of the planning application,
(c) the submissions from the first party, the planning authority, third parties, and prescribed bodies in the course of the planning application and the appeal, and
(d) the Planning Inspector's report.

The Commission considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the first party, 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 Environmental Impact Assessment Report and the associated documentation submitted by the first party and submissions made in the course of the planning application and the appeal.

The Commission considered and agreed with the Inspector's reasoned conclusion that, with mitigation, there are no main significant direct and indirect effects of the proposed development on the environment.

The Commission concluded that, subject to the implementation of the mitigation measures set out in the Environmental Impact Assessment Report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Commission adopted the report and conclusions of the Inspector.

Conclusions on Proper Planning and Sustainable Development:

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable form of residential development on this zoned urban site, proximate to existing services and facilities, would be acceptable in terms of urban design, building height and quantum of development, would not be prejudicial to public health or lead to flooding, would be acceptable in terms of pedestrian and traffic safety, and would be in accordance with the relevant provisions of the Cork County Development Plan 2022-2028, as varied. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Furthermore, having regard to the nature, scale, and benefit of the subject works, to the relevant policies and objectives relating to core strategy, land management, and critical infrastructure in the Cork County Development Plan 2022-2028, to the terms of the 2004 Cork County Council: Adopted Development Contribution Schemes 2004 (as amended, 2015) and the manner in which these have been applied, it is considered that Condition 77 as drafted by the planning authority, is not in accordance with the provisions of section 48(2)(c) of the Planning and Development Act 2000, as amended, and is not in accordance with the relevant provisions of the Development Management, Guidelines for Planning Authorities, 2007, and of the Development Contributions, Guidelines for Planning Authorities, 2013, in respect of circumstances which might warrant the attachment of a special contribution condition. Condition 77 of the planning authority's grant of permission is not warranted and its omission from the grant of permission is therefore 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 26th day of May, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

   Reason: In the interest of clarity.

2. Permission is hereby granted for a total number of 240 dwellings units (comprising 156 houses and 84 apartments).

Reason: In the interest of clarity.

3. The mitigation measures contained in the submitted Environmental Impact Assessment Report (EIAR) shall be implemented in full.

Reason: To protect the environment.

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

Reason: To protect the integrity of European Sites.

5. The developer shall engage a suitably qualified (licensed eligible) archaeologist (licensed under the National Monuments Acts) to monitor all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the proposed development. Prior to commencement of such works, the archaeologist shall consult with and forward to the planning authority, 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 Monument Service, regarding appropriate mitigation (i.e., preservation in-situ/ excavation). 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.

6. Prior to commencement of development, a Resource Waste Management Plan (RWMP), as set out in the Environmental Protection Agency's 'Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects' (2021), shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

7. Prior to commencement of development, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the management of archaeological features (unknown and known (including mapping of same)), implementation of

biodiversity control measures, collection and disposal of surface water run-off from the site, on-site road construction, and environmental management measures during construction, including noise control, dust and vibration control, water quality protection and control, and procedures for the monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the proposed development.

Reason: In the interest of environmental protection.

8. Prior to commencement of development, the following shall be submitted to, and agreed in writing with, the planning authority:

   (a) Details of the location, types, textures, and finishes of all proposed boundary treatments within the proposed development.

   (b) Details of the materials, colours, and textures of all external finishes of the proposed structures within the proposed development.

   (c) Details of security shuttering, external lighting, and signage for the childcare facility.

   In the event of disagreement between the developer and the planning authority, the matter(s) shall be referred to An Coimisiún Pleanála for determination.

   Reason: In the interest of visual amenity and orderly development.

9. Prior to commencement of development, a phasing programme for construction and making available for use of the childcare facility shall be submitted to, and agreed in writing with, the planning authority.

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

10. Prior to commencement of development, proposals for a development name and numbering scheme, and associated signage shall be submitted to, and agreed in writing with, the planning authority. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the proposed development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use for new residential areas.

11. Prior to commencement of development, public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees to be protected in the Tree Protection Plan drawing number TPP3725 (Sheets 1-4) and proposed tree planting in Soft Landscaping Plan drawing number 25133GA_LA_PA_DR_200_R09, unless otherwise agreed in writing with the planning authority. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

12. Works incorporating, bridging, draining, cleaning, maintaining or culverting of the adjacent stream or any watercourse, their banks or bankside vegetation shall be notified to, and be implemented subsequent to liaison with, Inland Fisheries Ireland.

Reason: To protect river water quality and the environment.

13. Prior to commencement of development, the Invasive Alien Species (IAS) Management Plan shall be implemented, monitored and signed off by a suitably qualified ecologist/the project ecologist in agreement with the planning authority. No works shall take place until the actions of the 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 shall be submitted to the planning authority and the National Biodiversity Data Centre (NBDC) using the NBDC standard reporting form to inform future planning and to ensure monitoring.

Reason: To prevent the spread of alien invasive species.

14. (a) 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 and shall adhere to the standards and conditions set out in that agreement.

(b) All development shall be carried out in compliance with Uisce Éireann codes and practices.

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

15. 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.

16. (a) The areas of communal and public open space in the proposed development shall be reserved for such use, levelled, contoured, soiled, seeded, and landscaped (soft and hard) in accordance with the landscaping plans and particulars submitted with the planning application unless otherwise agreed with the planning authority.

(b) Final design, finishes, methods of construction and/or installation of footpaths, cycle paths, seating, crossing points over ditches/drains/watercourses/SuDS features, and equipment in play areas shall be submitted to the planning authority for written agreement.

(c) The landscaping and planting schedule shall be managed and maintained in accordance with the Landscape Design Rationale and landscaping plan(s) submitted with the planning application, unless otherwise agreed in writing with the planning authority. This schedule shall cover a period of at least three years and shall include details of the arrangements for its implementation.

(d) The areas of communal and public open space shall be reserved and maintained as such by the developer until taken in charge by the management company or by the planning authority.

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

17. (a) The management and maintenance of the 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.

(b) The communal open spaces, hard and soft landscaping, car and cycle parking areas, access ways, refuse/bin storage, and all areas not intended to be taken in charge by the planning authority, shall be maintained by a legally constituted management company.

(c) Details of the management company contract, and drawings/particulars describing the parts of the proposed development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

Reason: In the interest of orderly development and to provide for the satisfactory future maintenance of the development.

18. Prior to commencement of development and/or occupation of the residential units, as applicable, final Road Safety Audit(s) and/ or Quality Audit(s) of the proposed development, including assessments of the main vehicular entrances (visibility extents, sightlines distances), internal road, pedestrian/cycle path layouts, signage and road markings, shall be submitted to, and agreed in writing with, the planning authority.

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

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

Reason: In the interest of traffic and pedestrian safety.

20. (a) Prior to commencement of development, the developer shall submit to the planning authority for written agreement appropriately scaled drawing(s) with all car, motorcycle, and bicycle parking spaces intended for use by each residential unit, visitor use, and childcare facility use (customers and staff). The spaces shall be clearly identified, numbered, and of a design, construction and finish that is to the satisfaction of the planning authority.

(b) The car parking spaces for visitor use shall be assigned permanently for the residential development and shall be reserved solely for that purpose.

(c) Prior to occupation of the proposed development, a Parking Management Plan shall be prepared and shall be submitted to, and agreed in writing with, the planning authority. This plan shall indicate how car parking spaces within the proposed development shall be assigned, segregated, and continually managed.

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

21. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority precise locations, detailed designs, and construction methodologies, certified by an appropriately qualified professional, of all retaining walls.

Reason: In the interest of orderly development.

22. Prior to commencement of development, the developer shall submit to the planning authority for written agreement plans and particulars indicating the following:

(a) Enhanced pedestrian connectivity along Kilbrogan Street towards the entrance of the proposed development (fully accessible route, without steps or as agreed in writing with the planning authority).

(b) Operation of a yield arrangement on the northbound carriageway only of Kilbrogan Street for traffic approaching the entrance of the proposed development, with priority afforded to southbound (town bound) traffic.

(c) Additional public lighting around the entrance of the proposed development on Kilbrogan Street and new pedestrian routes.

Reason: In the interest of traffic and pedestrian safety.

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

24. 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.

25. (a) No additional development shall take place above roof parapet level of the apartment blocks, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas, or equipment, unless authorised by a further grant of planning permission.

(b) The roof areas of the apartment blocks shall be accessed for maintenance purposes only and shall not be used for any amenity or recreational purpose.

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

26. A plan containing details for the management of waste (and, in particular, recyclable materials) within the proposed development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials (for/within each house plot, each apartment unit, and the childcare facility) 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.

27. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and sections 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An 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.

28. (a) Prior to 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, as amended, that restricts all relevant houses (and / or 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.

29. 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 planning authority or management company of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning 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.

30. 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.

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

Dated this 9th **day of** November **2026.**