



An
Coimisiún
Pleanála

Commission Order
PL-500529-CC-25

Planning and Development Act 2000, as amended

Planning Authority: Cork City Council

Planning Register Reference Number: 2543910

Appeal by Lucy McGrath O'Dwyer and John O'Dwyer and by Others against the decision made on the 10th day of December 2025, by Cork City Council to grant, subject to conditions, a permission to Diamond Developments Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: Works to include the following: (1) the demolition and removal of existing agricultural sheds/structures; (2) the construction of 72 number residential units comprising 10 number three-bed dwelling houses and 62 number apartments (comprising 21 number one bed units and 41 number two bed units) in two number blocks ranging in height from four to five storeys with solar panels at roof level; (3) the provision of landscaping and amenity areas and all associated access, infrastructure and services including vehicular and pedestrian access to the Woodbrook Road/Rochestown Road Roundabout; and (4) all associated ancillary development works including vehicular and pedestrian access, car and bicycle parking, footpaths, lighting, drainage, plant (including one number ESB substation and one number water break tank room) bike and bin storage all at Monfieldstown and, Mounthovel, (Townlands), Rochestown, 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

Having regard to:

- (a) the location of the site in the Cork suburb of Rochestown on lands zoned ZO 1 – Sustainable Residential Neighbourhoods within the Cork City Development Plan 2022-2028, and where residential development is a permitted use,
- (b) the policies and objectives of the Cork City Development Plan 2022-2028,
- (c) Housing for All – A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage (2021),
- (d) Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in January 2024,
- (e) Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of Housing, Planning and Local Government in March 2023,
- (f) Urban Development and Building Heights, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2018,

- (g) the Design Manual for Urban Roads and Streets (DMURS) (2013),
- (h) Planning System and Flood Risk Management Guidelines for Planning Authorities issued in November 2009 (including the associated Technical Appendices),
- (i) the targets and objectives of the National Biodiversity Action Plan (NBPA) 2023-2030,
- (j) the Climate Action Plan 2024, and The Climate Action Plan 2025,
- (k) the nature, scale and design of the proposed development,
- (l) the availability in the area of a wide range of social, community, transport and water services infrastructure,
- (m) the pattern of existing and permitted development in the area,
- (n) the submissions and observations received in connection with the planning application and the appeal, and
- (o) the report and recommendation of the Planning Inspector,

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

Appropriate Assessment: Stage 1:

The Commission considered the documents submitted with the application, and all the other relevant submissions on file, and carried out an Appropriate Assessment 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 Cork Harbour Special Protection Area (Site Code: 004030) 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 the other relevant submissions on file, 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 scientific knowledge in the field. In completing the assessment, the Commission considered, in particular, the following:

- (i) the site-specific Conservation Objectives for the European Site,
- (ii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and
- (iii) mitigation measures which are included as part of the current proposal.

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 was satisfied that the proposed development would not adversely affect the integrity of the European Site in view of the site's Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.

Conditions

1. The development shall be carried out 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 16th day of October 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

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

Reason: To protect the integrity of European Sites.

3. (a) Mitigation and monitoring measures outlined in the plans and particulars, including the Ecological Impact Assessment, Site-Specific Flood Risk Assessment and Construction Environmental Management Plan submitted with the application shall be carried out in full, except where otherwise required by conditions attached to this permission.
- (b) All works shall be supervised by an on-site Ecological Clerk of Works who will report on compliance with the relevant mitigation measures. The Ecological Clerk of Works shall be empowered to halt works where he/she considers that the continuation of the works is likely to result in a significant pollution or siltation incident. In the event of a water pollution incident, or of damage to the adjacent estuary, these reports shall be made available to the relevant statutory authorities, and on-site works shall cease until authorised to continue by the planning authority. 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.

Reason: In the interests of clarity and protecting the environment and public health.

4. (a) The final geometric layout and construction details (including landscaping) for the approach road to the west of Saint Patrick's Church shall be finalised and agreed in writing with, the planning authority prior to commencement of development.
- (b) No construction of either the approach road or the proposed development will be permitted prior to the completion of the M28 motorway retaining structures to the west of Saint Patrick's Church (including the removal of any temporary noise barriers) without the prior agreement of the planning authority.

- (c) The final construction traffic management plan shall be prepared and agreed in writing with the planning authority prior to commencement of development. The plan shall include measures to ensure continued access to Transport Infrastructure Ireland's infrastructure to the northwest of the proposed development, phasing of works associated with the access road from Rochestown Road, details of construction traffic access routes, construction related parking and the location of the compound for the storage of plant and machinery.

Reason: In the interest of orderly development and to support enhanced sustainable mobility and ensure the safe operation of the road network for all users.

- 5. (a) The proposed internal glazed screens on the ground floor of Block B shall be extended to a portion of the stairwell wall, facing the west entrance to the corridor, so that the visual connection is improved further and prior to the commencement of development, revised plans and internal elevations showing this alteration shall be submitted to the planning authority for full written agreement.
- (b) Windows to habitable rooms on the eastern facade Block A shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.
- (c) Before the occupation of any of the residential units, the construction of the proposed pedestrian footpath, connecting the development with Rochestown Road, shall be completed.
- (d) A footpath to the south of the proposed parking spaces located to the south of Block B shall be provided with details to be agreed in writing with the planning authority prior to commencement of work on site.

Reason: In the interest of residential amenity and to ensure the safe operation of the road network for all users.

6. Prior to the occupation of the dwelling units:
 - (a) The developer shall ensure that all proposed noise abatement barriers and structures, located on the western boundary of the site, are fully completed and operational to the satisfaction of the planning authority, in consultation with the Cork National Roads Office (NRO).
 - (b) Submit a follow up noise assessment of the development from all potentially significant noise sources at the proposed development site. The details and requirements of this noise assessment, together with any further remediation works, where necessary, shall be agreed in writing with the planning authority.
 - (c) The future maintenance and management procedures for maintaining the effectiveness of the noise barrier shall be submitted for written agreement with the planning authority.

Reason: In order to ensure a satisfactory standard of development, in the interests of residential amenity.

7. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development. Prior to commencement of any development on the overall site, details of the first phase shall be submitted to, and agreed in writing with, the planning authority and shall ensure that the appropriate section of access road, footpath, lighting, open space, landscaping and infrastructural services benefitting the particular dwellings are fully completed prior to those dwellings being occupied.

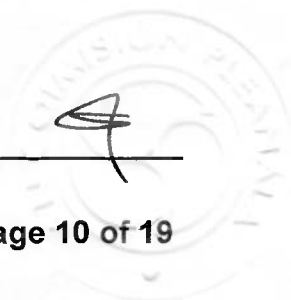
Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

8. (a) The landscaping scheme, as submitted to the planning authority, shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.
- (b) All wildflower seeds used for the creation of any wildflower meadows shall be of native species, of local provenance and sourced within 50 kilometres of the proposed site. The supplier must provide certification of provenance and species origin prior to sowing. No substitutions of species or origin are permitted without prior written approval from the local authority.
- (c) Prior to the commencement of development, the developer shall submit to the planning authority, for full written agreement, full details of the proposed natural play areas. The proposed play equipment shall conform to relevant European Standards, and the management and maintenance of the play equipment shall be the sole responsibility of the appointed Management Company.

Reason: In the interest of visual and residential amenity, to ensure that non-native/invasive plant species are introduced and to ensure the provision of sustainable play areas.

9. (a) Prior to the commencement of 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 residential units permitted, to first occupation by individual purchasers i.e. 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 of the residential units 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.



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 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. Details of the materials, colours, and textures of all the external finishes to the proposed buildings and boundary treatments shall be as submitted with the application, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

12. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays, and not at all on Sundays 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.

13. (a) Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes, through open spaces, and shall take account of the agreed landscaping plans.
- (b) The design of the lighting scheme shall be approved by a suitably qualified bat specialist. The details of the lighting scheme, including written evidence indicating approval by the bat specialist, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting.
- (c) The agreed lighting system shall be fully implemented and operational prior to the making available for occupation of any residential unit.

Reason: In the interests of amenity and public safety.

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

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

15. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health and to ensure the appropriate disposal of foul and surface water.

16. 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.

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

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

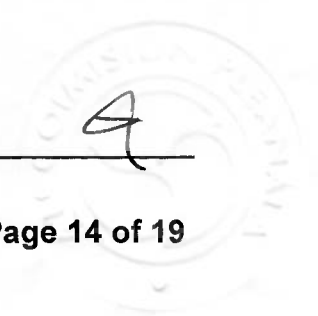
18. (a) The internal road network serving the proposed development, including carriageway widths, corner radii, turning bays, junctions, set down/drop off area, parking areas, footpaths, kerbs, pedestrian crossings, raised tables, and cycle lanes shall be in accordance with the detailed construction 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.
- (b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of all locations and materials to be used shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

- (c) All works carried out on the public footpath, or the public road shall be agreed with the planning authority prior to works being carried out.
- (d) Any interference with, or damage to, the road or footpath in the area caused during the construction of the development shall be made good at the expense of the developer, to the confirmed written satisfaction of the planning authority. Evidence of all agreements shall be submitted to the planning authority within one month of said agreement(s).

Reason: In the interests of traffic and pedestrian safety.

- 19. (a) All parking within the scheme shall be for the residents of the proposed development only and shall not be reserved for any individual or individual residential units and shall not be sold separately. The details for the management and monitoring of same shall be agreed in writing with the planning authority prior to commencement of work on the site.
- (b) A minimum of 20% of all car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted to, 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.



20. A 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 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.

Reason: In the interests of environmental protection, residential amenities, public health and safety and environmental protection.

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

Reason: In the interests of sustainable transport and safety.

22. An Operational Waste Management Plan (OWMP) containing details for the management of waste within the development, the provision of facilities for the storage, separation, and collection of the waste and for the ongoing operation of these facilities, shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed OWMP.

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

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

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

24. (a) The management and maintenance of the development, following its completion, shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being so taken in charge.
- (b) The communal open spaces, hard and soft landscaping, car and cycle parking areas, access ways, refuse/bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by the legally constituted management company.
- (c) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

25. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the planning authority's Taking in Charge Policy. 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.

26. Prior to commencement of development, the developer 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.

27. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority and/ or management company of roads, footpaths, watermains, drains, public open space and other services required in connection with the

development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

28. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An 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.



Emer Maughan

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



Dated this 5th day of May 2026