



An
Bord
Pleanála

Inspector's Report ABP-303240-18

Development	Demolition of wall, construction of 3 office blocks and all associated works.
Location	Eastgate Retail and Business Park, Eastgate Village, Castlevew, Little Island, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	18/6544
Applicant(s)	Eastgate Developments (Cork) Unlimited Company
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Parties
Appellant(s)	Fran O'Sullivan & Mark Mulroy Carmel O'Sullivan Cllr. Pdraig O'Sullivan

Observer(s)	None
Date of Site Inspection	21 st March 2019
Inspector	Kenneth Moloney

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1.0 Site Location and Description

- 1.1. The appeal site is located within the Eastgate Retail and Business Park, Little Island, Co. Cork.
- 1.2. The appeal site is located at the entrance to the business park. The appeal site measures approximately 1.64 ha (4.0 acres). The appeal site is accessed from an existing roundabout.
- 1.3. The gradient of the appeal site is generally even.
- 1.4. There is a retail park situated on the opposite side of the distributor road from the appeal site.
- 1.5. There is an access road situated to the immediate east of the appeal site. This access road provides access to a hotel situated to the south of the appeal site and residential properties.
- 1.6. There are 2 no. residential properties situated to the south-east of the appeal site served by the aforementioned access road.
- 1.7. There is a disused lane situated between the south of the appeal site and the access road serving the adjacent hotel.
- 1.8. The N25 dual carriageway is located to the south of the existing hotel site.

2.0 Proposed Development

- 2.1. The proposed development provides for the demolition and removal of the northern entrance wall located and the construction of 12,233 sq. metres of office space.
- 2.2. The office floor space comprises of;
 - 2 no. 4-storey office buildings (with option to provide up to 8 no. office units in each building).
 - 1 no. 3-storey office building with an option for internal subdivision to provide up to 6 no. office units.

3.0 Planning Authority Decision

3.1. Cork County Council decided to **grant** planning permission subject to 37 no. conditions. The conditions are standard for the nature of the development.

3.2. Planning Authority Reports

3.2.1. The main issues raised in the planner's report are as follows;

Area Planner

- The proposed development is acceptable in principle having regard to zoning objective and pattern of development.
- The site is not readily visible from the north and east. The site is highly visible from within the business park.
- No objection to materials.
- Precedents for 4-storey buildings within the business park.
- No serious negative impacts on the local area.
- No serious impacts on cultural heritage.
- Traffic, access and car parking is acceptable.
- Application documentation includes AA Screening which concludes no impacts on designated sites.

A report by the SEP summaries the main points in the Assistant Planner's report.

3.3. Internal Reports;

- Ecologist – Applicants are requested to submit further information in respect of their proposals for disposal of waste water and clarification is sought for additional nutrient loading to the harbour which would be generated by the proposed development.

- Environment Section; – No objection subject to conditions.
- Public Lighting; - No objections as site relates to private business park.
- Area Engineer; - No objections subject to conditions.

3.4. Third Party Observations

- There are 4 no. third party submissions and the issues raised are similar to those issues raised in their third-party appeal submissions.

3.5. Submissions

- There is a submission from Irish Water and Iarnród Éireann who have no objections to the proposed development.
- Irish Aviation Authority; - No observations
- Transport Infrastructure Ireland; - The Planning Authority are required to abide by official policy in relation to development on / affecting national roads.

4.0 Planning History

There is a single planning history on the appeal site

- L.A. Ref. 07/12184 – Construction of a furniture showrooms. Application granted by Cork County Council and **refused** by An Bord Pleanála for the following reasons;
 1. Materially contravenes strategic development plan policies.
 2. Conflict with zoning designation where there is a specific zoning objective for office based industry.

5.0 Policy Context

5.1. Development Plan

The operational development plan is the Cork County Development Plan, 2014 – 2020.

5.2. Local Area Plan

The operational Local Area Plan is the Cobh Municipal District Area Local Area Plan, 2017. In accordance with the settlement map for Little Island the subject site is located within the settlement boundary and zoned 'Existing Built Up Area'.

5.3. National Policy

5.3.1. National Planning Framework, 2018

The National Planning Framework, 2018 – 2040, recommends compact and sustainable towns / cities, brownfield development and densification of urban sites.

6.0 The Appeal

6.1. The following is the summary of a third-party appeal submitted by **Fran O'Sullivan & Mick Mulroy**.

- The proposed development is situated on higher ground than the appellants property.
- The proposal will be 2.2m higher than the appellant's property.
- The single storey adjoining property will be dwarfed by the proposed development.
- The proposal will overlook and invade privacy of adjoining residential properties.
- The creation of a plaza to the front of the proposed building results in the appellant's property becoming isolated and closed in.

- Any proposed tall building shall be located as far back from a residential property as possible.
- It is considered that the proposed terracotta finish would not integrate with the existing landscape proposals and a darker finish would be more suitable.
- It is contended that noise from the N25 will reflect towards the appellant's property.
- There are no proposed measures to address tonal noise from the plant rooms.

6.2. The following is the summary of a third-party appeal submitted by **Carmel O'Sullivan**.

Scale

- The proposed development represents significant visual intrusion on the skyline and is not in keeping with the character of the area.
- The proposal is 3 – 4 storeys in height whereas the buildings in the business park are generally 2-storeys high. There are some 4-storey buildings located to the west but these buildings are situated some 500m away and are situated on the low part of the Island.
- The proposed development will result in overlooking and as such will reduce the value of property.
- It is contended that the submitted photomontage does not represent the scale of the proposed development.

Development Density

- It is submitted that the employment occupancy of 706 persons is inaccurate. It is contended that having regard to mean office density that the actual office density, having regard to the floor area of the proposed development, would be somewhere in the region of 1000 – 1200 persons.
- It is submitted that the overall employment numbers in Little Island is likely to result in a substantial increase in commuter traffic.

Access

- The submitted traffic analysis report uses an occupancy of 706 plus an additional 2000 allowance up to the year 2022 as per the Municipal District Local Area Plan.
- It is submitted that the potential employment numbers could be much higher calling into question the validity and findings of the traffic analysis studies.
- It is noted that allowing for the upgrade of the new Dunkettle Interchange that new traffic reduction measures will be required in the near future as road capacity will be reached.
- It is submitted that Mobility Management Plan cannot not be imposed on tenants.

Proposed Cyclist & Pedestrian Bridge

- It is submitted that the proposed high level bridge will overlook the appellants property and further reduce privacy.
- There is little scope to reposition or relocate the bridge as proposed.

Light and Noise Pollution

- There are no time restrictions on the use of the proposed building as such it is possible that the building will be used 24/7 and lit up overnight.
- Given the height of the proposed building there is potential for excessive light impact resulting in light pollution.
- There is no noise screening on the N25.
- Noise levels locally are very high and exacerbated by the nearby elevated ramp and overpass bridge.
- It is considered that the proposed building will reflect noise towards the appellant's property.

- It is contended that privacy will be adversely impacted by the proposed development due to overlooking.

6.3. The following is the summary of a third-party appeal submitted by **Padraig O'Sullivan**.

Traffic Congestion

- Peak traffic in Little Island is substantial and problematic.
- It is submitted that the Area Engineer's report excludes the consideration of the intermittent years of 2019 and 2020.
- Successive developments over the last number of years have resulted in a variable increase of 3–5% traffic volumes.
- There is a pending application (L.A. Ref. 18/7200) allowing for developments with an increase of 3-5% traffic volumes at peak times.
- These developments with estimated 600-1000 employees can only be deemed premature until the Dunkettle Interchange is upgraded.

Weakness of the Traffic and Transportation Study

- It is contended that there is a serious flaw in the preparation of the Traffic and Transport Study. The TTS estimates that the number of employees in Little Island is 8,600 however this is outdated as it relates to CSO in 2015.
- Both Little Island Business Association and Cork Chamber estimated employee numbers as 12,000 employees.
- This flaw undermines the recommendation in the Chief Executive's Report.
- Cork County Council have stated that the third entrance / exit to Little Island would be required should employment numbers exceed 12,000 persons.
- This issue should be explored further in the Inspector's Report.

Height / Scale of Building

- The appellant's properties, in this development, is completely overshadowed.
- The protected structure Ditchley (Radisson Hotel) is completely overshadowed.

- The Inspector is referred to a planning application concerning Casey's Furniture where a 2-storey building is considered excessive.
- The overbearing nature of the development is recognised in the Planner's and Senior Planner's Report.

Parking

- The distinct lack of car parking is a serious concern.
- The common car parking area is overloaded.
- A previous refusal of an foreign owned foodstore is supportive that car parking capacity is inadequate.
- The Healthcare offices both suffer from a lack of car parking options.

Environmental Report

- It is a concern that the issues raised by the Environmental Engineer regarding the WWTP at Carrigrennan have not been adopted.
- The report states that the WWTP at Carrigrennan is non-compliant and in breach of its EPA Licence since the plant was constructed some 15 years ago.
- The WWTP discharge is to Lough Mahon and the current status of this water body is moderate.
- It is unknown how Cork County Council will grant permission for this development in Little Island and indeed Cork Harbour when the WWTP is non compliant.

Ecologist Report

- The Ecologist is uncertain whether the waste water management proposals associated with the proposal pose a risk of impact to the Great Island Channel SAC.
- It is recommended that the EPA is consulted regarding the risks posed by continual breach of Licences by Irish Water owned plant and full clarity on how IW will attempt to tackle the issue.

7.0 Response

The following is the summary of a response submitted by the applicant's agent;

Traffic, Parking & Mobility Management

- It is submitted that the traffic volumes submitted by Little Island Business Association and Cork Chamber is based on a belief rather than evidence.
- The traffic volumes included in TTA are based on actual counts and modelling for the existing junction serving Eastgate / Little Island which is currently been upgraded to improve capacity.
- Based on the traffic modelling analysis the TTA provides a comprehensive assessment of traffic impact including traffic generated by the proposed offices and an assessment of the impact on the road network.
- The results of the assessment indicate a moderate impact on the roads network in the short term and will operate within capacity post completion of Dunkettle junction.
- There is a slight impact on the network during the design year.
- The 2025 'with development' scannerio show slight to moderate increases on the 'without development scannerio'.
- The TTA assumptions in relation to car trips are conservative.
- The TTA includes a bespoke 'development-wide' MMP which is based on car-sharing and more sustainable modes of transport.
- An office management company will be established to implement the MMP as follows;
 - Information on alternative modes of transport
 - Travel packs and details of public transport
 - Promotion of bike to work scheme
 - Preferential parking for car pooling.
 - Provision for 3 no. electric charge points

- Allow flexible start / finish times as well as work from home options
- A mobility manager will be appointed for the implementation of the above.
- A very significant financial contribution has been levied towards the provision of a footbridge. This bridge will provide a direct connection to the Little Island train station. As such the proposed office development will be appropriately located.
- The proposed car parking and cycle parking provision is acceptable.

WWTP at Carrigrennan

- The WWTP has a current PE design capacity of 413,000 and current loading is 325,748 PE.
- There is therefore sufficient capacity to accommodate the proposed development and other developments.
- The submission from Irish Water (IW) states that the proposed development does not have a negative impact on water quality discharging to the Harbour and the upgrade of the WWTP at Carrigrennan is planned under the current Irish Water's Capital Works Projects to add phosphorous / nitrogen removal prior to discharge.
- The Council Director of Services has clarified that connection to the WWTP at Carrigrennan is not an issue from an environmental or appropriate assessment perspective based on;
 - Carrigrennan has capacity.
 - Discharge from the WWTP does not have an observable negative impact on water quality.
 - The proposal is not likely to have significant effect on any European site.
 - Irish Water have no objections to the proposed development.

Scale of Proposed Development

- The County Development Plan identifies Little Island as a Strategic Employment Centre.
- Objective LI-GO-01 of the LAP is relevant.
- The proposal is located within the 'existing built up area' in the Local Area Plan.
- The railway station provides 45 no. trains a day from Cork City (Monday to Friday) and 37 times at weekends.
- The applicant is to provide a financial contribution towards the provision of a public bridge.
- Financial contributions include (a) €317,435 was levied with condition no. 24 of ABP ref. 106226, (b) €230,000 was levied under condition no. 4 of the L.A. Ref. 18/6544.
- The proposal is screened by mature trees as well as landscaping.

Impact on sunlight

- The predominate landuse locally is non-residential.
- The proposal will not have a negative impact on adjoining residential amenities.
- Figures 3 & 4 demonstrate that there will be no overshadowing impact on the appellant's property from the proposed development.
- In the Senior Planner report it is considered that a separation distance of 30m is adequate.
- It is condented that the proposed development will have no noise emissions.

8.0 Planning Assessment

I would consider that the main issues of consideration are as follows;

- Principle of Development

- Building Height
- Impacts on Amenities
- Traffic / Access
- Services
- Appropriate Assessment
- EIA Screening

8.1. **Principle of Development**

- 8.1.1. The appeal site is located within an established Business and Retail Park, i.e. Eastgate Retail and Business Park, Little Island, Co. Cork. The appeal site is zoned 'Existing Built Up Area' in accordance with the provisions of the Local Area Plan.
- 8.1.2. Policy Objective LI-GO—01 of the LAP states that it is an objective '*to locate new business development within the development boundary, which will provide an additional 2,000 jobs up 2022*'. Policy Objective LI-GO-06 is also relevant and this states that future development shall not negatively impact upon the amenity enjoyed by existing residents.
- 8.1.3. The proposed office use is compatible with the zoning objectives and the policy objectives of the LAP.
- 8.1.4. Therefore having regard to the location of the proposed development within an established business park I would consider that the principle of the proposed development would be acceptable provided that the proposal adequately safeguards the residential amenities of the properties in the local area, and would be in accordance with the county development plan objectives.

8.2. **Building Height**

- 8.2.1. The scale and height of the proposed development are raised as concerns and also consequential overshadowing impacts on established residential amenities. I will examine overshadowing implications in section 8.3 below.
- 8.2.2. The proposed office development comprises of 3 no. office blocks with a Plaza centrally located between all 3 no. office blocks. The proposed plaza is south facing and therefore will benefit from its orientation which will add to the amenity value of this space.
- 8.2.3. The proposed office building no. 1 is the most southern office block. This proposed office block is 4-storeys in height and the external materials comprise of glazing on the southern elevation and aluminium cladding panel finishes on the northern part of the block. The design also includes a slender mid section which is finished in a terracotta red.
- 8.2.4. The proposed office building no. 2, situated in the north-east corner of the appeal site is 3-storeys in height. The external finishes of office building no. 2 are similar to office building no. 1. The proposed building no. 3 is 4-storeys in height and the external finishes are similar to both building no. 1 and building no. 2 proposed.
- 8.2.5. I would note from the Planner's Report that there are a number of precedents for four-storey office buildings within the Eastgate Retail and Business Park Eastgate Retail and Business Park. This includes planning ref. 07/7191 and planning ref. 16/7063. I also noted from my site inspection that there is a 3-storey building located to the immediate west of the appeal site.
- 8.2.6. The proposed development would not be visible from the N25 having regard to a significant buffer of mature trees and also given that the N25 is situated at a lower level than the appeal site. I would acknowledge that the submitted photomontages conclude no significant adverse impacts or adverse visual impacts. Also I would

consider that the proposed design which is contemporary in nature and the mix in external finishes dilutes the scale of the proposed development. I would also have regard to national policy in the National Planning Framework, 2018, where there is a strategic objective to densify brownfield development employment uses. The proposed office development is located within relatively close proximity to the Little Island train station and the business park will benefit from a future proposed pedestrian bridge providing access from the business park to the commuter rail station.

8.2.7. Overall I would conclude that the building height and scale of the proposed development is acceptable.

8.3. **Impact on Amenities**

8.3.1. There is an access road situated to the east of the appeal site. This access road provides access to a builder's providers and an adjacent hotel. The access road also provides access to two residential properties.

8.3.2. The nearest point or elevation of building no. 2 to the nearest residential property is approximately 44 metres from the. The subject residential property is located on a lower level than that of the office building as the gradient of the local area falls in a north east direction. The proposed development includes perimeter landscape planting which will provide screening. I would note from the submitted drawing no. 1007 and the submitted Landscape Layout Plan (drawing no. 4000) that there is a gap in the landscape planting and this gap provides for a direct view from the proposed development towards a residential property. I would recommend to the Board, should they favour granting permission, that the entire north east boundary includes landscape planting.

8.3.3. I note and accept that proposed office building no. 2 is a higher building than the nearby residential property. However building no. 2 is 3-storeys in height which is 1-storey less than the remainder of the proposed development and this reduction in

height would mitigate the overall impact of the proposed development on adjoining residential amenities relative to other proposed buildings.

8.3.4. In terms of overshadowing concerns I would note that the proposed office buildings are located on the sunpath of 2 no. residential properties. The first party response submission includes shadow diagrams indicating overshadowing from the proposed development on March 21st, June 21st and December 21st. I would note from these shadow diagrams that overshadowing on any of the established residential properties is not a significant issue.

8.3.5. Overall I would conclude that having regard to the separation distance of the proposed development to residential properties, the 3-storey height of proposed office building no. 2 and landscape proposals, and furthermore considering the the zoning objective of the appeal site that the proposed development would not be seriously injurious to residential amenities.

8.4. **Traffic / Access**

8.4.1. The proposed office development provides a total of 378 car parking spaces which is significantly below the maximum of 792 car parking spaces required in accordance with the Cork County Development Plan, i.e. 1 space per 17 sq. m. plus an additional 10% for visitor car parking.

8.4.2. The application documentation includes a Transport Assessment which concludes, on the basis on traffic modelling, that the road network will experience capacity issues without the construction of the Dunkettle Interchange Upgrade Works. Furthermore the TA concludes that the proposed development to the network would have moderate impact on the operation of the network.

8.4.3. However the Traffic Assessment concludes that the 2020 network post-completion of the Dunkettle interchange will operate well within capacity. The TA concludes that in 2020 with the introduction of the Dunkettle Roundabout the difference in delays and

journey times etc. is negligible. However, there is a trend emerging with development scenario shows slight to moderate increases in the network as the network is beginning to show capacity issues during pm peak and this trend continues with the 2040 modelling.

8.4.4. I note the report from the Area Engineer has no objections to the proposed development and concludes that the car parking provision is acceptable. The Local Authority Traffic and Transport report concludes that the submitted Transport Assessment is acceptable however recommends that the application is levied for a special contribution for a sum of €230,000 towards the cost of cycle and pedestrian connectivity to and from the site. The provision of this bridge is a policy objective of the LAP, i.e. LI-U-01.

8.4.5. The application documentation includes a Mobility Management Plan. I have reviewed this plan and I would consider it includes credible proposals to provide for more sustainable modes of transport. I would recommend to the Board, should they favour granting permission, that the proposals in the MMP are implemented by means of condition.

8.4.6. Overall I would conclude that the applicant has included adequate proposals to mitigate the traffic impacts of the proposed development.

8.5. **Services**

8.5.1. It is proposed to connect the proposed development to the public water mains and the public foul sewer. The Environment Report on the file, dated 16th November 2018, indicates that there is adequate capacity in the wastewater treatment plant for the proposed development. I would also note that Irish Water have no objections.

8.5.2. I would consider, based on the information available, that the proposed development would be adequately served by the public water mains and the public foul sewer.

8.6. Appropriate Assessment

8.6.1. The purpose of the Appropriate Assessment Screening is to determine, on the basis of a preliminary assessment and objective criteria, whether a plan or project, alone or in combination with other plans or projects, could have significant effects on a Natura 2000 site in view of the site’s conservation objectives. The ‘Appropriate Assessment of Plans and Projects in Ireland’ Guidelines for Planning Authorities, 2009, recommend that if the effects of the screening process are ‘significant, potentially significant, or uncertain’ then an appropriate assessment must be undertaken.

8.6.2. The following is a list of protected sites within close proximity to the appeal site;

Site	Code	Distance	Conservation Interest
Great Island Channel SAC	004162	850m	<ul style="list-style-type: none"> - Mudflats and sandflats - Atlantic Salt Meadows
Cork Harbour SPA	004030	700m	<ul style="list-style-type: none"> - Little Grebe - Great Crested Grebe - Cormorant - Grey Heron - Shelduck - Wigeon - Teal - Pintail - Shoveler - Red-breasted Merganser - Oystercatcher - Golden Plover - Grey Plover - Lapwing - Dunlin - Black-tailed Godwit - Bar-tailed Godwit - Curlew - Redshank - Black-headed Gull - Common Gull - Lesser Black-backed Gull - Common Tern - Wetland and Waterbirds

- 8.6.3. The appeal site located within a built up area and the site is almost entirely grassed with little other vegetation. The appeal site given its location within an busy industrial and commercial area, the lack of suitable foraging habitats, is not likely to provide a suitable habitat for the qualifying interests of the Cork Harbour SPA and as such the proposed development is not likely to have any significant effects on the conservation objectives of Cork Harbour SPA.
- 8.6.4. The proposed development will be connected to public water mains and the public foul sewer. There is no watercourse on the site or adjoining the site as such there is no pathway from the site to the Great Island SAC. Also having regard to the qualifying interests, i.e. mudflats and sandflats and atlantic salt meadows, the proposed development is not likely to significantly effect the SAC. Finally, I would acknowledge the internal Local Authority reports from the Environment Section and the Ecologist I would consider on the balance of information available that the proposed development would not be likely to have a significant effect on any European Site.
- 8.6.5. The applicant completed an AA Screening Report and concluded that the proposal would not be likely to have a significant effect on European sites.
- 8.6.6. I would consider that it is reasonable to conclude that based on the information on the file, which I consider adequate to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European Sites, i.e. site code 001038 and site code 004030, in view of the sites conservation objectives and a stage 2 AA is therefore not required.

8.7. **EIAR Screening**

- 8.7.1. Part 10, Part 2 of Schedule 5 sets out Infrastructure Projects that would require an EIAR. The overall floor area of the proposed office development is 12,233 sq. metres on a site measuring 1.64 ha. The total provision of car parking spaces is no. 378.

- 8.7.2. Having regard to the size of the appeal site an EIAR would not be required.
- 8.7.3. Based on the information on the file, which I consider adequate to issue a screening determination, it is reasonable to conclude that there is no real likelihood of significant effects on the environment arising from the proposed development and an environmental impact assessment is not required.

9.0 Recommendation

- 9.1. I have read the submissions on the file, visited the site, had due regard to the County Development Plan, Local Area Plan and all other matters arising. I recommend that planning permission be granted for the reasons set out below.

10.0 Reasons and Considerations

Having regard to the zoning objective for the site as set out in the Cobh District LAP, 2017, the Cork County Development Plan, 2014, the National Planning Framework, 2018 – 2040, and the overall scale, design and height of the proposed development it is considered that, subject to compliance with the conditions set out below the proposed development would not seriously injure the visual amenities of the area or of property in the vicinity, would not have a detrimental impact on the environment, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and 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. Details including samples of the materials, colours and textures of all the external finishes, signage and lighting to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. The applicant shall implement the measures outlined in the Mobility Management Plan and to ensure that future tenants of the proposed development comply with this strategy. A Mobility Manager for the overall scheme shall be appointed to oversee and co-ordinate the preparation of individual plans. The Mobility Manager shall carry out travel habit surveys of staff and identify actions for the applicant and future tenants of the development, so that progress towards meeting the targets set out in the plans can be maintained. This review may, from time to time, result in adjustment targets. The review will be carried out in consultation with Cork County Council.

Reason: It is the policy of the Local Authority to ensure sustainable travel for proposed centres of employment.

4. The car park hereby approved shall be retained for ancillary and associated use by the occupiers of the premises and shall not be sold, rented or otherwise sub-let or leased to other parties.

Reason: In the interests of sustainable transportation.

5. That all necessary measures be taken by the contractor to prevent spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

6.

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Adequate provision is to be made to facilitate access to, and the use of the development, buildings, facilities and services by disabled persons. The minimum requirements to be provided shall be as set out in 'Access for the Disabled - Minimum Design Criteria' published by the National Rehabilitation Board.

Reason: In the interest of safety and amenity.

7. Activities at the site shall not give rise to noise levels off-site, at noise sensitive locations, which exceed the following sound pressure limits (Leq,T):

Day 55dB(A) $L_{Aeq(30\text{ minutes})}$ (0800 hours to 2200 hours).

Night 45dB(A) $L_{Aeq(30\text{ minutes})}$ (2200 hours to 0800 hours).

Noise levels shall be measured at the noise monitoring locations. Monitoring results shall be submitted to the Planning Authority on a quarterly basis per year.

(b) There shall be no tonal or impulsive noise at noise sensitive receptors during night-time hours due to activities carried out on site.

Reason: To control emissions from the facility and provide for the protection of the environment.

8. Lighting shall be in accordance with a scheme, which shall be designed to minimize glare and light pollution, and which shall be submitted for the written agreement of the planning authority prior to commencement of development.

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

9. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

Reason: In the interest of orderly development and the visual amenities of the area.

10. The vehicular access and the internal road serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such road works.

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

11. Provision for a controlled zebra pedestrian crossing shall be constructed by the Developer on the main spine road through the Eastgate Development.

Reason: In the interest of pedestrian safety.

12. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

13. Water supply and drainage arrangements, including the 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 to ensure a proper standard of development.

14. Prior to the commencement of development the developer shall submit, and obtain written agreement of the planning authority to, a plan containing details of the management of waste (and, in particular, recyclable materials) within the development including the provision of facilities for the separation and the collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities.

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

15. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to the commencement of development. This scheme shall include the following:-

- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
- (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
- (c) details of proposed street furniture, including bollards, lighting fixtures and seating;
- (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

16. Prior to commencement of development, a landscaping scheme shall be submitted to the planning authority for agreement. This scheme shall include details of all existing trees and hedgerows on the site, specifying those proposed for retention, together with measures for their protection during the period in which the development is carried out. The site shall be landscaped in accordance with the agreed scheme, which shall also include a timescale for implementation.

Reason: In the interest of visual amenity.

17. Prior to the commencement of development, the developer shall submit details of all boundary treatment for the agreement of the planning authority. This shall include provision for landscape planting along the north-eastern boundary.

Reasons: In the interest of protecting residential amenities.

18. The site and building works required to implement the proposed development shall only be carried out between 0800 hours and 1800 hours, Monday to Friday and between 0900 hours and 1600 hours on Saturday. No work shall be carried out on Sundays, Bank Holidays or Public Holidays.

Reason: To protect the residential amenities of the area.

19. The developer shall pay to the planning authority a financial contribution in respect of Cobh / Middleton – Blarney Suburban Rail Project in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Bord 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

20. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of works proposed to be carried out, for the provision of construction of a pedestrian / cyclist bridge over the N25. The amount of the contribution shall be agreed between the planning

authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

21. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Kenneth Moloney

Planning Inspector

21st May 2019