



An  
Bord  
Pleanála

# S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

## Inspector's Report ABP-304367-19

---

### Strategic Housing Development

472 no. residential units (234 no. houses, 238 no. apartments), crèche and all associated site works

### Location

Castletreasure/Maryborough  
(townland) Carr's Hill/Carrigaline Road  
(R609), Douglas, Co. Cork

### Planning Authority

Cork City Council

### Applicant

Cairn Homes Properties Ltd.

### Prescribed Bodies

Irish Water  
Transport Infrastructure Ireland

### Observer(s)

Alexander Zhdanov

Barry McDermott  
Brian and Rebecca MacSweeney  
Castletreasure Homes Management  
Company Ltd  
Catriona and Kevin O'Sullivan  
Douglas Golf Club  
Douglas Hurling and Football Club  
Dr Mark Smith  
Eoin Culhane  
Gilda and Rory Morrison  
Ian Bisby  
Johannes Ahlmann  
Keelin O'Donoghue  
Kevin McCarthy  
Lorna Bogue  
Mary Rose Desmond  
Padraig Sheehan  
Sean and Marie O'Driscoll  
Shane Sullivan  
Vicarage Residents Association

**Date of Site Inspection**

10<sup>th</sup> June 2019

**Date of Oral Hearing**

19<sup>th</sup> September 2019

**Inspector**

Una O'Neill

## **Contents**

|                                     |    |
|-------------------------------------|----|
| 1.0 Introduction .....              | 5  |
| 2.0 Oral Hearing .....              | 5  |
| 3.0 Assessment .....                | 13 |
| 4.0 Recommendation.....             | 17 |
| 5.0 Reasons and Considerations..... | 17 |
| 6.0 Conditions.....                 | 18 |

## 1.0 Introduction

- 1.1. This is an addendum report and should be read in conjunction with the previous Inspector's report prepared in respect of the proposed strategic housing development ABP-304367-19 and submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016 as amended.
- 1.2. Pursuant to Board Direction BD-003755-19, an Oral Hearing was held in respect of Storm Water Management. A limited agenda issued to all parties and the main items to be addressed at the Oral Hearing were as follows:
  - Further clarification regarding site specific information in relation to the proposals for storm water management, including ground investigation information and infiltration tests and details as to the proposed extent and type of SuDS measures to be implemented, which will control the volume of surface water run-off.
  - Further clarification regarding how the stormwater outflow arising from the development can be limited, such that it would be in accordance with the requirements of the Greater Dublin Regional Code of Practice for Drainage Work (Volume 2 New Development version 6.0), or that the site when developed can be adequately and sustainably drained so as not to result in any significant environmental effects on the quality of the receiving waters as a result of the potential increased discharges to the Moneygurney stream, or such as to give rise to an increased risk of flooding downstream at Ballybrack Stream.

## 2.0 Oral Hearing

### 2.1. Introduction

- 2.2. An Oral Hearing was held in the Metropole Hotel, Cork City, on 19<sup>th</sup> September 2019 commencing at 10.00am and finishing at 13.45 pm approximately. The hearing, in the main, comprised of a verbal presentation on behalf of the applicant presented by Mr Tom Halley (McCutcheon Halley Planning Consultants) and Mr Declan White, Engineer (JBA Consulting). Also present for the applicant were Mr Aidan McLernon

(Cairn Homes), Daibhi Mac Domhnaill (Cairn Homes), Padraig McElwain (JB Barry) and Tim Finn (JB Barry).

2.3. Cork City Council was represented by Mr Simon Lyons, Senior Executive Engineer and Ms Martina Lyons, Executive Planner, who responded to various queries throughout the Hearing as they arose. Also present for Cork City Council were Mr John A. Murphy, Ms Helena O’Riordan and Kevin O’Connor.

2.4. Submissions from observers were made on behalf of Douglas Golf Club, The Vicarage Residents Association, and a resident of Berkeley Court.

**2.5. Submission by Tom Halley, McCutcheon Halley, on behalf of the Applicant**

2.5.1. Mr Halley gave an overview of their submission at the Oral Hearing, which is summarised hereunder.

2.5.2. In response to the Board’s limited agenda for this Oral Hearing, the applicant engaged JBA Consulting Engineers to undertake an independent Stage 1 Stormwater Audit of the drainage proposals submitted to the Board as part of the application, which was originally designed by JB Barry Engineering Consultants as part of the SHD application.

2.5.3. The findings of the audit, which is an appendix to the applicant’s submission to the Oral Hearing, have been used to form a response to the each of the items raised in the Board’s agenda for the Oral Hearing.

2.5.4. A document is submitted and the details of the submission will be read into the record by Mr Declan White of JBA (summarised hereunder and as can be heard on the recording).

2.5.5. QBAR and associated attenuation volume calculations have been revised and increased storage accommodated in the scheme as per the drawings submitted. This has had no material impact on the layout of the scheme. Changes have been reviewed in context of the EIAR and NIS submitted and the design team has determined there are no material impacts.

2.5.6. Infiltration tests have been undertaken. SuDS is viable on the site. A number of measures are proposed, with additional measures proposed which make no material change to the scheme.

2.5.7. There is no formal SuDS strategy required by Cork City or County Councils, but the proposal complies with GSDSDS, which is best practice in terms of storm water.

2.5.8. A standard condition is appropriate to address the issue of SuDS, however, it is suggested that a more bespoke condition as set out in the submission document would be acceptable to the applicant.

2.6. **Submission by Declan White, JBA Consulting, Engineer, on behalf of the applicant**

2.6.1. Mr Declan White, Principal with JBA Consulting Engineers, read into the record the applicant's detailed response to the limited agenda as set by An Bord Pleanála (section 3 and 4 of the applicant's submitted document). The following is a brief synopsis of that submission:

- Site Specific Information: It is stated by the applicant at the hearing/in the submission document that the results of the ground investigation and infiltration testing indicate that infiltration of storm flows can be expected across the site and that the proposed source control/interception type SuDS measures are viable throughout the scheme, such that initial runoff to the receiving watercourses can be prevented, thus providing enhanced water quality protection for the receiving watercourse. The results of the infiltration tests at three trial holes locations are set out in table 3-1 of the submission. The results tie in with the soil classification of soil type 2, where you would expect some level of infiltration throughout the site for this soil type. JBB calculations are cognisant of the infiltration you would expect and infiltration characteristics of the site.
- Detailed SuDS Strategy: Four drawings are submitted which show the extent and type of SuDS measures proposed, namely an Overall SuDS Drainage Plan, Drainage Site Layout, Typical House Section/Detail, and Typical Landscape/SuDS Detail.
  - The SuDS strategy has been extended from what previously submitted.
  - Discharge rate to be limited to QBAR for all rainfall events up to and including the 100 year storm event.
  - Attenuation storage to be provided up to the 100 year storm event allowing for 10% climate change.

- Hydrocarbon interceptor and grit chambers to be used upstream of attenuation storage areas.
- Provision of interception storage by the provision of:
  - Soakpits in the rear garden of individual dwelling units to take roof water.
  - Permeable paving to all driveways and other car parking areas.
  - Tree pits at suitable locations along proposed internal access roads.
  - Green roofs for Apartment Blocks A to D.
  - JB Barry QBAR calculation for attenuation storage is appended to the report.

Soakpits and green roofs are the additional SuDS measures proposed to address run off from roads and roofs, which had not been factored into the original application.

- SuDS Implementation
  - The applicant proposes that a detailed design will be undertaken by way of agreement with Cork City Council and that this could be addressed by way of condition. A Stage 2 Stormwater Audit is proposed to be undertaken to ensure all drainage and SuDS measures are fully designed and can be implemented throughout the site. Within 6 months of substantial completion of the development, a Stage 3 Completion Stage Stormwater Audit will be undertaken and submitted to the planning authority to demonstrate that SuDS measures have been installed and are working as designed and that there are no misconnections or damage to stormwater drainage infrastructure during construction.
- Control of Surface Water Runoff:
  - Revised calculations for QBAR are shown for the three separate catchments in table 3.3 in the submission. It is stated in the submission that the greenfield runoff and associated attenuation storage for the three stormwater drainage networks has been revised to discharge at QBAR for all rainfall events up to and including the 1 in 100 year storm event plus



10% climate change as per the GDSDS with proposed QBAR representing a substantial reduction in the peak greenfield runoff/discharge rates from the development. The corrected attenuation storage units are indicated on the drawing titled Drainage Site Layout.

- With regard to the discharge rate in relation to Douglas Flood Relief Scheme, QBAR for all storm events as now proposed which will result in reduction of flood risk.
- Management of Stormwater Outflows/Discharges:
  - Measures to control outflow: The discharge from the individual attenuation devices will be controlled to QBAR via a hydrobrake flow control device. Attenuation storage will be via stormtech devices.
  - Compliance with GDSDS is not required by Cork City Council and they accept higher discharge rates, however, the proposal has been amended to require attenuation of flow to QBAR which is best practice/in line with GDSDS, including compliance with four criterion set out in section 6.3.4 of GDSDS in relation to water quality, river regime protection, level of service (flooding for the site) and river flood protection.
  - Various SuDS measures are now proposed which will improve water quality prior to discharge to water courses and the initial 5mm of rainfall will be prevented from discharging from the site, thereby ensuring water quality of the receiving water is preserved.
  - Measures to avoid significant environmental effect on the quality of receiving waters: Pre-construction and construction drainage management have been considered, as set out in the EIAR and in the submission at the Oral Hearing. Post construction, the first flush of pollutants in the early stages of a storm event will be intercepted by the various SuDS measures and associated runoff to the receiving waters will be prevented. In addition a hydrocarbon interceptor and upstream grit chamber will be provided which will provide further treatment of the surface water prior to the discharge to the receiving waters.

- Measures to avoid increased risk of flooding further downstream: The adoption of QBAR for all storm events is very conservative and much less than the peak 30 year and 100 year greenfield runoff rates as shown in table 3.2. The SuDS measures as proposed will provide for infiltration and coupled with the attenuation and discharge rate, the time to peak for site flows is substantially increased with the subsequent reduction in the sites contribution to the catchment's overall response. As the discharge from the site is now limited to QBAR, there is no potential for flooding and there will be a reduced risk of flooding downstream.

2.6.2. A response to issues raised by third parties in original application –submission by JMCCarthy:

- Allowable discharge rates discussed.
- Rainfall data used for Sneem Co Kerry was overestimated which would result in increased size of tanks which would be one third full in a significant rain event.
- Revised attenuation storage submitted by applicant is in terms of QBAR.
- Runoff coefficients used by JBB now in the calculations are shown in table 4.3.
- There will be no increased flood risk downstream as queried by the Board. There is a reduction in flow rates now, given the use of QBAR for all storm events.

2.6.3. A response to issues raised by Douglas Golf Club in the original application:

- There is one drain entering the site. There is extensive overgrowth in that area. The issue can be addressed by culverting and diversion around proposed apartment building. A drawing in relation to this proposal is set out in appendix 6.3.

2.7. **Comments from Cork City Council**

2.7.1. Simon Lyons, Senior Executive Engineer:

CCC are satisfied with proposal for QBAR over Q100. It is noted that the catchment area has also been reduced. These assumptions are considered robust. Douglas Flood Relief Scheme has commenced construction and this is an improved downstream situation. CCC are satisfied with a condition to address issues raised, such as SuDS. Works during construction should be controlled in accordance with

criteria guidelines. In terms of golf course drainage, this could be dealt with by condition, however clarification in terms of how it would be treated is warranted, in conjunction with the golf club.

2.7.2. Martina Foley, Executive Planner: Section 3.2.3 refers to the EIAR – question posed as to whether the NIS has been looked at also in terms of extra information and extra work of tank areas. The original submission by Cork City Council stands in relation to all other matters not raised here.

2.7.3. Applicant Response: EIAR and NIS was reviewed in terms of attenuation and there are no material impacts. Construction tanks will be stormtech and no concrete pours will be required.

2.8. **Submission on behalf of Douglas Golf Club by Brian Murphy MHL and Associates Ltd, Consulting Engineers**

2.8.1. The submission on behalf of Douglas Golf Club was read into the record by Mr Brian Murphy Consulting Engineers and is summarised hereunder. The Golf Club was also represented by Mr Barry Galvin.

2.8.2. There are three surface watercourses which have historically flowed from Douglas Golf Course lands across the R609 and through the applicant's site into the Moneygurney Stream. These watercourses have likely served to drain the golf course lands since the establishment of the golf club and have not been taken into account in the application and the EIAR. The golf club had historically a leasehold over the applicant's lands and it was likely that these drains were created then. Flows from the R609 also flow into one of the culverts into the applicant's lands. Ground water, spring water and surface water are accommodated within these watercourses.

2.8.3. The applicant has not factored in these culverts/surface watercourses in their design and does not appear to know that they exist. Figure 2.4 of the submission shows the watercourses overlain onto the proposed site layout plan, with one of the watercourses directly flowing into one of the proposed apartment buildings. The GDSDS does not allow for culverting of watercourses and it is likely the watercourses flow to and supplement the wetland area on the applicant's site. Failure to design for and integrate these watercourses into the applicant's design

presents a risk to the operation of the Douglas Golf Club and a risk to road safety conditions on the R609.

## **2.9. Submission by Mark Smith on Behalf of the Vicarage Residents Association**

- 2.9.1. An oral and written submission was presented by Mark Smith on behalf of The Vicarage Resident's Association and is summarised hereunder.
- 2.9.2. Templegrove/The Vicarage is significantly lower in level to the development proposed with potential for the development to impact on these existing developments in terms of surface water. These existing developments have been affected in the past by flooding from surface water runoff from the applicant's site to Templegrove/The Vicarage. Large areas of natural drainage are being removed as well as lots of topsoil stripping and large areas of cut/fill.
- 2.9.3. There are discrepancies in the data presented by Cairns Homes against that presented by the experts engaged by The Vicarage Residents Association. The third parties have not been given an opportunity to review the data as presented by Cairns Homes at the Oral Hearing in advance of the Oral Hearing and their expert was not available for today. The process seems unfair to the public with no opportunity to review information in advance of the applicant's submission.
- 2.9.4. An Bord Pleanála and the Council need to independently review the issues of stormwater and any required mitigation must be incorporated on behalf of local residents. It is difficult to correct stormwater post development, it needs to be corrected now. Concern was raised that the city council were not afforded sufficient time to review the original application as stated in their submission to ABP and also concerns raised in relation to location of attenuation areas. An indepth analysis of the numbers presented by Cairns has not been undertaken by the Council. Significant under-sizing of attenuation volume and under assessment of rainfall data undermines the overall proposal.

## **2.10. Submission by Pádraig Sheehan of 2 Berkeley Court**

- 2.10.1. A verbal submission was made by Pádraig Sheehan. Concern was raised in relation to the outflow from the attenuation tank and where it terminates/where the outfall is as it is not clear from the drawing submitted. Concern was raised in relation to potential downstream impacts and flooding of the area and potential of flooding from the attenuation tanks.

### 3.0 Assessment

- 3.1. This report should be read in conjunction with the previous Inspector's report prepared in respect of the proposed strategic housing development ABP-304367-19, dated 1<sup>st</sup> August 2019. Following the holding of an Oral Hearing on 19<sup>th</sup> September with a limited agenda relating to storm water management, I have assessed and reviewed the information presented at the Oral Hearing relating to storm water management having regard also to the original submission, the EIAR and the NIS.
- 3.2. The applicant submitted a document in response to each point of the limited agenda issued by An Bord Pleanála for the Oral Hearing. The applicant appointed JBA Consulting Engineers to undertake a peer review of the stormwater design issued by JB Barry as part of this planning application. The presentation and document submitted to the Oral Hearing contains in Appendix 6.1 the results of the Stormwater Audit, with Appendix A 'Audit Trail Record' detailing the questions posed by JBA to JB Barry and the responses to those questions which resulted in some amendments to the stormwater design scheme. Supporting drawings and calculations are set out in Appendix 6.2 and 6.3 respectively.
- 3.3. The applicant's response to the identified issues relating to stormwater management, resulted in proposals for a reduction in the allowable discharge rate from the individual attenuation devices to QBAR for all storm events; increase in the size of the attenuation areas and a new attenuation area to the west of the site in the parking area associated with the duplex units labelled Block E; addition of other SuDS measures of soakaways in rear gardens to cater for roof drainage, tree pits for drainage of roads, and green roofs to the apartment blocks, all of which provide for additional source control/interception which will also improve water quality; provision for a low bund to intercept exceedance in the central spine parkland in the case of a significant storm event; and also proposal to cater for redirection of one water drain entering the site from the Douglas Golf Course. The appendix 'Audit Trail' sets out the various questions posed by JBA in relation to the peer review and responses/amendments by the applicant as a result of the peer review.
- 3.4. A discussion arose at the Oral Hearing with Douglas Golf Club, whereby the Golf Club demonstrated there are three culverts on the applicant's site which contain water from the golf club site and which were not referenced by the applicant in their

application. The applicant was aware of one culvert only and provided a drawing at the Oral Hearing for the drain to be diverted away from the proposed apartment building adjoining the R609 and redirected back into the Moneygurney Stream. The applicant stated that it is not the applicant's intention to block any drains and the two drains not previously identified could similarly be diverted and redirected to the Moneygurney Stream at detailed design stage and surveys would be required to determine flow rates. It is noted that outfalls are setback from the stream, as is the case in all instances of outfalls on site, to allow for some natural drainage. Concerns were raised that the volume of the three culverts coming into one point could negatively impact on the Moneygurney Stream and flood risk. Having considered the information before me, I am satisfied that the presence of these drains has now been highlighted and the issue of how these drains are managed into the future can be addressed by way of condition to ensure no significant impact on the Moneygurney Stream .

- 3.5. The issue of runoff data, scale of attenuation areas, and rainfall data used was raised as an area of concern at the Oral Hearing. The observers questioned the veracity of the applicant's figures and suggestion that a 300% difference in figures exists due to a difference in the rainfall data. The applicant states that rainfall depths was a factor in what caused the high numbers. The City Council/Mr Simon Lyons, Senior Executive Engineer, responded to queries around the data and indicated that the overall general calculations have been audited by them. The council are satisfied in relation to calculations behind the design and QBAR will aid in protecting downstream reaches of Moneygurney Stream. Rainfall data appropriate to Douglas area was considered by the Council and it was stated at the Oral Hearing that the value of 1200mm per annum for Douglas was used by the council in their background assessment. I note that Cork City Council stated that they reviewed the information on the basis of the local rainfall figures and greenfield runoff and they were satisfied that the applicant's figures were what they would have expected for this site. The Council are in agreement with the figures presented in relation to soil type and SPR value and the QBAR over the net catchment appears to the Council to be correct.
- 3.6. Overall, having considered all the information before me and the submissions by the applicant, Cork City Council, and the observers, I am satisfied that the background

data and calculations applied to the site are appropriate, limitations to outflow are in accordance with the GSDS, a suite of appropriate SuDS measures have been proposed, the quality and quantity of outflow has been considered, storm events have been taken into account in the design, and overall the proposals in relation to stormwater management will ensure surface water runoff will be managed and there will be no significant environmental effects on the quality of the receiving waters and no increased risk of flooding downstream at Ballybrack Stream.

- 3.7. With regard to the issue raised in relation to the location of the attenuation tanks and potential for difficulty with regard to access and maintenance, the applicant is satisfied that the tanks at the locations indicated are suitable and are accessible. I note in Appendix A Audit Trail, in response to the issue that attenuation areas are more advantageous under green areas than under paved areas, the applicant stated the larger attenuation area is located in a proposed grassed area and this is considered a reasonable approach given the very limited options available in this area with the 30m wide Irish Water wayleave, the existing stream and the presence of trees. It is further stated that the smaller attenuation areas are located at the downstream ends of these catchments where there is limited flat green space and where green areas are relatively difficult to access because of topography. The applicant confirmed at the oral hearing that play areas and trees can be provided for over attenuation areas, however, it was accepted there does appear to be a discrepancy with the location of some of the trees on the landscape plan which can be amended. I am satisfied that the issue of the location of the attenuation tanks, including the location of the new attenuation area, has been adequately considered as part of the overall design of the scheme. Outstanding issues in relation to landscaping and maintenance can in my view be addressed by way of condition.

#### Conclusion

- 3.8. The applicant, in my view, has responded satisfactorily to the main outstanding issues raised in relation to stormwater management in the previous Inspector's Report dated 1<sup>st</sup> August 2019. All other matters in relation to this application were assessed by me under the previous Inspector's Report dated 1<sup>st</sup> August 2019.
- 3.9. EIAR:

- 3.9.1. I have assessed the information submitted by the applicant, the planning authority, and observers at the Oral Hearing, in addition to the information which formed part of the original EIAR submission.
- 3.9.2. For the operational phase, implementation of additional SUDS measures are proposed to cater for runoff from roads and roofs, with the associated drawings identifying the retaining walls with drainage rill and a proposed low bund in the spine park to intercept exceedance. The use of QBAR and the increased area of attenuation tanks, upstream of proposed outfalls to the Moneygurney and Douglas Streams, in addition to the additional SuDS measures will ensure no downstream flood risk and the proposals presented will further protect water quality. The preconstruction and construction measures proposed are as set out in the EIAR and are in my view acceptable.
- 3.9.3. Having regard to the EIAR, as considered in the previous Inspector's report dated 1st August 2019, and all submission made at the Oral Hearing on the 19<sup>th</sup> September 2019, it is my view that the environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described and assessed. I consider that the EIAR is compliant with Article 94 of the Planning and Development Regulations, 2001, as amended.

3.10. Appropriate Assessment:

- 3.10.1. I have assessed the information submitted by the applicant, the planning authority, and observers at the Oral Hearing, in addition to the information contained in the original application relating to appropriate assessment and the submitted NIS.
- 3.10.2. During the operational phase of development, surface water runoff will be managed and controlled prior to discharge into the environment through SuDS measures which form a part of the overall stormwater drainage system. The NIS submitted states operational SuDS/the surface-water drainage system are specific to the site, proposed development, and Moneygurney and Douglas watercourses. I am satisfied that the information submitted at the Oral Hearing further elaborates on the site specific measures to be applied to the application site and that stormwater management measures proposed will serve to minimise potential operational phase runoff impacts into the wider downstream environment including Douglas Estuary/Lough Mahon transitional waterbody and associated Cork Harbour SPA.



3.10.3. I consider it reasonable to conclude on the basis of the information on the file and as submitted at the Oral Hearing on 19th September 2019, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site No. 004030 (Cork Harbour SPA), or any other European site, in view of the site's Conservation Objectives.

## 4.0 Recommendation

4.1. I recommend a **grant** of permission subject to conditions set out hereunder.

## 5.0 Reasons and Considerations

Having regard to the following:

- (a) the policies and objectives of the Cork County Development Plan 2014 and Ballincollig Carrigaline Municipal District Local Area Plan 2017,
- (b) the nature, scale and design of the proposed development,
- (c) the availability in the area of a wide range of social infrastructure,
- (d) the pattern of existing and permitted development in the area,
- (e) the planning history within the area,
- (f) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (g) the provisions of the Urban Design Manual – A Best Practice Guide, 2009,
- (h) the Sustainable Urban Housing: Design Standards for New Apartments, 2018
- (i) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013,
- (j) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (k) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density at this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development, would be acceptable in terms of stormwater management, as well as in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 6.0 Conditions

|    |   |
|----|---|
| 1. | <p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars received by An Bord Pleanála on the 19<sup>th</sup> day of September, 2019, 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. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interest of clarity.</p> |
| 2. | <p>Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with this application as set out in Chapter 14 of the EIAR 'Summary of Mitigation Measures', shall be carried out in full, except where otherwise required by conditions attached to this permission.</p> <p><b>Reason:</b> In the interest of protecting the environment and in the interest of public health.</p>   |
| 3. | <p>The proposed development shall be amended as follows:</p> <p>(a) The entrance to the site at the northwest corner adjoining Temple Grove apartments shall be redesigned to accommodate a footpath</p>  |

on both sides of the street up to the junction with the entrance to apartment Block A and shall be designed in accordance with the requirements of DMURS. The new footpath on its north/northeastern side shall tie in with the footpath at Temple Grove.

- (b) Apartments 319-327 shall be omitted from duplex block F.
- (c) The proposed boundaries of a 'low level wall, railing and hedge' between blocks E, F, G, and H and the adjoining public amenity spaces of the central spine parkland and the Douglas ecological corridor (as indicated on the site layout plan), shall be omitted and in its place a low level landscaped privacy strip shall adjoin all ground level patios to blocks E, F, G and H with further details of an open boundary arrangement or other agreeable solution to be submitted to the planning authority for their written agreement.
- (d) The roof plans of blocks A, B, C, and D shall be amended to provide for a designed and accessible roof top garden to each block, details of which shall be submitted to the planning authority for their written agreement.
- (e) The side elevation of dwelling 274 shall be redesigned as a dual aspect unit to provide for additional overlooking of the open space to the north of the unit.
- (f) Full elevational details and cross sections of all retaining walls across the scheme which address the public realm shall be submitted and these walls shall comprise a green landscaped wall finish where appropriate.
- (g) Details of privacy screens which shall be provided between balconies.
- (h) A detailed design for the 'parklets', public playground, half ball-court and activity trail through the site shall be submitted.
- (i) A management plan for the designated "active amenity space" to the northwest of the scheme, including details of design, finishes, boundary treatment, lighting and opening hours, shall be submitted.

|    |  |
|----|--|
|    | <p>(j) A revised bin storage plan shall be submitted for the duplex units at blocks E, F, G and H. An assessment of the number of bin stores required and their locations shall be submitted to and agreed in writing with the planning authority.</p> <p>(k) A bin store as per submitted design B or C shall be provided for each dwelling within terraces 199-205, 192-198, and 213-233. Where there is insufficient space to incorporate bins within the front areas of the mid terrace units and sides of the end of terrace units, the developer shall propose a plan to omit a unit from each terrace where required to ensure adequate space becomes available to incorporate individual bin storage arrangements suitable for each dwelling. A revised plan shall be submitted to and agreed in writing with the planning authority.</p> <p>(l) Details of bicycle parking and refuse storage for the proposed apartments shall be submitted.</p> <p>(m) Details of bicycle spaces, including covered bicycle spaces to serve the duplex apartments shall be submitted.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanala for determination.</p> <p><b>Reason:</b> In order to provide a satisfactory standard of residential accommodation.</p> |
| 4. | <p>The carrying out of the development shall be phased and, before any part of the development commences, (or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing), a development programme, including inter alia a detailed comprehensive site layout, showing all proposed phases, shall be submitted to and agreed in writing with the Planning Authority. The childcare facility permitted herein shall be constructed and made available for occupation and active use prior to the occupation of the 75th no.</p>  |

|    |   |
|----|---|
|    | <p>residential unit permitted herein. Details ensuring compliance with this aspect of this condition shall be incorporated into the phasing programme.</p> <p>Full details to ensure compliance with the requirements of (a), and (b) above shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.</p> <p><b>Reason:</b> In the interests of orderly development and the proper planning and sustainable development of the area.</p>  |
| 5. | <p>Full details including samples of the materials, colours and finishes of the authorised buildings, the treatment of surfaces, including pavement finishes, and boundaries within the development shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>   |
| 6. | <p>Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed houses without a prior grant of planning permission.</p> <p><b>Reason:</b> In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwellings, and to allow the planning authority to assess the implications of any such development on residential amenity through the statutory planning process.</p> |
| 7. | <p>No additional development shall take place above roof parapet level of the apartment buildings, 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.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity and the visual amenities of the area, and to allow the planning authority to assess the impact of any such development through the planning process.</p>  |

|     |  |
|-----|--|
| 8.  | <p>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. The proposed Construction Access No. 1, via Temple Grove Apartments and The Vicarage, shall not be utilised for construction traffic and construction access/egress shall solely be from Construction Access No. 2, the R609/Carrigaline Road. Where Construction Access No. 1 is required to assist in the construction of the bridge over the Moneygurney Stream, this may be facilitated subject to prior written agreement with the planning authority.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p> |
| 9.  | <p>The route, alignment and finish of the extension to the Ballybrack Valley Pedestrian and Cyclist Route through the site shall be agreed with the relevant Planning Authority and constructed by the Developer at their expense as part of phase 1 of the development.</p> <p><b>Reason:</b> In the interest of amenity and safety.</p>  |
| 10. | <p>The following requirements in terms of traffic, transportation and mobility shall be incorporated and where required, revised drawings/reports showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:</p> <p>(a) The proposed on-street parallel car parking spaces on the R609 shall be omitted and a revised traffic calming/gateway treatment shall be designed. Full details of traffic calming measures, including warning signage, street lighting, road markings and soft landscaping along the R609 shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.</p> <p>(b) The t-junction of the R609 and Berkeley Road, identified as Access</p>   |

1, shall be reviewed and upgraded where required to improve pedestrian/vehicular movements, in addition to the provision of a dwell area for vehicles exiting the cul-de-sac proximate to the junction. Proposals shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.

(c) The t-junctions within Temple Grove/The Vicarage shall be reviewed in consultation with the Management Company for the Estate to provide for the dominant flow of traffic and provide for stop signs, road markings, and raised pedestrian crossings, where required. Proposals shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.

(d) The findings of the Stage 1/2 Road Safety Audit and the undertaking of a Stage 3/4 Road Safety Audit and its findings, shall be closed out, signed off and incorporated into the development at the developer's expense. Exact details of any improvement measures shall be submitted to the planning authority for written agreement prior to the commencement of development.

(e) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, cycle paths, kerbs, pedestrian crossings and sight lines shall comply with the requirements of the Design Manual for Roads and Streets and with any requirements of the planning authority for such road works.

(f) A Mobility Management Plan shall be submitted to and agreed in writing with the planning authority and shall include committed mobility management measures, with defined targets and milestones and shall be monitored by a designated Mobility Manager. The revised plan shall be reviewed with the planning authority with revised targets agreed at yearly intervals.

(g) Electric charge points and future ducting for E-Charge infrastructure

|     |  |
|-----|--|
|     | <p>in the development shall be in accordance with the requirements of the planning authority.</p> <p><b>Reason:</b> In the interest of traffic, cyclist and pedestrian safety.</p>   |
| 11. | <p>Full details of all retaining walls / structures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. A letter of certification shall be provided by the Design Engineer responsible for the retaining walls / structures, confirming that the structures have been constructed as per the design and as per the as-built drawings/details. Alternatively, this certification shall be provided by a suitably qualified structural design engineer, to the planning authority's satisfaction.</p> <p><b>Reason:</b> In the interest of safety and the proper planning and sustainable development of the area.</p>   |
| 12. | <p>The following provisions in relation to the location and management of car parking spaces for the apartments and duplex units shall be incorporated within the development and details shall be submitted to and agreed in writing with the planning authority with prior to commencement of development:</p> <p>(a) The provision of details regarding the management of both short term and long term car parking spaces.</p> <p>(b) The provision of charge points for Electric Vehicles.</p> <p><b>Reason:</b> To ensure adequate and secure parking provision is available to serve the proposed development and to cater for more sustainable energy use in line with national policies for the development of electric vehicles.</p> |
| 13. | <p>Any damage to the existing estate road, footpath and services resulting from this development shall be repaired by the developer at his own expense, to the satisfaction of the Planning Authority.</p> <p><b>Reason:</b> In the interest of orderly development.</p>   |
| 14. | <p>A suitably qualified/experienced ecologist shall be engaged in the role of Ecological Clerk of Works (ECoW) for the duration of the construction</p>  |



|     |  |
|-----|--|
|     | <p>phase of the project. Prior to works commencing on site, a site meeting shall be arranged between the council and the appointed Ecological Clerk of Works to agree the extent of works to be monitored and undertaken on the site by the Ecological Clerk of Works, as set out within Section 14 of the EIAR. The role of the ECoW shall include monitoring of various biodiversity related issues and ensuring all ecological mitigation measures are implemented, including surface-water related measures.</p> <p><b>Reason:</b> In the interest of protecting the environment and in the interest of public health.</p>   |
| 15. | <p>A suitably qualified arborist/ landscape professional shall be engaged for the duration of the development to monitor the project construction and early operational stages of development in regard to the implementation and monitoring of tree protection measures and to liaise with the Parks Department of Cork City Council. Before works commence on site, a site meeting shall be arranged between the council and the appointed arboricultural consultant/landscape professional to agree tree protection measures in relation to all trees to be retained, including those subject of the existing Tree Protection Order.</p> <p><b>REASON:</b> In the interest of the proper planning and sustainable development of the area.</p>                            |
| 16. | <p>Prior to the commencement of development a revised Landscape Plan, prepared by a suitably qualified landscape architect or arborist, with input from an ecologist, shall be submitted to and agreed in writing with the planning authority. The Landscape Plan shall be overlain with a site services plan to ensure all potential impacts on trees and hedgerows to be retained are appropriately mitigated. The Landscape Plan shall include, inter alia, the following:</p> <p>(a) Full details of the size, species and location of all trees, shrubs, and wildflowers to be planted, including inter alia details of proposed underplanting of hedgerows, as well as new woodland planting, and details for long term management and maintenance of these areas.</p> |

|     |  |
|-----|--|
|     | <p>(b) Detailed design of all ‘parklets’, playground, half ball-court within block E, and ‘activity trail’ through the site, including finishes, equipment, and boundary treatments where proposed.</p> <p>(c) Identification and protection measures for all trees subject of the existing TPO.</p> <p>(d) Identification of all trees proposed for retention and those proposed for removal. Tree felling and clearing shall take place outside of the bird nesting season. If any tree is removed, uprooted or destroyed or dies another tree of appropriate species shall be planted at the same location.</p> <p>(e) All trees and hedgerows within and on the boundaries of the site, except those specified trees whose removal is authorised in writing by the Planning Authority to facilitate the development, shall be protected during building operations and retained thereafter. Details of fencing or other protection measures shall be included in the plan.</p> <p>(f) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.</p> <p>The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within three years of planting shall be replaced in the first planting season thereafter.</p> <p><b>Reason:</b> In the interests of amenity, ecology and sustainable development.</p> |
| 17. | <p>No development shall take place until details of earthworks have been submitted to, and agreed in writing with, the planning authority. These</p>   |

|     |  |
|-----|--|
|     | <p>details shall include the following:</p> <p>(a) Soil and subsoil cross-sections.</p> <p>(b) Plans and sections showing the proposed grading and mounding of land areas, including the levels and contours to be formed.</p> <p>(c) The relationship of the proposed mounding to the existing vegetation and woodland areas.</p> <p>Development, including landscaping required by condition number 13 of this order, shall be carried out in accordance with the approved earthworks plan.</p> <p><b>Reason:</b> In the interest of residential and visual amenity.</p>   |
| 18. | <p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be sensitive to bat species in the area and shall have due regard to the sensitivities of the Douglas and Moneygurney Streams.</p> <p><b>Reason:</b> In the interest of amenity and public safety.</p>  |
| 19. | <p>Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services. The applicant shall submit the following for the written agreement of the planning authority:</p> <p>(a) A revised Drainage Site Layout plan and a revised SuDS drainage plan addressing all water flows from existing culverts along the northern boundary of the site with the R609.</p> <p>(b) A Stage 2 Detailed Design Stage Stormwater Audit, the findings of which shall be incorporated into the development, where required, at the developer's expense.</p> <p>(c) A Stage 3 Completion Stage Stormwater Audit within six months of substantial completion of the development, the findings of which shall be incorporated into the development, where required, at the</p> |

|     |  |
|-----|--|
|     | <p>developer's expense.</p> <p><b>Reason:</b> In the interest of public health.</p>  |
| 20. | <p>(a) All foul sewage and soiled water shall be discharged to the public foul sewer.</p> <p>(b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.</p> <p><b>Reason:</b> In the interest of public health.</p>  |
| 21. | <p>The applicant or developer shall enter into water and wastewater connection agreements with Irish Water prior to the commencement of this development.</p> <p><b>Reason:</b> In the interest of public health.</p>  |
| 22. | <p>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.</p> <p><b>Reason:</b> To protect the residential amenity of property in the vicinity and the visual amenity of the area.</p> |
| 23. | <p>Prior to commencement of development, proposals for a naming, numbering, and associated signage scheme shall be submitted to, and agreed in writing with, the planning authority.</p> <p><b>Reason:</b> In the interest of orderly development.</p>   |
| 24. | <p>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. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.</p> <p><b>Reason:</b> In the interest of orderly development and the visual amenities of the area.</p>                 |

|     |  |
|-----|--|
| 25. | <p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,</p> <p>(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and</p> <p>(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p> |
| 26. | <p>The developer shall submit to the Planning Authority a drawing (hardcopy and electronically) showing the areas that would be proposed for —Taking In Charge, prior to commencement of development. This drawing shall also show the public facilities typically considered by the Planning Authority for —Taking In Charge such as: public lighting, roads, footpaths, open spaces, retaining walls, surface water systems. The area on the drawing that would be considered for —Taking In Charge shall be finalised to the satisfaction of the Planning Authority.</p> <p><b>Reason:</b> In the interest of orderly development.</p>  |
| 27. | <p>Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all purchasers of apartments in the</p>   |

|     |   |
|-----|---|
|     | <p>development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.</p> <p><b>Reason:</b> To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.</p>  |
| 28. | <p>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 social and affordable housing in accordance with the requirements of section 96 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 (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.</p> <p><b>Reason:</b> 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.</p> |
| 29. | <p>Prior to the commencement of development the developer shall submit a Construction and Environmental Management Plan to the planning authority for written agreement. The CEMP shall incorporate all ecological protection measures as set out in the EIAR, including those relating to the protection of woodland, treelines, hedgerows and watercourses on the site, and shall include a map identifying the buffer zones/ tree protection zones to be established around these receptors prior to the commencement of works and areas to be used for stockpiling of excavated topsoils. The CEMP shall make provision for supervision of the works by an Ecological Clerk of Works, who shall be required to be responsible for the implementation of all ecological mitigation measures, and to be present on site during tree felling, major ground clearance works and during the period when instream works are proposed.</p>   |

|     |   |
|-----|---|
|     | <b>Reason:</b> To safeguard the heritage and biodiversity of the area.  |
| 30. | <p>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:</p> <p>(a) Location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and on-site car parking facilities for site workers during the course of construction and the prohibition of parking on neighbouring residential streets;</p> <p>(b) The timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;</p> <p>(c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</p> <p>(e) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;</p> <p>(f) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.</p> <p>(g) The protection of trees on the site in accordance with the tree protection plan submitted with the application.</p> <p>A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority. The developer shall provide contact details for the public to make complaints during construction and provide a record of any such complaints and its response to them, which may also be inspected by the</p> |

|     |   |
|-----|---|
|     | <p>planning authority.</p> <p><b>Reason:</b> In the interest of amenities, public health and safety.</p>  |
| 31. | <p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>  |
| 32. | <p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p> |
| 33. | <p>A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p><b>Reason:</b> To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>         |
| 34. | <p>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 of roads,</p>  |



|     |   |
|-----|---|
|     | <p>footpaths, 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 the Board for determination.</p> <p><b>Reason:</b> To ensure the satisfactory completion of the development.</p>   |
| 35. | <p>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 Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> 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.</p> |

---

Una O'Neill

Senior Planning Inspector

2<sup>nd</sup> October 2019