



An  
Bord  
Pleanála

## Inspector's Report ABP-319842-24

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<b>Development</b>	Construction 4 no. dwellings and all associated site works.
<b>Location</b>	Windmere, Cross Douglas Road, Douglas, Cork
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	2342385
<b>Applicant(s)</b>	Jim Murphy & Kathleen Daly
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Catherine Uniacke
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	15 <sup>th</sup> January 2025
<b>Inspector</b>	Bernadette Quinn

## **1.0 Site Location and Description**

- 1.1. The appeal site, with a stated area of 0.17 ha, is located in a predominantly residential area approximately 2km south-west of Cork city centre. The site is situated to the rear of a development of three storey duplex apartments known as Windmere, to which access is provided via a gated entrance on to Cross Douglas Road. Adjoining the site along South Douglas Road are mainly two storey semi-detached dwellings.
- 1.2. The site comprises an overgrown grassed area and is accessed via the existing vehicular access serving Windmere. The northern and southern boundaries adjoin the rear gardens serving existing dwellings on Cross Douglas Road. The eastern boundary adjoins an area of open space serving Windmere. The western boundary adjoins undeveloped land.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises the construction a terrace of 4 no. two storey 3 bedroom terraced dwellings. Vehicular access is proposed via an existing vehicular access. In curtilage car parking is proposed in front of each dwelling and it is proposed to connect to an existing soakpit in the eastern part of the site

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On 07<sup>th</sup> May 2024, Cork City Council issued notification of the decision to grant planning permission subject to 21 conditions.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The planner's reports dated 13/12/2023 can be summarised as follows:

- The inclusion of lands comprising an amenity/common area and parking area to the rear of the Windmere duplex apartments would materially contravene

condition 2(i) attached to permission 98/22181 which sought omission of a dwelling to allow part of the site to be incorporated into the private open space to the rear of the duplex apartments.

- Details of ownership of the existing amenity area included in the application site are required.
- The omission of a first floor bedroom window serving the master bedroom on the east elevation and relocation of the window serving bedroom 2 from the east elevation to the north elevation is required to address the impact on the adjoining common amenity area.
- The proposal is considered acceptable with regard to internal floor areas and private open space and is not considered to impact on amenities of neighbouring residents.
- Details in relation to landscaping and design for the area in front of the proposed houses and a reduction in car parking to serve the dwellings is required.

Following a request for further information the planners report dated 07/05/2024 can be summarised as follows:

- A solicitor's letter and map have been submitted confirming lands in the applicants' ownership which does not include the amenity/common area to the rear of the Windmere apartments.
- No changes are proposed to the car parking and amenity area permitted under 98/22181 (PL28.107712), the reason for inclusion of this area in the planning application relates to connection to an existing soakpit situated in the open space area.
- Each proposed dwelling is provided with an in curtilage car parking space and a condition is recommended that the existing parking be for the use of existing residents.
- In relation to land ownership, the planning system is not designed as a mechanism for resolving disputes about title and section 34(13) of the planning act is noted.

- Revisions in relation to landscaping and design for the area in front of the proposed houses and a reduction in car parking to provide one parking space per dwelling are acceptable.
- It is recommended that permission be granted.

#### 3.2.2. Other Technical Reports

Urban Roads & Street Design: Following a request for further information the report states no objection subject to conditions.

Traffic Regulation & Safety: Following a request for further information the report states no objection subject to conditions.

Contributions Report: No objection subject to conditions.

Housing: No objection.

Drainage: No objection subject to conditions.

Environment: No objection subject to conditions

#### 3.2.3. Conditions

The following condition is of note:

Condition 3: The existing vehicular parking on site shall remain allocated for the use of existing residents only. Reason In the interest of clarity and the proper planning and sustainable development of the area.

### 3.3. **Prescribed Bodies**

Uisce Eireann: No objection.

Inland Fisheries: No objection.

### 3.4. **Third Party Observations**

2 no. third party observations were received objecting to the proposed development. The issues raised are similar to those raised in the third party appeal.

## 4.0 Planning History

Appeal site:

22181/98 / PL.28107712 permission granted by the planning authority and An Bord Pleanala on 27/11/1998 for 8 duplex apartments and two dormer dwellings.

Condition 1 of An Bord Pleanala's grant of permission requires 'the omission of both dwellings located in the positions of house types A and B. The space thus freed from development shall be incorporated into the private open space to the rear of the duplex apartments. Reason: In the interest of the orderly development of the site and the proper planning and development of the area.

04/27982 / 28.206605: Permission refused for 4 no. 2 storey 3 bedroom houses by Cork City Council and upheld on appeal by An Bord Pleanala for one reason relating to backland nature, overlooking and loss of privacy to adjoining properties.

23/2016: On 30/11/2023 Cork City Council issued a Certificate of Grant of Exemption under Section 97 of the Planning & Development Act (as amended) in respect of 4 units on a site at Windmere, Cross Douglas Road.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The Cork City Development Plan 2022 – 2028 is the relevant development plan for the area. The site contains the zoning objective 01 - Sustainable Residential Neighbourhoods with the objective 'To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses'.

ZO 1.1 The vision for sustainable residential development in Cork City is one of sustainable residential neighbourhoods where a range of residential accommodation, open space, local services and community facilities are available within easy reach of residents.

ZO 1.2 Development in this zone should generally respect the character and scale of the neighbourhood in which it is situated. Development that does not support the primary objective of this zone will be resisted.

ZO 1.7 Many green areas of open space in residential estates in Cork City are included in this zone. There will be a presumption against development on all open space in residential estates including any green area or public amenity area that formed part of an executed planning permission for development and was identified for the purposes of recreation or amenity open space, including land which has been habitually used as public open space. Such lands shall be protected for recreation, open space and amenity purposes.

- 5.1.2. Section 3.46 Cork City Council will support infill development to optimise the role that small sites in the City can play in providing new homes for Cork's expanding population. Objective 3.4 states that the City Council will seek to ensure that at least 66% of all new homes will be provided within the existing footprint of Cork. This will be achieved by measures including the development of small and infill sites. Objective 3.9 supports infill development.
- 5.1.3. Chapter 11 sets out development management standards in relation to new dwellings. Section 11.139 of the plan states infill development will be encouraged within Cork City. New infill development shall respect the height and massing of existing residential units. Infill development shall enhance the physical character of the area by employing similar or complementary architectural language and adopting typical features (e.g. boundary walls, pillars, gates / gateways, trees, landscaping, fencing, or railings).
- 5.1.4. Section 12.11 Open Space in Residential Areas: Many green areas of open space in residential areas are not specifically zoned as public open space and may be zoned ZO 1 Sustainable Residential Neighbourhoods or another land use zoning objective. Irrespective of zoning, there will be a presumption against development on all open space in residential estates including any green area or public amenity area that formed part of an executed planning permission for development and was identified for the purposes of recreation or amenity open space, including land which has been habitually used as public open space. Such lands shall be protected for recreation, open space and amenity purposes.

The site is located in Zone 2 on the Cork City Car Parking Zones map.

## **5.2. Ministerial Guidelines**

5.2.1. Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (Compact Settlements Guidelines) outline that in city urban neighbourhoods it is a policy and objective of the Guidelines that residential densities in the range 50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin and Cork. The following Specific Planning Policy Requirements (SPPR) are relevant:

- SPPR 2 sets out minimum private open space requirements for houses with a 3 bed house requiring a minimum of 40 sq.m.
- SPPR 3 requires that in city centres and urban neighbourhoods of the five cities car-parking provision should be minimised, substantially reduced or wholly eliminated, with a maximum rate of 1 space per dwelling.

## **5.3. Natural Heritage Designations**

None relevant.

## **5.4. EIA Screening**

5.4.1. See Appendix 1 - Form 2 EIA Preliminary Examination attached to this report. Having regard to the nature and scale of the proposed development, to the established urban nature of the receiving environment, to the nature, extent, characteristics and likely duration of potential impacts, and to the criteria set out in Schedule 7 of the Regulations, I conclude that the proposed development is not likely to have significant effects on the environment and that the submission of an Environmental Impact Assessment is not required. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. One no. third party appeal has been received from Catherine Uniacke. The grounds of appeal can be summarised as follows:

- The areas of existing open space, shared surfaces and existing parking spaces included in the appeal site are owned by Cross Douglas Road Management Company. The owners of Windmere properties are the members of the Management Company and they have not consented to the application as proposed. The consent of the Management Company included with the planning application has been provided by the applicants themselves who are Directors and Chairman of the Management Company. The applicants have no right to consent to use land owned by the Management Company.
- The proposal will impact on amenities, including increased pressure on the area of open space, car parking and increased traffic through the access and demand for bin storage areas.
- This planning application may invalidate the original planning permission by re-allocating part of the lands.
- If constructed, the proposed development would result in the certificate of compliance with the original planning permission on the site being of no effect with the later planning application likely invalidating the original one.
- The 4 houses are proposed to be located in an area which An Bord Pleanála required be freed from development in Condition 1 attached to permission reference 28.107712.
- The area where the houses are proposed is a source of biodiversity which benefits the receiving environment and the adjoining lands to the north previously formed a grassland amenity and permission has been granted thereon for a large development. A grant of permission on the appeal site will result in a further loss of amenity.



- Works to the existing amenity area to facilitate storm water disposal will diminish its use for existing residents.
- It is unclear how proposals can be implemented to restrict future occupants from using existing amenity areas and car parking spaces.
- The proposal conflicts with the zoning objective and the requirements of the development plan in Section 12.11 which states that there is a presumption against development on any public amenity area that formed part of an executed planning permission for development.
- The proposal fails to provide for accommodation for emergency vehicles resulting in a pedestrian and vehicular traffic hazard. There are concerns regarding risks from vehicles during construction and operation and the proposal fails to comply with the Sustainable Residential Development in Urban Areas Urban Design Manual criteria in relation to improving or enhancing the existing situation.
- The Planning Authority, in deciding that the response to further information was not significant, denied third parties the opportunity to make observations arising from that response. The Board is asked to determine that this decision conflicts with the objectives to ensure fairness and natural justice in the planning process. An Bord Pleanála decision reference ABP-315209-22 is relevant wherein the Board considered revised proposals submitted with the appeal would give rise to material considerations for third parties.

## 6.2. Applicant Response

The first party response to the appeal can be summarised as follows:

- The appeal focuses on legal issues. Section 15.13 of the Development Management Guidelines highlights that the planning system is not designed as a mechanism for resolving disputes about titles to land or rights over land and these are ultimately matters for resolution in the courts.
- As noted by Cork City Council in making its decision to grant permission, Section 34(13) of the Planning and Development Act 2000 (as amended)

highlights that a person shall not be entitled solely by reason of a permission to carry out any development.

- Having regard to the nature of the appeal it is requested that the appeal be dismissed under Section 138 (1)(b) of the Planning and Development Act.
- The development context of the site has evolved with a greater emphasis in national guidance on compact and sustainable growth and redevelopment of infill urban sites.
- In refusing permission for a previous development on the site under 04/27982 / ABP Reference 28.206605 the Board specified that the development of the lands did not constitute a material contravention of previous permissions on the site and that there are no constraints in principle to the development of the site.
- There are no impacts on residential amenities of surrounding properties and no substantive concerns relating to residential amenities were raised in the appeal.
- The proposed development complies with the objectives of the Cork City Development Plan 2022-2028, including the ZO 01 Sustainable Residential Neighbourhoods Zoning Objective.
- Despite the planning history of the site, the development is not located on amenity lands in use by residents of Windmere, as the appeal site has been unused since the development was completed.
- Land registry details confirm 'Cross Douglas Road Management Company Limited' are the registered owners.
- There will be no changes to the existing arrangements of the shared common area and the car parking areas serving Windmere which will continue to be managed by the 'Cross Douglas Road Management Company Limited'. Future residents will not be permitted to park vehicles in any of the existing parking areas in Windmere which will remain solely for the use of existing residents and there is no objection to the inclusion of a condition to this effect as per condition no. 3 of the decision of Cork City Council.

- The proposal provides for a connection to an existing soakpit situated within the existing public open space area and as such this area was included in the red line boundary. The proposal does not include any other works in this area and the area will remain in the sole use of residents of Windmere.

### 6.3. **Planning Authority Response**

None received

### 6.4. **Observations**

None received.

## 7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issue in this appeal are as follows:

- Principle of Development
- Legal Interest
- Impacts on Amenities
- Traffic Safety
- Other Matters

### 7.2. **Principle of Development**

7.2.1. The site is zoned ZO 01, Sustainable Residential Neighbourhoods - To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses whereby objective ZO 1.1 states that the provision and protection of residential uses and residential amenity is a central objective of this zoning and the primary uses in this zone include residential uses.

The site comprises an infill site which is surrounded by residential development and is serviced.

- 7.2.2. The proposed dwellings are located in an area where condition 1 of ABP decision PL28.107712 required the area to be freed from development and incorporated into the private open space to the rear of the duplex apartments with the stated reason for this condition 'in the interest of the orderly development of the site and the proper planning and development of the area'.
- 7.2.3. I note the Development Plan includes objective 3.9 which seeks to support and encourage infill development to ensure that small sites are utilised for new housing supply whilst still ensuring high standards of residential amenity for existing adjoining homes. I also note that objective ZO 1.7 states a presumption against development on all open space in residential estates including any green area or public amenity area that formed part of an executed planning permission for development and was identified for the purposes of recreation or amenity open space, including land which has been habitually used as public open space and this is reiterated in section 12.11 of the Development Plan.
- 7.2.4. Having inspected the site I note that the site of the proposed dwellings is fenced and overgrown, contains a number of storage containers, and, notwithstanding condition 1 of permission PL28.107712, that this area does not form part of the existing amenity space serving Windmere. I also note the decision of the Board to refuse permission for development of 4 no. dwellings on the appeal site under PL28.206605 did not include reference to the proposal materially contravening Condition no. 1 of planning permission PL28.107712 as a reason for refusal.
- 7.2.5. I note that open space standards have changed since permission was granted for the duplex apartments in 1998 and that policy supports increased densities on brownfield and infill sites in existing urban areas. 'Sustainable and Compact Settlements Guidelines for Planning Authorities' (2024) outline priorities for delivery of infill development in urban areas and standards for open space. I note that an area of amenity space exists to serve the duplex apartments. The appeal site boundary includes a portion of this amenity space with the stated reason for the inclusion of this area being to facilitate connection to an existing soakpit located in this area. Documents submitted with the application state that it is not proposed that

the existing car parking and open space area serving Windmere will be used by residents of the proposed development. Having regard to the above, I am satisfied that the existing residential amenity of residents in terms of open space provision will not be undermined as a result of the proposed development and I consider the proposed development is acceptable in principle at this location and in accordance with the zoning objective.

### **7.3. Legal Interest**

- 7.3.1. The appeal raises concerns that consent has not been provided in relation to inclusion of lands in the planning application. This matter was raised in observations to the planning authority who requested further information in relation to ownership of the area of land. A solicitor's letter and map were submitted by the applicant in response to the further information request confirming that the applicants are the owners of the part of the appeal site where the proposed dwellings are to be located and that the applicants have a right of way over the access road. A letter of consent was submitted with the application from Cross Douglas Road Management Company in relation to the inclusion of an existing open space area serving Windmere in the planning application. The appeal raises concerns that the owners of the Windmere properties are the members of the management company and they have not consented to the application as proposed.
- 7.3.2. Having considered the information available on file I am satisfied that the applicants have demonstrated sufficient interest to carry out the works pertaining to the proposed development. I also note to the Board that the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts. In this regard, it should be noted that, Section 34(13) of the Planning Act (as amended) states that a person is not be entitled solely by reason of a permission to carry out any development. Should planning permission be granted and should the appellants or any other party consider that the planning permission granted by the Board cannot be implemented because of landownership or title issue, then Section 34 (13) of the Planning and Development Act 2000 is relevant.
- 7.3.3. In relation to the first party's request that the appeal be dismissed under Section 138 of the Planning and Development Act as it relates to legal issues, having regard to

the grounds of appeal put forward by the third party I do not consider the appeal should be dismissed.

#### **7.4. Impacts on Amenities**

- 7.4.1. The appeal raises concerns in relation to impacts from the proposed development on amenities arising from added pressure on the area of open space, car parking, bin storage and increase in traffic through the access.
- 7.4.2. I note that each dwelling is provided with a rear garden which exceeds the minimum private open space standards set out in the development plan and SPPR 2 of Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities. I am satisfied that the proposed development includes adequate amenity space to serve future residents and as such is unlikely to result in additional demand on existing open space serving Windemere.
- 7.4.3. The proposal includes in curtilage parking for 1 car for each dwelling which is in accordance with the development plan and SPPR 3 of Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities and which I consider is acceptable. In relation to concerns regarding potential loss of car parking for existing residents arising from demand from the proposed dwellings the planning authority included a condition that the existing vehicular parking on site shall remain allocated for the use of existing residents only. I consider it appropriate in the event of a grant of permission that the Board attach a condition to this effect.
- 7.4.4. Concerns are raised in the appeal in relation to how future occupants can be restricted from using the existing amenity space and car parking. The further information response includes a map indicating areas already under the control of the management company and areas within the proposed development to be maintained by Cross Douglas Management Company. I am satisfied that details relating to the management and monitoring of shared spaces are a matter for the management company. In the event of a grant of permission I consider it appropriate that the planning authority's condition no. 3 relating to existing car parking and a condition requiring all areas not taken in charge by the local authority shall be maintained by a management company be attached to address this matter. In relation to the intensification of use of existing facilities, I do not consider that

vehicular traffic or bin storage demand arising from 4 houses will result in amenity impacts on existing residents.

- 7.4.5. Whilst not specifically raised in the appeal, having reviewed the drawings submitted I am satisfied that the proposed dwellings comply with standards relating to room sizes, private open space and separation distances from existing dwellings and I am satisfied that the proposal will provide for adequate residential amenity for existing and future occupants.

## **7.5. Traffic Safety**

- 7.5.1. Following a request for further information the applicant submitted a revised layout which demonstrated measures to facilitate passing of vehicles on the access road, including a passing bay, signage and road markings. The access road is proposed to act as a shared surface for pedestrians and vehicles with line markings to indicate pedestrian routes. The Urban Roads & Street Design report of the planning authority noted that the further information addressed matters raised, including in relation to details relating to the shared surface, including its width and passing bays and pedestrian provision. The report of the Transport & Mobility section of the local authority states no objection subject to submission of a construction traffic management plan. Having reviewed the drawings submitted I note a carriageway width of between 4.8m and widening to in excess of 8m is to be provided. Having regard to the scale of development proposed I consider a shared surface as proposed is acceptable and I am satisfied that sufficient access has been demonstrated. I do not consider the proposal is likely to result in a traffic hazard and I consider the proposal provides for an appropriate design response for this infill site.

## **7.6. Other Matters**

- 7.6.1. The appeal raises concerns that the appeal site acts as a source of biodiversity and the development will contribute to the loss of grassland amenity. I note that the applicant proposes to retain and supplement existing hedgerows and trees along the site's boundaries, and I am therefore satisfied that the proposal will mitigate against any loss of local biodiversity which may arise. I consider any loss of grassland amenity is justified so as to facilitate the efficient use of this zoned and serviced site in an urban area.

- 7.6.2. I consider the concerns raised in relation to the planning authority's determining of whether the further information is significant is not a matter for the Board. I note the case referred to whereby the Board considered revised proposals submitted with the appeal would give rise to material considerations for third parties. I do not consider this relevant to the subject appeal, noting the case refers to revised proposals submitted with an appeal rather than by way of response to further information to the planning authority.
- 7.6.3. I do not agree with the concerns of the third party regarding the impact of a grant of permission on the validity of planning permission PL28.107712 relating to the Windmere development, noting that a grant of permission would result in an amendment to the parent permission. I do not consider concerns relating to potential effects on a certificate of compliance relating to Windmere are relevant to the appeal.

## **8.0 AA Screening**

- 8.1.1. I have considered the proposed development of four dwellings and associated site works in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located approx. 1.3km from Cork Harbour SPA (site code 004030) and 8km from Great Island Channel SAC (001058).

The proposed development comprises the development of four dwellings and associated site works. No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site.

The reason for this conclusion is as follows:

- The nature and scale of the proposed development and associated site works.
- The location and distance from nearest European site and the lack of any hydrological connectivity between the application site and the SAC/SPA.



- Taking into account the screening determination by the Planning Authority.

I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

## **9.0 Recommendation**

- 9.1. I recommend that planning permission should be granted, subject to conditions.

## **10.0 Reasons and Considerations**

- 10.1. Having regard to the provisions of the Cork City Development Plan 2022-2028 including the ZO 01 Sustainable Residential Neighbourhoods land use zoning of the site, to the pattern of development in the area, to the infill nature and size of the site, and to the design of the proposed development, it is considered that subject to the conditions set out below, the proposed development would be in keeping with the established pattern of development at this location and would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of design and traffic safety . 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, as amended by the further plans and particulars received by the planning authority on the 08<sup>th</sup> day of April 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The existing vehicular parking on site shall remain allocated for the use of existing residents only.

Reason In the interest of clarity and the proper planning and sustainable development of the area.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: In the interest of public health.

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

Reason: In the interests of public health.

6. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

7. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

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

design standards outlined in Design Manual for Urban Roads and Streets (DMURS).

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

9. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

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

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

11. Proposals for a naming/numbering scheme for the dwelling shall be submitted to and agreed in writing with the planning authority prior to the occupation of the dwelling.

Reason: In the interest of urban legibility.

12. Site development and building works shall be carried out only between 0800 to 1900 hours Mondays to Fridays inclusive and 0800 to 1400 hours on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

13. The construction of the development shall be managed in accordance with a Construction and Environmental 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 and dust management measures, waste management and recycling of materials, environmental protection measures, welfare facilities, site deliveries, complaints procedure, pest control and traffic management arrangements.

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

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

Reason: In the interest of sustainable transport and safety.

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

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

16. 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 of roads,

footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

17. 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 the 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 Development Contribution Scheme made under section 48 of the Act be applied to the permission.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Bernadette Quinn  
Planning Inspector

19<sup>th</sup> February 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP-319842-24		
<b>Proposed Development Summary</b>	Construction 4 no. dwellings and all associated site works.		
<b>Development Address</b>	Windmere, Cross Douglas Road, Douglas, Cork		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	Tick if relevant. No further action required
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	X	Class 10 (b) (i) and Class 10 (b) (iv).	Proceed to Q3.
<b>No</b>			
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	X		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			

<b>Yes</b>	X	Class 10 (b) (i) and Class 10 (b) (iv).	Preliminary examination required (Form 2)
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5. Has Schedule 7A information been submitted?		
<b>No</b>	X	<b>Pre-screening determination conclusion remains as above (Q1 to Q4)</b>
<b>Yes</b>		<b><del>Screening Determination required</del></b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_



## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	ABP-319842-24
<b>Proposed Development Summary</b>	Construction 4 no. dwellings and all associated site works.
<b>Development Address</b>	Windmere, Cross Douglas Road, Douglas, Cork
<p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<p><b>Characteristics of proposed development</b> (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The site comprises an urban infill site within an existing built up area characterised by residential development. The proposed development would therefore not be exceptional in the context of the existing environment in terms of its nature.</p> <p>The development would not result in the production of any significant waste, emissions or pollutants due to the nature of the proposed residential use.</p>
<p><b>Location of development</b> (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The site is not located within, or immediately adjoining, any protected areas. The development would be located in a serviced urban area and would not have the potential to significantly impact on an ecologically sensitive site or location. There is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors). The site is not considered to be an environmentally sensitive site.</p> <p>The closest European Sites are Cork Harbour SPA (004030) located 1.3km east of the site and Great Island Channel SAC</p>

		<p>(001058) located 8km east of the site.</p> <p>It is considered that no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on any European Site.</p> <p>The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other urban developments.</p> <p>Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area.</p>
<b>Types and characteristics of potential impacts</b> (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).		<p>The development would generally be consistent with the scale of surrounding developments and would not be exceptional in the context of the existing urban environment.</p> <p>There would be no significant cumulative considerations with regards to existing and permitted projects/developments.</p>
<b>Conclusion</b>		
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	<b>Yes or No</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes

**Inspector:**

**Date:**

**DP/ADP:** \_\_\_\_\_

**Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)