



An
Coimisiún
Pleanála

Inspector's Report

ACP-324056-26

Development	Construction of 246 residential units, childcare facility and all associated works. An Environmental Impact Assessment Report (EIAR) has been prepared for the application.
Location	Waterfall Road, Ardarostig (townland), Bishopstown, Cork.
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	25/44140
Applicant(s)	Bridgewater Homes Limited
Type of Application	Largescale Residential Development
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	First Party
Appellant(s)	Bridgewater Homes Limited
Observer(s)	Glenn Crowley, Brian Arnopp
Date of Site Inspection	3 rd March 2026
Inspector	Phillippa Joyce

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1.0 Site Location and Description

- 1.1. The appeal site is located on lands at Ardarostig, Bishopstown, in southwest Cork City. The site is in an outer suburban area of the city which is presently undergoing developmental changes. The site is rectangular in configuration and indicated as measuring c.5.76ha. The site is greenfield in nature, with previous tree-cover removed in 2024 (indicated in the case file documentation, prior to the making of the application).
- 1.2. To the north of the site are detached residences fronting onto Waterfall Road, the Eirspan Bridge (flyover over the N40), and a shared pathway (pedestrian and cycle track). To the west is Waterfall Heights, a new residential estate at advanced stages of construction and occupation. To the east are commercial operations (Heiton Steel, Audi Cork) which access onto the N71 slip road. Finally, to the south are agricultural fields.
- 1.3. The site is presently accessed via an existing entrance onto an access road used by the commercial operations to the east (i.e., a roadway north of Heiton Steel, west of Audi Cork). This entrance is currently being used as part of the construction route for the site development works associated with Waterfall Heights.
- 1.4. Waterfall Heights is indicated as being under the control of the applicant (blue line boundary). This development was permitted on foot of SHD application, ABP 310274-21. The appeal site includes lands that were included within that application. These are lands to the southwest of the site, which accommodates the proposed childcare facility, and lands to north/ northwest of the site which accommodate the active travel route connecting Waterfall Heights to the existing shared pathway described above.

2.0 Proposed Development

- 2.1. The proposed development consists of the construction of 246 residential units, comprising 143 dwelling houses (semi-detached pairs, terrace rows, 2 storeys), 25 duplexes (semi-detached pairs, terrace rows, 3 storeys) and 78 apartments (three blocks, 4 to (part) 5 storeys incorporating basement/ undercroft parking), and a childcare facility (detached, 2 storey, capacity for 140 children).

- 2.2. The proposed development also includes for vehicular, cycle and pedestrian access, drainage infrastructure, landscaping, amenity and open space/ play areas, footpaths and cycle lanes, boundary treatments, bicycle and car parking, bin and cycle storage, public lighting and all other ancillary development.
- 2.3. The proposed accesses include two vehicular connections onto Waterfall Road through Waterfall Heights, a pedestrian/ cycle connection to the north of the site onto the existing shared pathway, and provision for future vehicular, cycle and pedestrian access points to the adjoining lands to the south and east of the proposed development.
- 2.4. A suite of plans and documents, including an Environmental Impact Assessment Report (EIAR), accompany the application (full list, applicant's Cover Letter, pgs. 1-2). These include the scheme's phasing plan indicated on 'Proposed Phasing Drawing No. 23161/P/011' (three phases), and a Construction Environmental Management Plan (CEMP) which outlines the construction schedule. After set-up and servicing (c.12-18 months), a c.24-month long programme is estimated (Phase 1 of 11 months, Phase 2 of 6 months, and Phase 3 of 7 months).
- 2.5. During the assessment of the application, Further Information (FI) was requested by the planning authority (see section 4.0 below for details). In response to the FI request, the applicant revised the proposed development. Main revisions include:
- Amendment of internal roads finishes (permeable paving to asphalt) to facilitate taking in charge.
 - Amendments to attenuation tanks (location, size, access covers, above-planting) to facilitate taking in charge.
 - Inclusion of hydrocarbon interception and silt storage capacity in the surface water system for pollution prevention and discharge control.
 - Revisions to window designs (standard to high level) of certain apartments to prevent overlooking (where separation distances between habitable rooms are identified as being less than 16m).
 - Amendment to the area north of the apartment blocks to create communal open space, associated revisions to landscape masterplan and planting scheme.

- Provision of an Asbestos Management Plan and Method Statement to manage an historic watermain in the site.
- Supplemented Environmental Impact Assessment Report (EIAR) and updated Appropriate Assessment Screening Report (AASR).

2.6. I consider there to be planning merit in the revisions made to the proposed development in the FI response and confirm to the Commission that I have had regard to same in the assessment of this appeal.

2.7. The following tables present a summary of the key statistics and characteristics of the proposed scheme. These are extrapolated from the plans and particulars as initially lodged with the application and subsequently submitted in the FI response (key changes include to quantum of communal open space and active travel/ green buffer (= +/- c.350sqm)).

Table 2.1: Key Statistics

Site Area	Total Area: 5.76ha Net Developable Area: 4.8ha
Floor Areas (gross floor spaces)	Total Floor Area: c.22,133sqm Residential: c.21,386sqm Childcare facility: c.747sqm
Residential component	Total: 246 residential units 143 houses (58%) 25 duplexes (10%) 78 apartments (32%)
Net Density	c.51dph
Building Height	Houses: 2 storeys Duplexes: 3 storeys Apartments: 4 to (part) 5 storeys

Dual Aspect	Duplexes: 25 (100%) Apartments: 58 (74%)
Open Space	Public: c.7,235sqm (15% of net developable area) Active travel/ green buffers: c.3,710sqm Communal: c.1,578sqm Private: gardens, terraces, balconies (various sqm)
Part V provision	Total: 49 units (c.20%) 10 houses, 13 duplexes, and 26 apartments
Car Parking	Total: 299 spaces Residential: 290 spaces (houses: 217 spaces, duplexes: 25 spaces, apartments: 39 spaces, visitor: 9 spaces) Childcare: 9 spaces
Bicycle Parking	Total: 228 spaces Residential: 206 spaces for duplexes and apartments (resident/ long stay and visitor/ short stay) Childcare: 22 spaces

Table 2.2: Summary of Residential Unit Mix

Unit Type Bed/P	1 bed/ 2P	2 bed/ 4P	3 bed/ 5P	4 bed/ 8P	Total
Houses		41	89	13	143
Duplexes	12	12	1		25
Apartments	40	38			78
Total Unit Type	52	91	90	13	246
% Total Unit Type	21%	37%	36.5%	5.5%	100%

- 2.8. In the interest of clarity for the Commission, I confirm that my assessment (as contained in sections 8.0-11.0 of this report below) has had regard to the initially lodged plans and particulars as amended by those associated with the FI response.
- 2.9. That being, references to the Environmental Impact Assessment Report (EIAR) and Appropriate Assessment Screening Report (AASR) are to be understood as incorporating the supplementary and updated information submitted in the FI response.

3.0 Planning Authority Opinion

- 3.1. A pre-application meeting, under section 247 of the Planning and Development Act 2000, as amended (2000 Act), is indicated to have taken place between the applicant and the planning authority on 3rd March 2025. This was followed by a pre-application LRD meeting (as per section 32C of the 2000 Act) on 13th June 2025.
- 3.2. In accordance with section 32D of the 2000 Act, the planning authority issued its LRD Opinion on 11th July 2025. The Opinion indicates that the documentation, submitted under section 32B of the 2000 Act as part of the pre-application consultations, requires further consideration and/ or amendment to constitute a reasonable basis for an application for permission for the proposed LRD.
- 3.3. The applicant was notified that the following headed items would require further consideration and amendment as part of an LRD application:
- Urban Design/ Architecture
 - Transport Infrastructure Ireland Requirements
 - Cork City Transport and Infrastructure Requirements
 - Flood Risk Management
 - Stormwater Drainage Strategy
 - Water Infrastructure/ Sewer Network
 - Noise Impact
 - Air Quality
 - Housing – Part V

- Biodiversity/ Ecology/ Landscape Design/ Open Space Strategy
- Archaeology
- Childcare Facility

3.3.1. Additionally, the applicant was notified that the following items would be required to be submitted as part of an LRD application. These include, as relevant, specific surveys and reports or plans and drawings incorporating stated requirements (as updated/ revised to address the above headed items).

- Statement of Consistency
- Housing Quality Assessment
- Environmental Impact Assessment Report
- Urban Design Statement
- Architectural Design Report
- Cork City Architect Requirements
- Cork City Childcare Requirements
- Cork City Biodiversity and Tree Officer Requirements
- Landscape Strategy
- Uisce Eireann Requirements
- Site Specific Flood Risk Assessment
- Archaeological Assessment
- Phasing Strategy
- Waste Management Plans
- Road Safety Audit
- Traffic and Transportation Assessment
- Public Lighting Report
- Landscape and Visual Impact Assessment with Photomontages
- Climate Resilience Statement

- Sustainability Statement
- Taking in Charge Plan
- Part V Proposal
- School Demand Assessment
- Schedule of Accommodation

3.4. The application includes a Statement of Response from the applicant on the LRD Opinion which includes specific responses to the points of information requested by the planning authority.

3.5. For the Commission’s clarity, signed copies of the minutes of the pre-planning meetings and the planning authority’s LRD Opinion are available on the case file/ planning authority’s planning register.

4.0 **Planning Authority Decision**

4.1. **Summary of Decision**

4.1.1. The application was lodged with the planning authority on 5th September 2025. On 29th October 2025, the planning authority requested Further Information (FI), which the applicant responded to on 28th November 2025. On 29th January 2026, the planning authority issued a Notification of Decision to Grant Permission for the proposed development subject to 57 conditions.

4.2. **Planning Authority Reports**

4.2.1. Planner’s Report

Initial Assessment

The planner’s report includes an assessment of the proposed development under the following headed items:

- Environmental Assessments – Flood Risk Assessment, Environmental Impact Assessment, and Appropriate Assessment
- Principle of Development
- Residential Density and Building Heights

- Site Layout, Character Areas and Phasing
- Residential Development Standards
- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities
- Impact on Residential Amenity
- Connectivity/ Permeability
- Biodiversity
- Childcare Facility
- Transportation
- Traffic: Regulation and Safety
- Car/ Bicycle Parking
- Internal Roads Network/ DMURS/ Taking in Charge
- Transport Infrastructure Ireland
- Water Services and Drainage
- Built Heritage: Archaeology and Conservation
- Environmental Services
- Part V Housing
- Development Contributions
- Street Naming
- Other Matters

While several headed items were assessed as being satisfactory, the initial assessment concludes with a recommendation that FI be requested from the applicant.

Further Information Assessment

FI was requested in respect of the following headed items:

- Drainage Arrangements

- Transport Infrastructure Ireland
- Site Characteristics
- Architecture
- Other Matters
- EIAR
- Appropriate Assessment

Recommendation

On assessment of the applicant's FI response, the planning authority concluded that due to the location and context of the site, the nature and scale of the proposal, and the provisions of the development plan, the development would not seriously injure the residential or visual amenities of the area and would be in accordance with the proper planning and sustainable development of the area.

4.2.2. Other Technical Reports

Drainage Division: FI requested. No objection subject to condition.

City Architects: FI requested. No objection.

Planning Policy: No objection.

Traffic: Regulation and Safety: No objection subject to condition.

Urban Roads and Street Design: No objection subject to condition.

Environment: No objection subject to condition.

Biodiversity Officer: No objection subject to condition.

Parks and Recreation: No objection subject to condition.

Archaeologist: No objection subject to condition.

Housing: No objection subject to condition.

Contributions: No objection subject to condition.

Area Engineer: Defers to other sections' reports.

4.2.3. Planning Conditions

The planning authority's Notification of Decision to Grant Permission for the proposed development is subject to 57 conditions. These arise primarily from the technical reports, and there are both bespoke and standard conditions.

Due to the nature of the appeal, I identify the following conditions as being of relevance to the grounds of appeal:

Condition 8

The childcare facility shall be constructed and operational prior to the occupation of any residential dwelling of 2 or more beds within the subject site, unless otherwise agreed in writing with the Planning Authority, in consultation with Cork City Childcare.

Reason: In order to ensure the provision of essential childcare services.

Condition 10

The active travel route permitted under ABP Ref No. 310274, shall be completed and operational/ usable by members of the public prior to the commencement of development on the remainder of the site.

Reason: In the interest of orderly development and support enhanced sustainable mobility.

Condition 11

(a) The mitigation measures and monitoring commitments identified in the Environmental Impact Assessment Report (EIAR) and other plans and particulars submitted with the planning application on the 05/09/2025 as amended by the Further Information received on the 28/11/2025 shall be implemented in full by the developer, except as may otherwise be required in order to comply with the following conditions.

(b) A detailed schedule of these measures and monitoring requirements shall be included in the final Construction Environmental Management Plan (CEMP) and any other relevant plans. The final CEMP and monitoring schedule shall be submitted to,

and agreed in writing with, the Planning Authority prior to the commencement of any works on site.

Reason: In the interests of clarity, protection of the environment and the proper planning and sustainable development of the area.

Condition 12

The phasing of the proposed development shall be carried out in accordance with a Final Phasing Strategy to be submitted to and agreed in writing with the Planning Authority prior to the commencement of development. This Phasing Plan shall take account of the requirements of Conditions 8 and 10 above.

Reason: In the interests of clarity and in order to ensure the satisfactory implementation of the development and services within a timely manner.

Condition 21

This landscaping scheme shall be implemented fully before any of the units are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the management company. Any plant materials that die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of visual and residential amenity and to ensure the satisfactory development of the public open space areas, and their continue use for this purpose.

Condition 30

(a) Prior to commencement of development the developer shall retain the services of a suitably qualified archaeologist at the developer's expense to advise regarding the archaeological implications of the development site.

(b) The excavation of all foundations, pilecaps, walls and floors below present ground level shall be supervised by the archaeologist.

(c) The Planning Authority shall be notified of the commencement of the development in writing.

(d) The archaeologist shall submit a report to the Planning Authority outlining the results of the investigation and a report on any archaeological finds.

Reason: To ensure the continued preservation (either in situ or by record) of features of archaeological significance.

Condition 38

(a) Noise during site clearance and construction shall not exceed 65 dB(A), Leq 30 minutes and the peak noise shall not exceed 75 dB(A), when measured at any point off site.

(b) Working hours during site clearance and construction shall be restricted to 0800-1800 hours on Mondays to Fridays and to 0800-1600 hours on Saturdays. Activities outside these hours shall require the prior approval of the Planning Authority.

(c) Bored piling as opposed to percussive piling shall be used during site clearance and construction.

Reason: In the interests of residential amenity.

4.3. **Prescribed Bodies Submissions**

Transport Infrastructure Ireland: FI requested. No objection subject to condition.

Inland Fisheries Ireland: Requests confirmation regarding capacity in the public wastewater system to cater for the proposal.

Uisce Eireann: Connections are feasible subject to upgrades. No objection subject to condition.

Health and Safety Authority: No objection to the proposal in the context of major accidents hazards.

Cork Childcare Committee: No report on case file.

4.4. **Third Party Observations**

- 4.4.1. The planning authority indicates submissions were received from several third parties during the assessment of the application (initial assessment and at FI response stage), and summarises the key issues raised.
- 4.4.2. I have reviewed the submissions on the case file and confirm certain issues raised therein (traffic, access, childcare facility) continue to form the basis of the third-party observations on the appeal, which are outlined in section 7.0 of this report below.

5.0 Planning History

Appeal Site (majority)

No planning history.

Western side of Appeal Site (Waterfall Heights)

ABP 310274-21 (SHD Application)

In September 2021, permission was granted to Ardstone Homes Limited for 275 residential units, a childcare facility, a café, and associated site works.

Infrastructural works in the scheme included the provision of new vehicular and pedestrian entrances onto Waterfall Road, a cycle track and pedestrian footpath along Waterfall Road (site frontage) and through the scheme, upgrades to existing shared surface pathways on Waterfall Road (extend path, provide cycle track/ footpaths), and pedestrian crossings on Waterfall Road at The Rise and at the Heiton Buckley/ Audi Cork entrance junction adjacent to the South Ring Road flyover.

Permission was granted subject to 26 conditions. Conditions of relevance for the appeal case include the following:

Condition 3

The creche shall be amended and revised to ensure it will be fit for purpose. Details of the design shall be submitted to the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interests of orderly development and to comply with the relevant regulations.

Condition 8

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 -

(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,

(b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and

(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.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: 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.

Condition 14

(a) The site shall be landscaped, in accordance with the scheme of landscaping, which accompanied the application. The developer shall appoint and retain the services of a qualified Landscape Architect or qualified Landscape Designer as a Landscape Consultant, throughout the life of the construction works, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

(b) In addition to the proposals in the submitted landscaping scheme, the following shall be carried out:

(i) The landscaping scheme shall be modified to take into account the design changes set out in Condition Number 2 above.

(ii) The scheme shall also include additional tree planting in the grounds of Block 1 (i.e., between Block 1 and the adjoining third party property to the west).

(iii) The landscaping scheme shall be incorporated into the phasing scheme of the development and carried out within the first planting season following substantial completion of external construction works for each phase.

(iv) All details of the play facilities and passive recreation facilities.

(v) Details of all boundary treatments.

(vi) Provision of a designated pedestrian pathways through the biodiversity corridor.

Revised plans and particulars and documentation showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(c) All planting shall be adequately protected from damage until established. Any plants which die, are removed, or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

Condition 18

Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

Lands adjacent to the East/ Southeast

PL-500084-CC, PA Ref. 25/44065

In February 2026, permission was refused to Padel Tennis Ireland Ltd for the construction of an Indoor Recreation Facility/ Commercial Leisure Use and all associated works.

PA Ref. 24/43027

In December 2024, permission was granted to Infrastructure Investment Fund ICAV-Valley Healthcare Fund for a three-storey primary care centre and all associated works. The development will be accessed off the existing vehicular/ pedestrian entrance on Bandon Road.

Lands to the Northwest

ABP 321949-25, PA Ref. 24/43209 (LRD Application) (referred to as Waterfall Manor)

In June 2025, permission was granted to Dwellings Development Bishopstown Limited for 164 residential units, a childcare facility, and all associated site works. Permission was granted subject to 28 conditions. Conditions of relevance for this appeal case include the following:

Condition 3

(a) Prior to commencement of development the developer shall retain the services of a suitably qualified licensed archaeologist at the developer's expense to advise regarding the archaeological implications of the development site. Notification of these arrangements shall be submitted to and agreed with the planning authority prior to commencement of any development.

(b) The developer shall employ the archaeologist to test the site prior to development. The testing programme will be undertaken as outlined in the

Archaeological Assessment (Aug 2024). Facilities such as may be required shall be available to the archaeologist for this purpose.

(c) The archaeologist shall submit a report to the planning authority outlining the results of the investigation.

(d) If, in the opinion of the planning authority, significant archaeological remains are uncovered, and in so far as these remains are subject to disturbance by foundations for pilecaps, walls, floors, drainage, etc., then archaeological preservation of the site (either in-situ or by record) will be required.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

Condition 10

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

Condition 11(b)

The development shall be implemented subject to the following:

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

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

Condition 22

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

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

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

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

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

6.0 Policy Context

6.1. Local Policy Context

Cork City Development Plan 2022-2028

6.1.1. The applicable development plan for the appeal case is the Cork City Development Plan 2022-2028 (CDP), as varied.

6.1.2. The CDP map-based/ mapped designations relevant to the appeal grounds include:

- The majority of the site is zoned as ZO 01 'Sustainable Residential Neighbourhoods' which seeks '*To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses*' (Vol 2, Map 8: Southwestern Suburbs).

- An area to the west of the site is zoned as ZO 02 ‘New Residential Neighbourhoods’ which seeks ‘*To provide for new residential development in tandem with the provision of the necessary social and physical infrastructure*’.
- The site is within c.210m of three archaeological monuments including (closest) CO086-134 Enclosure, CO074-128 Burnt Mound, and CO073-129 Fulacht Fia.
- The site is located within Car Parking Zone 3 (Vol 2, Car Parking Zones).
- The site is not subject to any other natural and/ or built heritage environmental designations.

6.1.3. The CDP policy and objectives relevant to the appeal grounds include:

- Chapter 1 Introduction:
 - SO2 Delivering Homes and Communities:

Provide densities that create liveable, integrated communities by using a mix of house types, tenures and sizes linked to active and public transport. Provide amenities, services and community and cultural uses to enable inclusive, diverse and culturally rich neighbourhoods.
 - SO3 Transport and Mobility:

Integrate land-use and transportation planning to increase active travel (walking and cycling) and public transport usage. Enable the key transport projects in the Cork Metropolitan Area Transport Strategy (CMATS) delivering multi-modal usage and smart mobility, accessible for all.
- Chapter 2 Core Strategy:
 - Objective 2.10 The 15 Minute City:

To support the delivery of a 15-Minute City that supports Compact Liveable Growth by creating vibrant local communities that can access all necessary amenities within a 10-minute walk/cycle and access workplaces and other neighbourhoods with a 15-minute public transport journey. Implementation will include walkable neighbourhoods, towns and communities with mix of uses, house types and tenure that foster a diverse, resilient, socially inclusive and responsive city. This includes

support for public and active travel infrastructure projects and services and enhanced neighbourhood permeability. Strategic infrastructure and large-scale developments shall demonstrate how they contribute to a 15-minute city and enhance Cork City's liveability and accessibility.

○ Objective 2.14 Walkable Neighbourhoods:

New development shall be designed to make positive additions to their neighbourhoods, towns and communities by:

a. Delivering the right mix of uses at a scale and design that creates high quality buildings and spaces.

b. Creating attractive, safe and vibrant places designed at a human scale (i.e. places that relate to people, streetscapes and local character) with active streets and avoiding the creation of "dead" spaces.

c. Ensuring a child friendly and age friendly environment applying Universal Design principles with a mix of household types.

d. Designing a safe place that enables access for all.

e. Creating a healthy neighbourhood with increased urban greening and direct access to high quality parks and public spaces, schools, shops and local services.

f. Being well-connected with easy access to public transport and active travel.

g. Providing enhanced permeability for walking and cycling.

● Chapter 3 Delivering Homes and Communities:

○ Objective 3.21 Childcare Facilities:

To support the provision and expansion of high quality childcare facilities throughout the city. The Council will:

a. Require purpose built childcare facilities as part of proposals for new residential developments of more than 75 dwelling units. However, where it can be clearly established that existing facilities are sufficient, alternative arrangements will be considered;

b. Consult with the Cork City Childcare Company and the HSE on planning applications where childcare facilities are proposed;

c. Require employers with more than 500 members of staff to provide childcare facilities as part of planning applications for significant new and extended development.

- **Chapter 4 Transport and Mobility:**

- Objective 4.4 Active Travel:

To actively promote walking and cycling as efficient, healthy, and environmentally friendly modes of transport by securing the development of a network of direct, comfortable, convenient, and safe cycle routes and footpaths across the city.

To support the 15-minute city concept and walkable neighbourhoods with adequate walking and cycling infrastructure connected to high-quality public realm elements, including wayfinding and supporting amenities (benches, water fountains, bike stands).

To support the expansion of the Cork Bikes scheme. To accommodate other innovations such as electric bikes, public car hire, and other solutions that will encourage active travel. To support the rollout of the NTA 5 Year Cycle Plan. To support and engage with the Safe Routes to School programme.

- Objective 4.5 Permeability:

a. All new development, particularly alongside the possible routes identified for public transport improvements, shall include permeability for pedestrians, cyclists, and public transport so as to maximise its accessibility.

b. To maximise permeability, safety, security and connectivity for pedestrians and cyclists by creating direct links to adjacent roads and public transport networks in accordance with the provisions of statutory guidance as prescribed.

c. Prepare a permeability strategy for areas throughout the city.

- Chapter 11 Placemaking and Managing Development:
 - Public Open Space in Housing Developments, Paragraphs 11.112-11.113 and Table 11.12 outline the quantitative requirement for greenfield sites as 15% and qualitative requirements (e.g., usable, visual amenity, biodiversity value).
 - Phased Development, Paragraphs 11.115-11.116 indicate that large development proposals be accompanied by a phasing schedule, which may be subject to planning condition to ensure compliance, and that developments of 100+ residential units demonstrate that adequate provisions for physical and social infrastructural requirements (i.e., roads, sewers, water mains, community, recreational and sporting facilities (indoor and outdoor), public transport, first and second level schools, and shops) are available at completion to support the development.
 - Childcare Facilities, Paragraphs 11.162–11.166 outline the requirement for, preferred location, optimum design, and assessment process for childcare facilities.
 - Surveys, Test Trenching and Monitoring, Paragraph 11.206 states that archaeological surveys, test excavation and/ or monitoring will be required for development proposals in areas of archaeological importance if the application is likely to impact upon in-situ archaeological structures or deposits.
 - Maximum Standards, Paragraph 11.243 and Table 11.13 (Zone 3) indicate a maximum car parking provision for residential use of 1 space per 1.25sqm (gfa) for 1-2 bed units, and per 2.25sqm for 3+ bed units, and for childcare use of 1 space per 6 children.
 - Electric Vehicle Parking, Paragraph 11.245 indicates a minimum of one EV equipped parking space per five car parking spaces (with all other spaces developed with appropriate infrastructure to enable future installation of charging points).
 - Motorcycle Parking, Paragraph 11.247 indicates one motorcycle parking bay per 10 car parking spaces provided for apartment developments.

- Cycle Parking, Paragraph 11.248 indicates 0.5 cycle parking space per residential unit in suburb locations and 1 space per 25 children in a childcare facility.
- Management of Construction Sites, Paragraph 11.272 requires the preparation of a Construction and Environmental Management Plan (CEMP) for major residential developments, and the plan should include, inter alia, details on the hours of operation.

6.2. National Policy Context

6.2.1. The national policy context relevant to the appeal grounds includes the National Planning Framework (First Revision, April 2025), Housing for All, Climate Action Plans, National Biodiversity Plan, a number of section 28 Ministerial Guidelines, and the Framework and Principles for the Protection of the Archaeological Heritage.

National Planning Framework, First Revision, Project Ireland 2040 (NPF)

6.2.2. Several national policy objectives (NPOs) are applicable to the proposed development and relevant to the appeal grounds. These include NPO 4, NPO 7, NPO 8, NPO 16, NPO 42, NPO 43 which support the provision of new homes and targeted population growth in Cork City and suburbs, and NPO 22, NPO 37, NPO 45, NPO 78, NPO 79, NPO 85 and NPO 87 which seek the delivery of well-designed urban schemes that incorporate sustainable modes of transport whilst protecting the local natural and built environment.

Housing for All 2021

6.2.3. Specifies four pillars by which universal access to quality housing options is to be achieved. Of relevance to the proposed development is the achievement of Pillar 1, increasing new housing supply.

Climate Action Plans 2024 and 2025

6.2.4. The Climate Action Plans, to be read in conjunction, outline measures and actions by which the national climate objective of transitioning to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy by 2050 is to be achieved. These include the delivery of carbon budgets and the reduction of emissions across sectors of the economy. Of relevance to the proposed

development, is that of the built environment sector. The Commission must be consistent with the Plan in its decision making.

National Biodiversity Plan 2023-2030

- 6.2.5. Includes five objectives by which the current national biodiversity agenda is to be set and the transformative changes required to ensure nature is valued and protection is delivered. Of relevance to the proposed development, are the targets and actions associated with Objective 2 on achieving the conservation and restoration needs of environmental designations. Section 59B(1) of the Wildlife (Amendment) Act 2000, as amended, requires the Commission to have regard to the objectives and targets of the Plan in the performance of its functions.

Section 28 Ministerial Planning Guidelines

- 6.2.6. The relevant planning guidelines include the following (my abbreviation in brackets):

- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024, (Compact Settlements Guidelines).
 - Section 4.4 Key Indicators of Quality Design and Placemaking indicates that public open spaces should be designed to cater for a range of active and passive recreational needs, including active travel provisions.
 - Section 5.3.3 Public Open Space indicates that all residential developments should make provision for a reasonable quantum of public open space, and that there should be focus on the overall quality, amenity value and biodiversity value of public open spaces.
 - Section 5.3.4 Car Parking outlines that due to investment in active travel and public transport locations are increasingly accessible and new developments should be designed to cater for a range of active and passive recreational needs (including play, physical activity, active travel).
 - SPPR 3 – Car Parking specifies the maximum allowable rate of car parking provision based on types of locations (e.g., 2 no. spaces per dwelling for intermediate/ peripheral locations).
 - SPPR 4 – Cycle Parking and Storage requires a general minimum standard of 1 no. cycle storage space per bedroom (plus visitor spaces), a

mix of cycle parking types, and cycle storage facilities in a dedicated facility of permanent construction (within or adjoining the residences).

- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, 2025 (Apartment Guidelines).
 - Section 4.7 allows 1 bed units (and in some instances 2+ bed units) to be discounted from childcare demand calculations.
- Childcare Facilities, Guidelines for Planning Authorities, 2001 (Childcare Guidelines). Applicable policy for the proposed development includes:
 - Appendix 2 recommends the provision of a childcare facility with a capacity of 20 childcare spaces per 75 dwellings units.
 - Section 2.4 outlines the scale and/ or requirement for childcare facilities may depend on the nature of the proposed development.
- Development Management, Guidelines for Planning Authorities, 2007 (Development Management Guidelines).
 - Section 7.3 outlines the criteria for planning conditions. These include conditions being necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise, and reasonable.

Framework and Principles for the Protection of the Archaeological Heritage, Department of Arts, Heritage, Gaeltacht and the Islands, 1999

6.2.7. The framework provides the following description:

- Archaeological monitoring involves an archaeologist being present in the course of the carrying out of development works (which may include conservation works), so as to identify and protect archaeological deposits, features or objects which may be uncovered or otherwise affected by the works.

6.3. Natural Heritage Designations

6.3.1. The appeal site is not located in or immediately adjacent to a European Site, a Natural Heritage Area (NHA) or a proposed NHA (pNHA).

6.3.2. The pNHA designations in proximity to the appeal site include:

- Lee Valley pNHA (000094) is c.2.44km to the north.
- Cork Lough pNHA (001081) is c.3.07km to the northeast.
- Douglas River Estuary pNHA (001046) is c.6.34km to the east.

6.3.3. The European site designations in proximity to the appeal site include (measured at closest proximity):

- Cork Harbour SPA (004030) is c.6.34km to the east.
- Great Island Channel SAC (001058) is c.13.07km to the east.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. This is a first party appeal in respect of the decision by Cork City Council to grant permission for the development. The appeal grounds include the following:

Context

- Appeal relates to specific conditions only, these are Conditions 8, 10, 21, 30(b) and 38.
- Requests that the appeal is considered under section 139 of the 2000 Planning and Development Act, as amended, and that considerations are restricted to those named conditions only.

Condition 8 – Childcare Facility

- Condition is unreasonable, unnecessary, and contrary to the Development Management Guidelines for Planning Authorities, 2007.
- Condition is ultra vires and imposes a wholly unreasonable and impossible requirement on the developer.
- Contrary to policy in Section 7.3.5 of the planning guidelines relating to the test of reasonableness for a condition, i.e., should not have to obtain the consent of another party whose interests may not coincide with those of the developer.

- Conditions which require creches to be operational prior to occupation of dwellings, often leave the developer subsidising the construction costs, delivering the property to a third party at a loss, or not being in a position to continue the residential development until the creche is operational.
- All scenarios are unreasonable and such conditions effectively nullify the permission for the housing.
- Refers to relevant scenarios in planning history cases (e.g., LH04.319654 and LH28.322434) whereby childcare facilities were conditioned to be completed to an 'operational standard' prior to the completion of the development, as opposed to being required to be operational.
- The Childcare Facilities, Guidelines for Planning Authorities, 2001 do not require the provision of childcare facilities to be front-ended by condition in residential developments.
- Conditions which require creches to be operational prior to occupation of dwellings are undermining government policy on the delivery of housing and disregarding problems in the childcare sector (shortages of operators and staff, operation costs).
- Creche is included in Phase 1 of the development, will be delivered accordingly, and it is not necessary for the creche to be either constructed or operational before the occupation of dwelling units (of over 2 no. beds).
- Requests that Condition 8 be removed.

Condition 10 – Active Travel Route

- Condition requirement is unsafe and not in accordance with the proper planning and sustainable development of the area.
- Active travel route was permitted under ABP Ref. 310274, runs through the subject site, and through part of the adjoining development (i.e., that of ABP Ref. 310274) which has yet to be completed (completion date indicated as Q2 2027).

- Totally unsafe and unnecessary to require this section of the route be completed and operational/ usable by members of the public prior to the commencement of development.
- Would involve constructing, completing and opening a section of the route through an active building site, without passive surveillance.
- Active travel route within the scheme is included in Phase 1 of the development, will be delivered accordingly, when it will form a safe and integral part of a residential scheme with proper passive surveillance by the adjoining residential units.
- Requests that Condition 10 be removed.

Condition 21 – Landscaping Scheme

- Condition runs entirely against the phased delivery of the LRD.
- Condition requiring the full implementation of the landscaping prior to the occupation of dwelling units is entirely unreasonable and not feasible.
- Would involve completing landscaping and providing open space in residential areas that are under construction.
- Would displace the construction compound for the scheme (located on an amenity area, a common construction practice), which allows developments to be carried out in a safe and orderly manner.
- Provision of landscaping and amenity areas can only be delivered in accordance and in tandem with the phased delivery of the LRD.
- Requests that Condition 21 be removed.

Condition 30(b) – Archaeology

- Condition is excessive, onerous and not consistent with standard archaeological conditions.
- Condition is in excess of normal requirements such as consulting with the planning authority's Archaeologist prior to the commencement of development and requiring an archaeologist to monitor topsoil stripping and groundworks.

- Requirement for an archaeologist to supervise the excavation of all foundations, pile caps, walls and floors of every building on-site goes well beyond the normal archaeological monitoring condition.
- Requests that Condition 30(b) be removed.

Condition 38 – Working Hours

- Condition required to be revised so that the working hours are extended to 0700-1900 hours, Mondays to Fridays.
- Condition unnecessarily restricts working hours to 08:00 to 18:00 (Mondays to Fridays), prolonging the overall duration of construction works and delaying the delivery of housing.
- CEMP indicated 7am-7pm Monday to Friday and 7am-4pm Saturday.
- No reason construction work cannot commence from 7am, standard practice on the majority of construction sites, allows site/ construction and delivery traffic to avoid peak hour traffic (i.e., 8am-9am).
- Refers to construction hours in several planning history cases of 7am-7pm Monday to Friday.
- Requests that Condition 38 be modified to replace the reference to '0800 to 1800' on Mondays to Fridays to '0700 to 1900' on Mondays to Fridays.

7.2. Planning Authority Response

7.2.1. No response has been received from the planning authority on the appeal.

7.3. Observations

7.3.1. Two observations have been made on the first party appeal. The observers have indicated addresses in Waterfall Heights, the adjacent residential development to the west of the appeal site.

7.3.2. The key issues raised in the observations include the following:

Existing Traffic Conditions on Public Roads

- Serious concerns about the proposed vehicular access routes for Waterfall Manor (i.e., name used to refer to the proposed development), would like them to be amended before planning permission is approved.

- Waterfall Heights (c.250 dwellings units) is served by one access road onto Waterfall Road. On leaving the estate, drivers have the option of turning left on local road L2230, or turning right, travelling to the Waterfall Road/ Bandon Road junction, and accessing national roads N71 and N40.
- The latter route is preferable, and the junction can be busy with long tailbacks.
- Congestion likely to increase as Waterfall Heights is only 50% occupied, and c.160 units have been permitted in Waterfall Avenue (name used referring to the development under construction in the site to the north).
- Inappropriate to allow Waterfall Manor to access the Waterfall Road through Waterfall Heights.
- The existing entrance at the northwestern end of Waterfall Heights is already too narrow, and not suitable for the traffic associated with an additional development of 240+ more properties.
- Opposite the entrance to Waterfall Height another development Waterfall Avenue is underway (c.130+ properties), which will significantly increase traffic on the Waterfall Road.

Existing Traffic Conditions in Waterfall Heights Estate

- Concern that allowing the access road for Waterfall Manor to go through Waterfall Heights would result in heavy construction traffic for a number of years, posing safety issues for existing residents and in particular those residents who have young families.
- Roads in Waterfall Heights are not wide enough currently for the addition of traffic associated with another 240+ units.

Car Parking Provision

- Severe lack of parking in Waterfall Heights, and proposed parking in Waterfall Manor will add to difficulties and safety concerns associated with narrow roads and too high a volume of traffic using one exit and route (i.e., 500+ units in Waterfall Heights and Waterfall Manor).

- Initially planned creche in Waterfall Heights served by 8 car parking spaces, proposed creche in Waterfall Manor (supersedes initial creche) doubled in size but only served by 9 car parking spaces. This is unacceptable.
- Lack of parking could significantly impact hinder both current Waterfall Heights residents and future Waterfall Manor residents.
- Large concerns regarding shortfall in the amount of parking spaces available in the Waterfall Heights development currently, and the proposed Waterfall Manor development.
- Houses have dedicated off street spaces but sever lack of spaces for duplexes and apartments (64 spaces for 103 units), and creche and visitors (9 spaces each). Provision is completely unreasonable and an unacceptable amount.
- Unacceptable to assume residents will not have vehicles, therefore there should be ample parking spaces for residents, proposal is not easily or readily accessible via public transport.
- Current problems in Waterfall Heights (excess demand for spaces, poor and dangerous parking, particularly near only entrance) will be exacerbated by more residents in apartments in the proposed development (with a similar lack of parking).

Alternative Access Routes

- Points to the east and south of the proposed development are identified as potential future vehicular access roads.
- Requests that these be used/ developed to serve as the access roads for Waterfall Manor instead of going through Waterfall Heights.
- Roads and junctions in Waterfall Heights are not suitable for additional traffic, and an additional entrance must be included for the proposed Waterfall Manor development.
- A temporary entrance by the Audi garage near the Bandon Road Roundabout is already in use for construction traffic.

- This entrance should become a main entrance to the finished Waterfall Manor development. This will significantly alleviate traffic on the Waterfall Road, the through traffic in Waterfall Heights, and make all roads and junctions in each development safer.
- Another access point to Waterfall Manor (via a road other than Waterfall Road) is required or there will be significant build-up of traffic on Waterfall Road and adjoining roads (due to permitted/ under construction developments).

Childcare Facility

- Proposal includes a large creche facility in the southwest corner, adjacent to the eastern side of Waterfall Heights.
- This crèche, while having significantly increased in size, was already included for Waterfall Heights.
- Creche has not been commenced to date, over 2 years after construction began, very likely that the creche will not be completed for 2 or 3 years. This is unacceptable.
- This is a breach of the original plans for Waterfall Heights, the developer should be held accountable, and the creche should be completed prior to any other construction of Waterfall Manor proposed units.
- Approves of the condition requiring the creche be completed and functional prior to any occupancy of Waterfall Manor properties.
- Concerns as to the enforceability and accountability of this condition on the developer.

Support of Proposed Development

- Very excited to see the development of the community, would fully support this development if the vehicular access roads were amended.
- No objection to the provision of additional properties, however, there needs to be a balance between the provision of properties, thoughts for safety, and planning for the wants and needs of current and future residents.

8.0 Planning Assessment

8.1. Scope of the Appeal

- 8.1.1. In determining the scope of the appeal, it is necessary to consider the provisions of section 139 of the Planning and Development Act 2000, as amended (2000 Act), and the reasons as to why a determination by the Commission of the application in the first instance is not warranted.

Section 139 of the Planning and Development Act 2000, as amended

- 8.1.2. The applicant requests that the Commission considers the appeal in accordance with section 139 of the 2000 Act, the provisions of which the Commission will be familiar with.
- 8.1.3. As the planning authority granted permission for the proposed development, and the first party appeal relates exclusively to five conditions, I consider the appeal satisfies the provisions of section 139(1)(a) and (b).
- 8.1.4. Section 139(1)(c) outlines the course of action to be taken should the Commission be satisfied that the determination of the application as if it had been made to it in the first instance would not be warranted. While I outline the basis for my decision in this subsection below, in short, I am satisfied that in having regard to the nature of the five conditions appealed, such a determination is not warranted.
- 8.1.5. Section 139(1)(c) allows the Commission to give directions to the planning authority, as it considers appropriate *'relating to the attachment, amendment or removal by that authority either of the condition or conditions to which the appeal relates or of other conditions'*.
- 8.1.6. In undertaking the determination of this appeal case, I confirm to the Commission that, as specified by section 139(2)(a), I have restricted my consideration to the matters to which regard is to be had (i.e., those specified in section 34(2)(a) of the 2000 Act). For this appeal case, these matters predominantly relate to the policy context formed by the development plan and section 28 guidelines (relevant provisions are cited in section 6.0 Policy Context of this report above).
- 8.1.7. In accordance with section 139(2)(b), I identify two previous permissions as relevant to the determination of this appeal case. These are ABP 310274-21 (Waterfall

Heights), and ABP 321949-25/ PA Ref. 24/43209 (Waterfall Manor) (see section 5.0 Planning History of this report above). The relevant terms of these permissions include several conditions that relate to issues similar to those of the five conditions to which the appeal relates.

- 8.1.8. Finally, in respect of the proposed development, I have considered the nature of the conditions to which the appeal relates in the context of environmental impact assessment (EIA), carried out a screening determination for appropriate assessment (AA), and for water status impact assessment (WSIA). These are presented in sections 9.0, 10.0 (read in conjunction with Appendix 1), and 11.0 below.

8.2. Determination of the Application in the First Instance

- 8.2.1. Section 139(1)(c) requires that the Commission must be satisfied that a determination of the application by it in the first instance is not warranted. In achieving such satisfaction, I identify the following items as material, and discuss each below:

- the nature of the conditions to which the appeal relates,
- the planning authority decision,
- the other conditions attached to the grant of permission,
- the nature of third-party involvement in the appeal case, and
- the extent of compliance with applicable local and national policy.

Nature of the Conditions

- 8.2.2. The applicant has appealed five planning conditions (cited in full in section 4.0 Planning Authority decision above). Three of the conditions (Conditions 8, 10, and 21) require elements of the proposed development to be constructed and operational prior to the development of other elements and/ or the occupation of specific/ all residential units. The other two conditions (Conditions 30(b) and 38) relate to construction phase processes (archaeological monitoring, hours of construction).
- 8.2.3. I consider that the appealed conditions are not material in nature, that being, these conditions relate to timings, delivery of elements, processes, and methods. The conditions relate to the construction phase of the development. While these have an implication for/ linked to the operational (occupation) phase of the proposal, the

conditions are temporary and not permanent in their nature. Importantly, the conditions do not materially amend or revise the proposal in any manner that results in a significant change to the scheme or the final layout of same.

Planning Authority Decision

8.2.4. From a review of the case file, it is evident that the proposed development has been subject to comprehensive design, planning, consultation, and assessment. The applicant and planning authority (with input from prescribed bodies) undertook preplanning consultations, the proposal was subject to a FI request and response process, appropriate assessment (AA) and flood risk assessment (FRA) screening processes, a full environmental impact assessment (EIA), and there are several conditions (57 no.) attached to the grant of permission to manage its implementation and operation.

8.2.5. In its assessment (initial and FI response), the planning authority found the development to be in accordance with, as applicable to the issue, development plan policy and provisions (no material contraventions are identified), and national policy and planning guidelines requirements (including SPPRs). This is in respect of the following:

- Overarching principle of development (e.g., zoning and use classes, settlement hierarchy, targeted population growth).
- Quantitative metrics (e.g., residential density, building heights, residential unit mix, residential development standards, public open space, car and cycle parking provision).
- Qualitative features (e.g., placemaking, design and layout, buildings' external finishes, connectivity, permeability, soft and hard landscaping).
- Impacts on the receiving environment (e.g., residential amenity, biodiversity, archaeology and architectural heritage, traffic and transportation, water services and utilities).

8.2.6. Further, I note that the internal sections of the planning authority and the prescribed bodies indicate satisfaction with and no objection to the proposed development.

Other Conditions attached to the Grant of Permission

8.2.7. Of the conditions attached to the grant of permission, I have reviewed the other 52 conditions which are not subject of this appeal. I find these to be a mix of bespoke and standard conditions (technical, procedural, financial), arising primarily from the requirements of the internal sections. The basis or reasons for the conditions include addressing the requirements of the development plan, planning guidelines, planning legislation, and proper planning and sustainable development of the area. I consider that the conditions attached to the grant of permission are comprehensive, addressing all items that would be reasonably anticipated were a determination of the application to be undertaken by the Commission in the first instance (and were the decision to result in a grant of permission).

Nature of Third-Party Involvement in the Appeal Case

8.2.8. There are no third-party appellants against the decision. There are two third-party observations on the appeal. The observations raise issues relating to the provision of the childcare facility, which is relevant to Condition 8 (subject to the appeal). Otherwise, the observations predominantly refer to existing traffic and parking provision in Waterfall Heights, and to the access arrangements and car parking provision in the proposed development.

8.2.9. The application is accompanied by several traffic and transport related plans and particulars. These include the EIAR (Chapter 6 (with associated appendix), inclusive of the traffic impact assessment and safety audit), the Engineering Report (inclusive of DMURS compliance), the Statement of Consistency (inclusive of Compact Settlements Guidelines, DMURS, and CDP compliances (policy and standards)), and the Planning Report (inclusive of design approach compliance (connectivity and permeability)). In assessing this appeal case, I have reviewed same.

Compliance with Applicable Local and National Policy

8.2.10. Of concerns raised in observations relating to parking provision, scheme layout, and traffic safety, I am satisfied that the applicant has demonstrated that the proposed development is compliant with local CDP and national planning guidelines requirements for same. These include compliance with car and cycle parking policy and standards as applicable to the site's accessible suburban location (e.g., as cited in section 6.0 above, CDP policy in Paragraphs 11.243, 11.245, 11.247 and 11.248,

CSG policy in SPPRs 3 and 4), and to the design and layout of the scheme (as applicable to levels of permeability, connectivity, and safety).

Conclusion

8.2.11. In conclusion, due to the nature of the conditions to which the appeal relates, the positive assessment of the proposal by the planning authority and prescribed bodies, the comprehensiveness of the other conditions, the nature of third-party involvement in the appeal case, and the extent of compliance with applicable local and national policy on design, layout, and parking in residential schemes, I recommend that the determination by the Commission of the application as if it had been made to it in the first instance would not be warranted.

8.3. Condition 8 – Childcare Facility

8.3.1. Condition 8 relates to the childcare facility, which is required to be '*constructed and operational prior to the occupation of any residential unit of 2 or more beds within the site*'. The reason given for the condition is to ensure the provision of essential childcare services.

Appeal Grounds

8.3.2. The applicant describes this requirement in the condition as unreasonable and unnecessary. The applicant submits the condition imposes an impossible requirement on the developer (e.g., subsidising construction costs, delivering the property to a third party at a loss, and delaying development of the remaining scheme), and is contrary to the Development Management Guidelines (a condition should not require the consent of another party whose interests may not coincide with those of the developer).

8.3.3. The applicant states the childcare facility is included in Phase 1 of the phasing plan and will be delivered accordingly. It is requested that the condition be removed.

Policy Context on Childcare Facilities

8.3.4. The site is zoned as ZO 01 'Sustainable Residential Neighbourhoods' and ZO 02 'New Residential Neighbourhoods'. The zoning objectives (cited in section 5.0 of this report above) in combination seek to provide residential neighbourhoods with various local services, supporting land uses, and necessary physical infrastructure.

- 8.3.5. Other applicable development plan provisions include CDP Objective 3.21 which supports purpose built childcare facilities in new residential developments of more than 75 dwelling units, and policy in CDP Paragraphs 11.162–11.166 which relate to location, design, and the assessment process.
- 8.3.6. CDP policy in Paragraph 11.116 requires that developments of 100+ units demonstrate that adequate provisions for specified physical and social infrastructural requirements are available at completion to support the development. While the infrastructure referred to in the policy includes uses such as first and second level schools, childcare facilities are not specifically listed.
- 8.3.7. Applicable national guidance in the Childcare Guidelines and Apartment Guidelines centres on quantitative requirements (20 childcare spaces per 75 dwellings units), with flexibility allowed on the requirement and/ or the scale being dependent on the proposal (discounting of 1 and/ or 2 bed+ units, a consideration of facilities in the local area).

Relevant Planning History

- 8.3.8. Both ABP 310274-21 (Waterfall Heights) and ABP 321949-25 (Waterfall Manor) made provision for a childcare facility (also referred to as a crèche), and the grants of permission include conditions relating to same.
- 8.3.9. The proposed childcare facility is sited in the southwest corner of the site, similar to the location of the crèche in ABP 310274-21 (Waterfall Heights). In ABP 310274-21, Condition 3 required agreement with the planning authority for a revised design for the crèche building. The childcare facility in the proposed development supersedes the crèche in Waterfall Heights. That being, the proposed childcare facility is intended to serve both Waterfall Heights and the proposed development (both are under the control of the applicant). Condition 3 of ABP 310274-21 did not link the construction of the crèche with any other element/ the remainder of the scheme, nor require the facility to be operational prior to the occupation of any residential units.
- 8.3.10. In ABP 321949-25, Condition 11(b) requires a '*phasing programme for construction and making available for use of the childcare facility*' to be agreed with the planning authority prior to commencement of development. In similarity with Condition 3 of ABP 310274-21, Condition 11(b) does not link the construction of the childcare

facility with the remainder/ any other element of the scheme, nor require the facility to be operational prior to the occupation of any residential units.

Observations

8.3.11. Observations relating to the childcare facility include the unacceptable delay in its provision to date (over 2 years since construction began in Waterfall Heights), which is described as a breach of the original plans for Waterfall Heights. Observations support Condition 8 being attached to the grant of permission, stating the facility should be completed and functional prior to any occupancy of Waterfall Manor properties.

Assessment

8.3.12. From a review of the case file, the basis for Condition 8 arises from the planning officer's assessment. The planning officer refers to concerns raised by third party observers regarding the failure to provide a childcare facility to date in Waterfall Heights.

8.3.13. While the planning officer notes and welcomes the inclusion of the childcare facility in Phase 1 of the scheme's phasing plan (described in section 2.0 of this report above (three phases, indicated in 'Proposed Phasing Drawing No. 23161/P/011', c.24-month period), this is not considered to be sufficient. It is recommended that the facility be delivered early in Phase 1, prior to the occupation of any residential units within that phase.

8.3.14. In respect of the applicant's claim that Condition 8 is unreasonable, unnecessary, and an imposition on the developer, I do not wholly agree. There are certainly instances where it is reasonable and necessary to frontload facilities, services and/ or infrastructure in a proposed development, in particular, residential schemes where new residents require these supports.

8.3.15. However, as discussed below, I acknowledge the opposition to the requirement for the childcare facility to be operational prior to residences being occupied (as opposed to, for example, being constructed or made available for use). Further, I note the provisions of the phasing plan for the scheme and the inclusion of the childcare facility in Phase 1 as material considerations.

- 8.3.16. Of the applicant's claim that requiring the childcare facility to be operational is unreasonable, I accept that being able to ensure that this type of service is operational may prove to be outside the applicant's control and therefore unreasonable. That being, there may be circumstances where it is not possible to identify and/ or retain a tenant for the premises in a timely, transparent, and fair manner. As highlighted by the applicant, the Development Management Guidelines guide against conditions that cannot be complied with without otherwise obtaining the consent of another party whose interests may not coincide with the applicant/ developer.
- 8.3.17. Of the applicant's submission that as the childcare facility is included in Phase 1 of the scheme Condition 8 is not necessary, I have analysed the phasing plan and Housing Quality Assessment (HQA¹) submitted with the application. Analysis of these figures is necessary to understand the implications of Condition 8.
- 8.3.18. Condition 8 restricts dwelling units with 2 or more bedrooms (2+ bed) from being occupied until the childcare facility is operational. The proposed development comprises 194 2+ bed units (79%) and 52 1 bed units (21%) overall. I identify that Phase 1 contains 102 dwellings (2 1 bed and 100 2+ bed units), Phase 2 contains 66 dwellings (10 1 bed and 56 2+ bed units), and Phase 3 contains 78 dwellings (40 1 bed and 38 2 bed units). Phase 1 comprises c.41% of the overall scheme and contains c.52% of the 2+ bed units and c.2% of 1 bed units in the overall scheme.
- 8.3.19. The planning officer recommends that the childcare facility be delivered early in Phase 1, specifically '*prior to the occupation of any residential units within that phase*'. However, Condition 8 does not refer to 'any residential units within' Phase 1 but to all 2+ bed dwellings within the 'subject site'.
- 8.3.20. In the event that the childcare facility proved not to be operational (for reasons as outlined above), Condition 8 would only allow the 1 bed units within the overall scheme (52 units, 21%) to be occupied. However, for this occupancy rate to be achieved, the full scheme would need to be developed as the notable majority (77%)

¹Note: there is a typographical error in the numbering of units in Phase 1 (Units 1063-1067 are omitted in the sequence on pg. 10 (which correctly corresponds with the dwelling numbering on the Site Layout Plan/ Phasing Plan), but Units 1065-1069 units are referenced on 14). For clarity, this minor error has not prevented me from calculating the number of units in each phase.

of the 1 bed units are in Phase 3 (i.e., the three apartment buildings). As there is potential for/ a likelihood of the childcare facility not being operational for reasons outside of the applicant's control, I consider the implication of Condition 8 to be too onerous on the development of the scheme.

- 8.3.21. The applicant submits that the childcare facility will be developed within Phase 1 of the phasing plan and Condition 8 is not necessary. In the event that the childcare facility was to be constructed at the end of Phase 1, I note that 102 dwelling units (41%) would be completed and 144 units (59%) would remain to be delivered in Phases 2 and 3. I consider these phases of residential delivery to be more proportional and reasonable than that which would be delivered by way of Condition 8.
- 8.3.22. From the relevant planning history, I note that there was no requirement in ABP 310274-21 (Waterfall Heights) or ABP 321949-25 (Waterfall Manor) for the respective childcare facilities to be operational prior to the occupation of residential units. For the latter consent, a phasing programme is required to be agreed with the planning authority in respect of the construction and making available for use of the childcare facility.
- 8.3.23. I acknowledge observer concerns regarding the absence of the childcare facility to date in Waterfall Heights and the planning authority's proposed solution to address same. I note that Waterfall Heights is a residential scheme of c.275 dwelling units, at an advanced stage of construction and occupation (albeit with a notable proportion still to be completed) which is yet to be served by a childcare facility.
- 8.3.24. However, CDP and national planning policy do not explicitly require the phased delivery of childcare facilities in residential schemes or require restrictions on the occupation of residential units until such facilities are operational. The policy context for childcare facilities primarily focuses on quantitative requirements. That being, there is no policy requirement that the Commission is required to have regard to in its assessment of the proposed development which would necessitate or justify a condition as restrictive as Condition 8.
- 8.3.25. I acknowledge the provisions of CDP Paragraph 11.116 relating to phased development, and highlight that, while not listed per se, childcare facilities could reasonably be considered as coming within the scope of social infrastructure. If this

was to be the position of the Commission, the CDP policy refers to the infrastructure being available at completion to support the development (i.e., not at an earlier phase).

- 8.3.26. Finally, I highlight the CDP zoning objectives applicable to the proposal are ZO 01 and ZO 02. I consider that the construction of the proposed development in accordance with the phasing plan, including the childcare facility in Phase 1, complies with the objectives for the zonings by providing a residential neighbourhood with a variety of local services and supporting land uses.
- 8.3.27. I have reviewed the applicant's Childcare Demand Report which indicates that there is sufficient capacity in existing and extant childcare facilities in the vicinity of the site (a 2km catchment area) and that it is likely that residents' demand for childcare would also be met in proximity to places of employment. I consider the available capacity in existing facilities would be sufficient to temporarily cater for the initial demand arising from the proposed development, to reasonably allow the facility to be constructed within Phase 1 (the applicant's CEMP estimates a c.24-month construction programme (after initial set-up and servicing (c.12-18 months)), of which Phase 1 lasts c.11 months), and that the restriction on the occupation of residential units within the scheme would not be necessary.
- 8.3.28. While the applicant requests that Condition 8 is removed, I consider an approach similar to that applied in ABP 321949-25 (Waterfall Manor) to be appropriate for the proposed development. As the proposed childcare facility replaces the crèche in Waterfall Heights and is intended to serve both residential schemes, I consider it appropriate that a phasing condition be included in the proposed development for clarity and order, but linked to actions which would reasonably be under the applicant's control, i.e., the construction of the building and making it available for use.
- 8.3.29. Having regard to the above, I recommend Condition 8 be amended so as to refer to the construction of the childcare facility within Phase 1 of the development and that a phasing programme be agreed with the planning authority for the making available for use of the childcare facility. Such a condition would ensure the facility is constructed, with scope for it to be ready for use, by the end of Phase 1 whilst allowing the progression of Phases 2 and 3.

Conclusion

8.3.30. In conclusion, I recommend that Condition 8 be amended to read as follows:

Condition 8

The childcare facility shall be constructed within Phase 1 of the phasing plan indicated in 'Proposed Phasing Drawing No. 23161/P/011'. On or prior to the completion of the construction of the childcare facility, a programme for the making available for use of the childcare facility shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of orderly development and to ensure the provision of childcare services.

8.4. **Condition 10 – Active Travel Route**

8.4.1. Condition 10 relates to the active travel route permitted under ABP 310274-21 (Waterfall Heights), which is required to be '*completed and operational/ usable by members of the public prior to the commencement of development on the remainder of the site*'. The reason given for the condition includes to support enhanced sustainable mobility.

Appeal Grounds

8.4.2. The applicant describes this requirement in the condition as unsafe and unnecessary. The applicant opposes the condition due to it requiring the construction, completion, and opening of a section of the route through a working building site, and submits the route is not required by members of the public prior to the commencement of development.

8.4.3. The applicant states the active travel route is included in Phase 1 of the phasing plan and will be delivered accordingly. It is requested that the condition be removed.

Policy Context on Active Travel

8.4.4. The site is zoned as ZO 01 'Sustainable Residential Neighbourhoods' and ZO 02 'New Residential Neighbourhoods'. The zoning objectives (cited in section 5.0 of this report above) in combination seek to provide residential neighbourhoods with various local services, supporting land uses, and necessary physical infrastructure.

- 8.4.5. Applicable development plan provisions include several strategic objectives, objectives, and policy relating to active travel. CDP SO2 and SO3 require designing and integrating residential developments and transportation planning to increase active travel opportunities. Similarly, CDP Objectives 2.10, 4.4, and 4.5 also focus on creating well connected, permeable, and walkable neighbourhoods through active travel initiatives.
- 8.4.6. CDP policy in Paragraph 11.116 relates to phased development and requires that for residential schemes of 100+ units, adequate provisions for specified physical and social infrastructural requirements are available at completion to support the development. Of the physical infrastructure specified, roads are included.
- 8.4.7. Applicable national guidance in the Compact Settlements Guidelines includes that indicators of quality design and placemaking include public open spaces incorporating active travel provisions, and that new developments be designed to cater for a range of recreational needs including active travel.

Relevant Planning History

- 8.4.8. Relevant planning history is that which relates to ABP 310274-21 (Waterfall Heights). The active travel route was proposed within this development. On review of the grant of permission, I do not identify any specific condition(s) relating to the construction, completion, operation of the route, or its timed delivery within the phasing of the overall development.

Assessment

- 8.4.9. The active travel route is a dedicated shared pedestrian/ cycle pathway which extends along the northwest/ north of the proposed development connecting Waterfall Heights to the west, with the existing publicly accessible shared pathway to the east. The route is under construction (noted at the time of site inspection) as part of the progressive development of Waterfall Heights (in a westerly direction), and the applicant indicates a completion date of Q2 2027.
- 8.4.10. From a review of the case file, the basis for Condition 10 is not wholly evident (e.g., the route is not referred to in the planning officer's assessment of the headed item 'Site Layout, Character Areas and Phasing'). I have reviewed the internal reports of the Traffic: Regulation and Safety and Urban Roads and Street Design sections.

Both sections have no objection to the proposal and recommend conditions. I note none of the recommended conditions require the delivery of the active travel route prior to the commencement of development on the remainder of the site. There is no response to the appeal from the planning authority.

- 8.4.11. Of the applicant's claims that the condition is unsafe and unnecessary, I agree. The active travel route, as it extends through Waterfall Heights, is presently under construction. As is apparent from the 'Proposed Site Layout Masterplan Dwg No. 23161/P/003', the route runs to the north/ northwest of several proposed houses and apartment buildings. I consider the requirement for the route to be constructed, completed to a standard that would be safe for unrestricted use by the general public prior to the development of the remainder of the scheme, to be unreasonable and unnecessary.
- 8.4.12. The applicant highlights that the active travel route is included in Phase 1 of the phasing plan for the scheme (as indicated in 'Proposed Phasing Drawing No. 23161/P/011'). I have reviewed the application CEMP and note that after an initial set-up and servicing phase (c.12-18 months), a c.24-month construction programme is estimated for, of which Phase 1 lasts c.11 months. I consider that the delivery of the route within Phase 1 would adequately and efficiently address the accessibility needs of future residents and the general public. In this regard, I consider the applicant's commitment to deliver the route within Phase 1 to be acceptable.
- 8.4.13. Further, I note that the full extent of the route was proposed and permitted under ABP 310274-21. There is no condition in that permission which specifies the phased delivery of the route or otherwise restricts the development of the scheme. I positively note that the applicant included the route in the proposed development as its inclusion allows for the orderly development of the infrastructure to serve the wider area. While I acknowledge the planning authority's attempt to frontload infrastructure provision, I consider it unreasonable to subsequently subject the route to a condition as restrictive as Condition 10. I consider the implication of Condition 10 to be too onerous on the development of the scheme.
- 8.4.14. In similarity with policy on childcare facilities discussed previously, relevant CDP and national planning policy does not require the phased delivery of active travel infrastructure in residential schemes or require restrictions on the occupation of

residential units until such infrastructure is operational. That being, there is no policy requirement that the Commission would have to have regard to justifying or requiring a condition as restrictive as Condition 10.

- 8.4.15. I acknowledge the provisions of CDP Paragraph 11.116 relating to phased development, and highlight that, while not listed per se, active travel measures could reasonably be considered as coming within the scope of physical infrastructure. If this was to be the position of the Commission, the CDP policy refers to the infrastructure being available at completion to support the development (i.e., not at an earlier phase).
- 8.4.16. Finally, I highlight the CDP zoning objectives applicable to the overall site are ZO 01 and ZO 02. I consider that the construction of the proposed development in accordance with the phasing plan, including the active travel route in Phase 1, complies with the objectives for the zonings by providing a residential neighbourhood with supporting and necessary physical infrastructure.
- 8.4.17. The applicant requests that Condition 10 be removed and, having regard to the above, I agree. Consequently, I identify Condition 12 of the planning authority's decision as being of relevance to this matter. Condition 12 is not referred to or included in the appeal grounds by the applicant. Condition 12 requires that phasing of the proposed development be undertaken in accordance with a '*Final Phasing Strategy*' (to be agreed with the planning authority) which '*shall take account of the requirements of Conditions 8 and 10*'.
- 8.4.18. As discussed in the previous subsection, I recommend that Condition 8 be amended, and as discussed in this subsection I recommend that Condition 10 be removed. As is allowed for in section 139(1)(c) of the 2000 Act, the Commission can give directions relating to the amendment either of conditions to which the appeal relates or of other conditions. In this context, I recommend that Condition 12 be amended to reflect my recommendations associated with Conditions 8 and 10.

Conclusion

- 8.4.19. In conclusion, I recommend that Condition 10 be removed in its entirety from the grant of permission. In having regard to the zoning objectives of ZO 01 'Sustainable Residential Neighbourhoods' and ZO 02 'New Residential Neighbourhoods', other applicable policies and objectives relating to active travel and phased development

in the Cork City Development Plan 2022-2028, the amenity of future residents of the development, the pedestrian, cyclist and traffic safety and convenience of future residents and members of the public, the planning history in the vicinity of the site, and the guidance on the criteria of planning conditions in the Development Management, Guidelines for Planning Authorities, 2007, I conclude that Condition 10 of the planning authority's grant of permission is not warranted.

Following from which, I recommend that Condition 12 be amended to read as follows:

Condition 12

The phasing of the proposed development shall be carried out in accordance with the phasing plan indicated in 'Proposed Phasing Drawing No. 23161/P/011'.

Reason: In the interests of clarity and orderly development.

8.5. Condition 21 – Landscape Scheme

- 8.5.1. Condition 21 relates to the landscaping scheme for the proposed development, which is required to *'be implemented fully before any of the units are made available for occupation'*. The reason given for the condition includes to ensure the satisfactory development of the public open space areas.

Appeal Ground

- 8.5.2. The applicant describes this requirement in the condition as unreasonable and not feasible. The applicant opposes the condition due to it requiring landscaping and providing open space in areas under construction and displacing the construction compound for the scheme.
- 8.5.3. The applicant submits the provision of landscaping and amenity areas can only be delivered in accordance with the indicated phasing plan for the overall scheme. It is requested that the condition be removed.

Policy Context on Landscaping

- 8.5.4. The site is zoned as ZO 01 'Sustainable Residential Neighbourhoods' and ZO 02 'New Residential Neighbourhoods'. The zoning objectives (cited in section 5.0 of this report above) in combination seek to provide residential neighbourhoods with various local services, supporting land uses, and necessary physical infrastructure.

- 8.5.5. Applicable development plan provisions include policy relating to landscaping and open space provision. CDP policy on public open space in housing developments is included in Paragraphs 11.112-11.113 and Table 11.12. These outline the quantitative requirement for greenfield sites (15%) and qualitative requirements (e.g., usable, visual amenity, biodiversity value).
- 8.5.6. CDP policy in Paragraph 11.116 relates to phased development and requires that for residential schemes of 100+ units, adequate provisions for specified physical and social infrastructural requirements are available at completion to support the development. While open space is not listed specifically, recreational facilities are included.
- 8.5.7. Applicable national guidance in the Compact Settlements Guidelines is similar to that in the development plan. All residential developments are required to provide a reasonable quantum of public open space with a focus on quality, amenity and biodiversity value of the spaces.

Relevant Planning History

- 8.5.8. Relevant planning history includes ABP 310274-21 (Waterfall Heights) and ABP 321949-25 (Waterfall Manor), both residential developments incorporating landscaping masterplans (schemes) with public open spaces and planting programmes.
- 8.5.9. In ABP 310274-21, Condition 14 relates to landscaping the site in accordance with the submitted landscaping scheme, incorporating the landscaping scheme into a phasing plan (however, I note there are no other conditions referring to phasing in that consent), and timings of the planting season. Condition 14 did not link the implementation/ completion of the landscaping scheme with the occupation of any residential units.
- 8.5.10. In ABP 321949-25, Condition 22 relates to landscaping the site in accordance with the submitted landscaping plan, final agreement on certain items, the planting schedule, and the maintenance of open spaces. In similarity with Condition 14 of ABP 310274-21, Condition 22 does not link the implementation/ completion of the landscaping scheme with the occupation of any residential units.

Assessment

- 8.5.11. The proposed development is accompanied by a comprehensive landscaping scheme. The scheme comprises a general landscape plan of the overall development (Dwg No. L-100), five specific area plans (Dwg No.s L-501-505), section drawings (Dwg No.s 801-802), and feature details (e.g., paving (Dwg No. L-900), edging (Dwg No. L-901), soft landscaping (Dwg No. L-902), furniture (Dwg No. L-905)). The scheme also includes a planting schedule (Dwg No. L-101), boundary plan (Dwg No. L-102), and tree plan (Dwg No. L-103). Separately of note are the open space plan (Dwg No. 23161/P/010) and the phasing plan (Dwg No. 23161/P/011).
- 8.5.12. From a review of the case file, the basis for Condition 21 arises from Condition 2 of the internal report of the Parks and Recreation section. Save for the reason given for the condition (stated above), I do not identify any further explanation for or elaboration on the restriction on the occupation of dwelling units. The planning authority has not responded to the appeal.
- 8.5.13. Of the applicant's claims that the condition is unreasonable and not feasible, I agree. The open space plan² indicates the different areas of open space (communal, active travel/ green buffer, and public). There are two key areas of public open space, one located centrally and the other to the north of the scheme. In comparing the open space plan with the phasing plan, it is evident that parts of the central area and all of the northern area will be delivered within Phase 1. The larger central open space will be delivered in Phase 2.
- 8.5.14. The implication of Condition 21 is that no dwelling units in the full scheme could be occupied until the landscaping scheme is fully implemented. To comply with the condition the applicant would have two options for developing the proposal. Firstly, adhere to the phasing plan and complete the full scheme (all open spaces and dwelling units). Secondly, prioritise the development of the public open spaces, whilst construction works for the dwellings and ancillary infrastructure would remain outstanding and have to be initiated subsequently.
- 8.5.15. In practical terms, Condition 21 is more restrictive than Conditions 8 and 10 discussed previously. In similarity with my assessment for the childcare facility and

²Note: The open space plan as initially submitted was amended at the FI response stage (changes to the communal open space in the north of the site).

the active travel route, I consider the requirement of the condition (resulting in either of the scenarios described above) to be too onerous. In effect, the condition would override the phasing plan, which as discussed previously, I consider to be logical, practicable and reasonable.

- 8.5.16. From the relevant planning history, I note that neither the conditions of ABP 310274-21 (Waterfall Heights) or ABP 321949-25 (Waterfall Manor) linked the implementation/ completion of the landscaping scheme with the occupation of any residential units. I do note however, that the relevant conditions in both permissions include references to phasing. In the interests of consistency and fairness, I consider it reasonable that a similar approach is maintained for the proposed development.
- 8.5.17. While I consider the full implementation of the landscaping scheme for the overall scheme prior to occupation of any dwelling units to be too onerous, I do consider it reasonable that the landscaping scheme could be implemented in tandem with the phasing plan. In this regard, I consider the approach taken for Condition 14(a)(iii) of ABP 310274-21 to be most suitable. This would ensure the phased implementation of the landscaping scheme on completion of substantial construction works of the relevant phase. This approach would address the applicant's concerns regarding providing completed landscaped open spaces in locations still under construction.
- 8.5.18. Further, Condition 21 includes important requirements relating to the maintenance and taking in charge of public open space and undertaking the planting schedule (which the relevant conditions in ABP 310274-21 and ABP 321949-25 also include). In this regard, I do not agree with the applicant's request that the condition be removed.
- 8.5.19. From a review of the open space plan (Dwg No. 23161/P/010) and the phasing plan (Dwg No. 23161/P/011), the implementation of the phasing plan would ensure that by the end of Phase 1, the northern area of public open space would be available for use along with 102 dwelling units (c.41% of the scheme). By the end of Phase 2, the main central area of public open space would be developed along with an additional 66 dwelling units (a further c.27% of the scheme). Phase 3 comprises the apartment buildings and associated communal open space, but there is no outstanding public open space to be provided. Therefore, by the end of Phase 2, all the public open

space in the landscaping scheme would be delivered for use by 68% of the dwellings in the scheme. I consider this to represent a reasonable and proportionate delivery of open space to serve future residents and the general public.

8.5.20. Policy in the CDP and planning guidelines (cited above) focus on quantitative and qualitative requirements for open space and landscaping. I have not identified any local or national policy provision that requires the implementation of landscaping and the delivery of open space prior to the occupation of dwellings (including CDP Paragraph 11.116 Phased Development). That being, there is no policy requirement that the Commission would have to have regard to justifying or requiring a condition as restrictive as Condition 21.

8.5.21. Finally, I highlight the CDP zoning objectives applicable to the overall site are ZO 01 and ZO 02. I consider that the construction of the proposed development in accordance with the phasing plan, including the phased implementation of the landscaping scheme in tandem with the delivery of dwelling units, complies with the objectives for the zonings by providing a residential neighbourhood with supporting and necessary physical infrastructure.

Conclusion

8.5.22. In conclusion, I recommend that Condition 21 be amended to read as follows:

Condition 21

(a) The site shall be landscaped in accordance with the landscaping scheme submitted with the application, as amended by the further information plans and particulars.

(b) The implementation of the landscaping scheme shall align with the phasing plan indicated in 'Proposed Phasing Drawing No. 23161/P/011' and shall be carried out within the first planting season following the substantial completion of the construction works for each phase.

(c) The planting schedule shall be managed and maintained in accordance with the landscaping scheme submitted with the application, unless otherwise agreed in writing with the planning authority. This schedule shall cover a period of at least three years and any plants which die, are removed, or become seriously damaged or

diseased within that period shall be replaced within the next planting season with others of similar size and species.

(d) Areas of open space shall be reserved and maintained for such use by the developer until taken in charge by the management company or by the local authority.

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

8.6. Condition 30(b) – Archaeological Monitoring

- 8.6.1. Condition 30(b) relates to archaeological monitoring for the proposed development, which requires that the *'excavation of all foundations, pilecaps, walls and floors below present ground level shall be supervised by the archaeologist'*. The reason given for the entire condition is to ensure the continued preservation (either in situ or by record) of features of archaeological significance.

Appeal Ground

- 8.6.2. The applicant describes this requirement in the condition as excessive and onerous. The applicant opposes the condition due to its going beyond standard archaeological conditions such as liaising with the planning authority Archaeologist and/ or requiring an archaeologist to monitor topsoil stripping and groundworks.
- 8.6.3. The applicant requests that the condition be removed.

Policy Context on Archaeological Monitoring

- 8.6.4. Applicable development plan provisions include policy relating to archaeological surveys, test trenching and monitoring. CDP policy included in Paragraph 11.206 states that these measures will be required for development proposals in areas of archaeological importance if the application is likely to impact upon in-situ archaeological structures or deposits.
- 8.6.5. The government's 'Framework and Principles for the Protection of the Archaeological Heritage' defines archaeological monitoring as involving an archaeologist being present during development works so as to identify and protect archaeological deposits, features or objects which may be uncovered or otherwise affected by the works. The CDP policy has incorporated key national guidance on archaeological monitoring (i.e., instances of where and when required).

Relevant Planning History

- 8.6.6. Relevant planning history includes ABP 310274-21 (Waterfall Heights) and ABP 321949-25 (Waterfall Manor), both sites are located in proximity to archaeological monuments, and both applications included archaeological impact assessments.
- 8.6.7. In ABP 310274-21, Condition 8 relates to notifying the planning authority of the commencement of any site operation works, employing an archaeologist to monitor all site investigations and other excavation works, and providing arrangements for the recording/ removal of archaeological material as relevant.
- 8.6.8. In ABP 321949-25, Condition 3 relates to retaining an archaeologist to advise on the archaeological implications of the development site, employing an archaeologist to test the site prior to development (the testing programme to be as per the associated archaeological assessment), ensuring the archaeologist reports on the results of the investigation, and advising that archaeological preservation of the site (either in-situ or by record) will be required if deemed necessary by the planning authority.

Assessment

- 8.6.9. The appeal site is located within c.210m of three recorded archaeological monuments (RMP), including (closest) CO086-134 Enclosure to the south, CO074-128 Burnt Mound to northwest, and CO073-129 Fulacht Fia to the northeast. An Environmental Impact Assessment Report (EIAR) has been prepared for the proposed development. Of relevance to the appeal of this condition, are Volume 2: Main Report, Chapter 15: Cultural Heritage – Archaeological & Built Heritage, and Volume 3: Appendices, Chapter 15.
- 8.6.10. I have reviewed same and identify the key findings as being: there are no recorded archaeological monuments at the site, geophysical survey was deemed unsuitable due to ground disturbance associated with tree-cover removal in 2024, and test trenching was undertaken instead in July 2025 (15 test trenches, revealed one pit of unknown origin, no finds or features of definite archaeological significance).
- 8.6.11. Section 15.8.2 of the EIAR describes the construction phase of the proposal as involving '*extensive topsoil stripping and ground reduction, which has the potential to directly impact any previously unknown archaeological sites*'. The EIAR categorises the potential for encountering unknown subsurface archaeological remains during

the construction phase as low to moderate. Accordingly, a mitigation measure is proposed for the construction phase only. Section 15.9.3 outlines this as:

‘Licenced archaeological monitoring will be conducted during the construction phase. Should archaeological features or deposits be revealed during these investigations, both the National Monuments Service and the Planning Authority will be consulted. All newly identified archaeological sites will be preserved in situ or by record and sufficient time and resources will be allowed to resolve all archaeological matters. Preservation in situ will require the relocation of the element of the development beyond the area of archaeological sensitivity. Preservation by record will require the excavation of the archaeological material and such material will be fully resolved to professional standards of archaeological practice (Policy Guidelines on Archaeological Excavation – Department of Arts, Heritage, Gaeltacht, and the Islands). This work will be funded by the developer’.

- 8.6.12. From a review of the case file, the basis for Condition 30 in its entirety arises from Condition 2 of the internal report of the City Archaeologist. In her report, the City Archaeologist states that Chapter 15 of the EIAR is satisfactory, refers to the ‘comprehensive testing programme’ undertaken, finds that the below ground archaeological impact of the proposal has been satisfactorily addressed, and considers the mitigation measure to be acceptable. Save for the reason given for the condition (stated above), I do not identify any further explanation for the nature and extent of archaeological monitoring specified in Condition 30(b). The application does not appear to have been referred to relevant external consultee(s), and there are no report(s) from prescribed body(ies). There is no response to the appeal from the planning authority.
- 8.6.13. Of the applicant’s claim that Condition 30(b) is excessive and onerous, I agree. The implication of Condition 30(b) is that all excavation works below the present-ground level (for foundations, pilecaps, walls and floors) would be required to be supervised by an archaeologist. The proposed development includes for various modifications of present ground levels, extensive laying of services, and excavating foundations for several hundred buildings (the apartment buildings also include partial lower ground floor levels and undercroft car parking).

- 8.6.14. The EIAR commits to the archaeological monitoring of construction works, which are described as extensive topsoil stripping and ground reduction works. I consider this description, in the context of archaeological heritage, to be reasonable as archaeological features are typically located in the topsoil/ between the topsoil and subsoil layers, and not below subsoil (i.e., natural undisturbed soil) to bedrock.
- 8.6.15. I consider the requirement for archaeological supervision for the full extent of the works (particularly the excavations of foundations which would be into/ below the subsoil level) as specified in Condition 30(b) to be unnecessary. I agree with the applicant and consider that the condition exceeds standard archaeological monitoring requirements which typically relate to archaeological supervision of topsoil stripping and groundworks.
- 8.6.16. From the relevant planning history, I note the variations in the nature and extent of the relevant archaeological conditions to that of Condition 30(b). Condition 8(b) of ABP 310274-21 relates to archaeological monitoring of 'all site investigations and other excavation works'. Condition 3 of ABP 321949-25 requires test trenching in compliance with the programme for same in the archaeological assessment undertaken, and if archaeological remains are uncovered and disturbed by foundations for pilecaps, walls, floors, drainage, etc, that preservation will be required in-situ or by record. I consider the requirements of these conditions to be more adaptative/ context-specific than that of Condition 30(b).
- 8.6.17. In assessing the appeal grounds, I consider that the mitigation measure included in Chapter 15 of the EIAR is comprehensive (archaeological monitoring during the construction process, a consultation process if archaeological features are identified, resolution of archaeological matters, with preservation in situ or by record as appropriate). I note the City Archaeologist indicated satisfaction with the archaeological assessment and the mitigation measure. The conditions attached to the planning history permissions do not include requirements such as Condition 30(b). That being, I have not identified a justification in the case file for a condition requiring archaeological monitoring in excess of standard requirements.
- 8.6.18. Of the applicant's request that Condition 30(b) be removed, I agree. Indeed, on assessment of the appeal grounds and as allowed for under section 139(1)(c) of the 2000 Act, I consider that Condition 30 should be amended in its entirety. The

requirement for archaeological monitoring of the proposed development is appropriate and should continue to be subject to condition. For this appeal case, I identify the An Coimisiún Pleanála (ACP) model condition managing the archaeological monitoring process as being appropriate.

8.6.19. I consider the ACP condition to be clearer, without potential contradictions, and with sufficient scope to allow the qualified and licenced archaeologist to make professional and site-specific decisions regarding the nature and extent of development works to monitor. Also, I find the ACP condition to be complementary to the EIAR mitigation measure as the ACP condition allows for/ specifies more actions than in the EIAR mitigation measure (e.g., agreement on a method statement, notification, consultation, reporting), thereby addressing more of the sub-items of Condition 30.

8.6.20. For the Commission's clarity, I highlight that Condition 11 of the planning authority's decision requires the implementation of all mitigation measures in the EIAR. I have given consideration as to whether Condition 11 would sufficiently manage the archaeological heritage at the site and thereby justify the removal of Condition 30 in its entirety (note: Condition 11 is not subject of the appeal, nor raised in the observations). I have decided against such a recommendation as I consider there to be planning merit in the sub-items of the ACP model condition which are in addition to the applicant's EIAR mitigation measure.

8.6.21. Finally, policy in the CDP and national framework (cited above) define archaeological monitoring and focus on instances of when and where archaeological monitoring is required. That being, there is no policy requirement that the Commission would have to have regard to justifying or requiring a condition as restrictive as Condition 30(b).

Conclusion

8.6.22. In conclusion, I recommend that Condition 30 be amended in its entirety to read as follows:

Condition 30

- (a) The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, and groundworks.*
- (b) Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority Archaeologist or the National Monuments Service as appropriate a method statement for written agreement.*
- (c) The use of appropriate tools and/ or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary.*
- (d) Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation (e.g., preservation in-situ or by record).*
- (e) The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer.*
- (f) Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/ excavation required. All resulting and associated archaeological costs shall be borne by the developer.*

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

8.7. Condition 38 –Construction Hours

- 8.7.1. Condition 38 relates to the construction process for the proposed development. There are three sub-items specifying (a) noise levels, (b) construction hours, and (c) type of piling. The appeal focuses on sub-item (b), which specifies site clearance and construction working hours as being between ‘0800-1800 hours on Mondays to

Fridays and to 0800-1600 hours on Saturdays'. The reason given for the condition is in the interests of residential amenity.

Appeal Ground

- 8.7.2. The applicant describes the condition as unnecessarily restrictive, prolonging the overall duration of construction works and delaying the delivery of housing. The condition is also unjustified, being at odds with standard industry practice (earlier site/ construction and delivery traffic avoid peak hour traffic (i.e., 8am-9am)) and other planning history cases.
- 8.7.3. It is requested that the condition be modified to replace the reference to '0800 to 1800' on Mondays to Fridays to '0700 to 1900' on Mondays to Fridays.

Policy Context on Construction Hours

- 8.7.4. Applicable development plan provisions include policy relating to the management of construction sites. In relation to construction hours, policy in Paragraph 11.272 requires there are to be indicated in a Construction and Environmental Management Plan (CEMP) for the proposal.

Relevant Planning History

- 8.7.5. Relevant planning history includes ABP 310274-21 (Waterfall Heights) and ABP 321949-25 (Waterfall Manor), both permissions include conditions specifying the hours for site development building works.
- 8.7.6. The conditions in each permission (Condition 18 in ABP 310274-21, and Condition 10 in ABP 321949-25) are the An Coimisiún Pleanála (ACP) model condition. The construction hours are specified as being between 0700 to 1900 Mondays to Fridays inclusive, and between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. The reason given for the condition is in order to safeguard the residential amenities of property in the vicinity.

Assessment

- 8.7.7. An EIAR and a standalone CEMP have been prepared for the proposed development. Section 5.0 Working Hours of the CEMP states *'[f]or the duration of the proposed works the maximum working hours shall be 07:00 to 19:00 Monday to Friday (excluding bank holidays) and 07:00 to 16:00 Saturdays, subject to the restrictions imposed by the planning authority. No working will be allowed on*

Sundays and Public Holidays'. These working hours are reiterated in Chapter 2 of the EIAR.

- 8.7.8. As discussed previously in this report, the CEMP outlines the construction schedule for the proposal. After set-up and servicing (c.12-18 months), a c.24-month long programme is estimated. In total, the construction phase could total c.42-months (c.3.5 years).
- 8.7.9. From a review of the case file, the basis for Condition 38 in its entirety arises from Condition 4 of the internal report of the Environment section. The report describes Chapter 2 of the EIAR as being adequate, noting the inclusion of the construction hours cited above. The report describes the information in the outline CEMP as being sufficient, and recommends a final CEMP be agreed on the finalisation of contractor/ revisions made to plans. Save for the reason given for the condition (stated above), I do not identify any further explanation for or elaboration on the choice of construction hours included in Condition 38(b). The planning authority has not responded to the appeal.
- 8.7.10. Of the applicant's claims that the condition is unnecessarily restrictive and unjustified, I agree. In effect, Condition 38(b) allows construction activities at the site to occur over a 10-hour period Monday to Friday, and an 8-hour period on Saturday. From a review of the relevant planning history cases, the ACP model condition allows construction activities over a 12-hour period Monday to Friday, and a 6-hour period on Saturday. Over a typical working week, Condition 38(b) allows construction hours of 58 hours, while the ACP model condition allows for 66 hours (a difference of 8 hours). I consider that, over a construction phase lasting a potential c.42-months, the reduced number of working-hours would delay the completion of the proposed development, thereby restricting the delivery of new residential units to the market.
- 8.7.11. In addition to the increased number of construction hours which would be available in a typical working week, I consider the ACP model condition to be preferable and more appropriate in this instance than Condition 38(b). This is due to the inclusion of hours before and after the typical AM and PM traffic peaks, which allows the flexibility of avoiding the busiest times for other road users and traffic in the surrounding road network. Also, in the interest of fairness and consistency, I

consider it reasonable for the condition to align with the construction hours for the adjacent residential developments which are both under construction at present.

- 8.7.12. The proposed construction hours on Saturdays included in the CEMP and EIAR are '07:00 to 16:00', and Condition 38(b) permits '0800-1600' (a reduction of 1 hour). While I note the applicant's request to maintain the longer working hours allowed for in Condition 38(b) on Saturdays (i.e., 0800-1600), I do not agree. I consider the construction hours allowed for on Saturdays in the ACP model condition (i.e., 0800-1400 (a further reduction of 2 hours from that applied for) to be sufficient, that shorter working days on Saturdays are reasonable having regard to longer working days being permitted during the week, and that the amenity of residential properties will be protected for longer periods during the weekend.
- 8.7.13. In the event of exceptional circumstances, the ACP condition (in similarity with Condition 38(b)) allows for deviations from the specified hours if agreed with the planning authority (were such an event to occur on Saturday(s)). Also, I note that Condition 38(b) does not expressly exclude working on public holidays which is clearly stated in the ACP condition.
- 8.7.14. In relation to the policy context, the CDP focuses on the preparation of a CEMP, which should indicate the hours of operation of the construction site. The hours are not specified per se. That being, there is no policy requirement that the Commission would have to have regard to specifying the construction hours in the manner of Condition 38(b).
- 8.7.15. Finally, as stated above, the appeal grounds focus on sub-item (b) of Condition 38. The applicant makes no reference to sub-items (a) and (c), and I do not identify any reason for amending same. The reason for the ACP model condition is consistent with that given for Condition 38, and so no issues arise. Accordingly, for the Commission's clarity, I recommend that these should remain as part of the overall condition.

Conclusion

- 8.7.16. In conclusion, I recommend that Condition 38(b) be amended to read as follows:

Condition 38

(a) Noise during site clearance and construction shall not exceed 65 dB(A), Leq 30 minutes and the peak noise shall not exceed 75 dB(A), when measured at any point off site.

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

(c) Bored piling as opposed to percussive piling shall be used during site clearance and construction.

Reason: In the interests of residential amenity.

9.0 Environmental Impact Assessment

9.1. Background

- 9.1.1. Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended (2001 Regulations), and section 172(1)(a) of the Planning and Development Act 2000, as amended (2000 Act), identify classes of development with specified thresholds for which EIA is required.
- 9.1.2. The following classes of development in the 2001 Regulations are of relevance to the proposed development:
- Class 10(b) relates to infrastructure projects that involve:
 - (i) Construction of more than 500 dwelling units,
 - (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.
- 9.1.3. The proposal is an urban development project that comprises 246 dwelling units on an outer suburban site measuring c.5.76ha. The proposal is sub-threshold in terms of mandatory EIA requirements arising from Class 10(b)(i) and/ or (iv) of the 2001 Regulations.

- 9.1.4. Notwithstanding, an Environmental Impact Assessment Report (EIAR) has been prepared for the proposal as regard was given to the cumulative impacts arising from the development of the adjacent site, ABP 310274-21 (Waterfall Heights). Waterfall Heights is also an urban development project comprising 275 dwelling units on a site measuring c.9.95ha.
- 9.1.5. The EIAR for the proposal clarifies that '[t]he number of units combined, along with the overall site area of the two independent sites would reach thresholds as identified under Schedule 5 and as a result the preparation of an EIAR is considered appropriate'.
- 9.1.6. The EIAR was submitted with the application at the time of lodgement in September 2025. The EIAR comprises a non-technical summary (Volume 1), a main report (Volume 2) and booklet of appendices (Volume 3). A schedule of the mitigation measures described throughout the EIAR is presented within Chapter 18 of the main report.
- 9.1.7. An addendum EIAR (dated November 2025) was submitted in response to the planning authority's request for further information. The addendum EIAR indicates the material changes, if any, made in each chapter of the main report. Changes were made in the following: Chapter 3: Alternatives Considered, Chapter 4: Population and Human Health, Chapter 5: Landscape and Visual, Chapter 8: Material Assets – Waste, Chapter 9: Land and Soils, Chapter 10: Water and Hydrology, Chapter 16: Risk of Major Accidents and Disasters, and Chapter 18: Summary of Mitigation Measures.
- 9.1.8. Cork City Council carried out an Environmental Impact Assessment (EIA) of the proposal within the initial planner's report, dated 29th October 2025, and the FI Response report, dated 28th January 2026. In the latter, the following is concluded:

'It is considered that the EIAR has fully identified and assessed the effects of the proposed development on various environmental factors. Accordingly, it is my considered opinion the EIAR as presented does presently cover all appropriate bases for enforceable conditions necessary to offer protection against environmental impact. The burden in respect to environmental effects and mitigation limiting those effects lies with the applicant'.

9.2. Grounds of Appeal

9.2.1. Condition 11 of the planning authority's grant of permission specifies:

(a) The mitigation measures and monitoring commitments identified in the Environmental Impact Assessment Report (EIAR) and other plans and particulars submitted with the planning application on the 05/09/2025 as amended by the Further Information received on the 28/11/2025 shall be implemented in full by the developer, except as may otherwise be required in order to comply with the following conditions.

(b) A detailed schedule of these measures and monitoring requirements shall be included in the final Construction Environmental Management Plan (CEMP) and any other relevant plans. The final CEMP and monitoring schedule shall be submitted to, and agreed in writing with, the Planning Authority prior to the commencement of any works on site.

Reason: In the interests of clarity, protection of the environment and the proper planning and sustainable development of the area.

9.2.2. The first party appeal does not relate to Condition 11.

9.2.3. No issues relating to EIA have been raised within the first party appeal. The appeal relates to conditions attached to the planning authority's grant of permission for the proposed development, which I have assessed in Section 8.0 of this report above. Table 9.1 below provides a summary of the nature of these conditions with commentary in relation to the EIAR/ EIA requirements.

Table 9.1: Conditions to which the appeal relates or of other conditions within the context of EIA

Condition	Nature of Condition	Commentary
Condition 8	Childcare Facility	Within the application documentation (EIAR, CEMP), the applicant proposes a three-phase construction plan. The construction of the childcare facility is included within Phase 1 of the phasing plan for the proposed development.

		<p>The planning authority's condition requires that the childcare facility is constructed and operational prior to the occupation of any residential unit of 2 or more bedrooms within the scheme.</p> <p>The applicant has requested the removal of the condition.</p> <p>The amendment of the planning authority's condition, as recommended in my assessment above, involving the childcare facility being constructed within Phase 1 and agreement on a programme for the making available for use of the childcare facility on or prior to the completion of the construction of the childcare facility, would have no material consequence on the conclusions of the EIAR.</p>
Condition 10	Active Travel Route	<p>The construction of the active travel route is included within Phase 1 of the phasing plan for the proposed development.</p> <p>The planning authority's condition requires that the active travel route is constructed and operational (usable by members of the public) prior to the commencement of development on the remainder of the site.</p> <p>The applicant has requested the removal of the condition.</p>

		<p>The removal of the planning authority's condition, as recommended in my assessment above, would have no material consequence on the conclusions of the EIAR.</p>
Condition 12	Phasing Plan	<p>The planning authority's condition requires that a Final Phasing Strategy be agreed with the planning authority which shall take account of the requirements of Conditions 8 and 10.</p> <p>The amendment of the planning authority's condition, as recommended in my assessment above, involving the phasing of the proposed development being carried out in accordance with the phasing plan included within the application documentation, would have no material consequence on the conclusions of the EIAR.</p>
Condition 21	Landscape Scheme	<p>The planning authority's condition requires that the landscaping scheme <i>be implemented fully before any of the dwelling units are made available for occupation</i></p> <p>The amendment of the planning authority's condition, as recommended in my assessment above, involving the construction of the proposed development in accordance with the phasing plan, including the phased implementation of the landscaping scheme in tandem with the delivery of</p>

		dwelling units, would have no material consequence on the conclusions of the EIAR.
Condition 30	Archaeological Monitoring	<p>Within the EIAR, the applicant proposes a mitigation measure to address the potential impact of the proposal on the archaeological heritage at the site during the construction phase.</p> <p>The mitigation measure commits to, inter alia, the archaeological monitoring of construction works, which are described as extensive topsoil stripping and ground reduction works.</p> <p>The planning authority's condition broadens the nature and extent of archaeological monitoring to the excavation of all foundations, pilecaps, walls and floors below present ground level.</p> <p>The applicant has requested the removal of the condition.</p> <p>The amendment of the planning authority's condition, as recommended in my assessment above, involving the use of the ACP model condition managing the process of archaeological monitoring, with clarity and scope for informed decision making, would have no material</p>

		consequence on the conclusions of the EIAR.
Condition 38(b)	Construction Hours	<p>Within the application documentation (EIAR, CEMP), the applicant proposes construction hours of 07:00 to 19:00 Monday to Friday (excluding bank holidays) and 07:00 to 16:00 Saturdays.</p> <p>The planning authority's condition revises and reduces the construction hours to 08:00 to 18:00 Monday to Friday and 08:00 to 16:00 Saturdays.</p> <p>The applicant has requested an amendment to the planning authority's condition to reinstate the hours as applied for Monday to Friday.</p> <p>The amendment of the planning authority's condition, as recommended in my assessment above, involving the reinstatement of construction hours to those applied for Monday to Friday, and a minor reduction in construction hours on Saturdays (3 hours less), would have no material consequence on the conclusions of the EIAR.</p>

Conclusion

- 9.2.4. Having regard to the nature of the conditions to which the appeal relates, as summarised in Table 9.1 above, I consider that the determination by the Commission of the relevant application, involving the undertaking of an EIA, as if it had been made to it in the first instance would not be warranted for this appeal case.

10.0 **Appropriate Assessment**

10.1. **Stage 1 – Screening Determination for Appropriate Assessment**

10.1.1. In accordance with section 177U(4) of the Planning and Development Act 2000, as amended (2000 Act), and on the basis of objective information, I conclude that the proposed development (project) would not have a likely significant effect on any European site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (Stage 2) under section 177V of the 2000 Act is not required (see Appendix 1 of this report below).

10.1.2. This conclusion is based on:

- Nature, scale and location of the project.
- Qualifying interests and conservation objectives of the European sites.
- Absence of any meaningful pathways to any European site.
- Distances from European sites.
- Objective information presented in the Appropriate Assessment Screening Report.
- Standard pollution controls and project design features that would be employed regardless of proximity to a European site and the effectiveness of same.

10.1.3. No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

11.0 **Water Status Impact Assessment**

11.1. **Stage 1 – Screening Determination for Water Status Impact Assessment**

11.1.1. The appeal relates to conditions attached to the planning authority's grant of permission for the proposed development. No issues relating to water status have been raised within the first party appeal. I have undertaken a planning assessment of the conditions in Section 8.0 and considered the conditions in the context of EIA in Section 9.0 of this report above.

11.1.2. Having regard to the nature of the conditions to which the appeal relates, none of which have any material consequence on water status, undertaking an assessment

of the proposed development with regard to the objectives set out in Article 4 of the EU Water Framework Directive has been deemed to not be necessary.

12.0 Recommendation

Following from the above assessment, and having regard to the nature of the conditions to which the appeal relates, the Commission is satisfied that the determination by the Commission of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to:

AMEND Condition 8, Condition 12, Condition 21, Condition 30, and Condition 38(b) for the reasons therefor, and

REMOVE Condition 10 for the reasons and considerations set out below.

13.0 Recommended Draft Order

Planning and Development Act 2000, as amended

Planning Authority: Cork City Council

Planning Authority Register Reference: 25/44140

Appeal by Bridgewater Homes Limited against the decision made on the 29th day of January 2026 by Cork City Council to grant permission to Bridgewater Homes Limited, c/o of McCutcheon Halley, 6 Joyce House, Barrack Square, Ballincollig, Cork.

Proposed Development

Large-scale residential development (LRD) on lands at Waterfall Road, Ardarostig (townland), Bishopstown, Cork, consisting of the following:

The construction of 246 no. residential units and a creche located to the east of and connected to the Waterfall Heights residential development which was permitted by An Coimisiún Pleanála under Ref. No. 310274 and is currently under construction.

The proposed LRD comprises 143 no. dwelling houses (comprising a mix of 2, 3, and 4 bed semi-detached and townhouse/ terraced units) and 103 no. duplex/ apartment units (comprising 25 no. 1, 2 and 3 bed duplex/ apartment units and 78 no. 1 and 2 bed apartments in 3 no. Blocks ranging in height from 4 to 5 storeys with basement/ undercroft parking), a 747 sqm creche and all associated ancillary development works including vehicular, cycle and pedestrian access, drainage (including the re-routing of an existing wayleave), landscaping, amenity and open space/play areas, footpaths and cycle lanes, boundary treatments, bicycle and car parking, bin and bike storage, public lighting and all other ancillary development.

There are vehicular, cycle and pedestrian connections to the Waterfall Heights residential development (including two vehicular connection points connecting on to the Waterfall Road via the Waterfall Heights development); a pedestrian/cycle connection to the north (onto an existing footpath/cycle way); and provision for future vehicular, cycle and pedestrian access points to the adjoining lands to the south and east of the proposed development.

An Environmental Impact Assessment Report (EIAR) has been submitted to the planning authority with the application.

Decision

Having regard to the nature of the conditions to which the appeal relates, the Commission is satisfied that the determination by the Commission of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to:

AMEND Condition 8, Condition 12, Condition 21, Condition 30, and Condition 38(b) for the reasons therefor.

Condition 8

The childcare facility shall be constructed within Phase 1 of the phasing plan indicated in 'Proposed Phasing Drawing No. 23161/P/011'. On or prior to the completion of the construction of the childcare facility, a programme for the making available for use of the childcare facility shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of orderly development and to ensure the provision of childcare services.

Condition 12

The phasing of the proposed development shall be carried out in accordance with the phasing plan indicated in 'Proposed Phasing Drawing No. 23161/P/011'.

Reason: In the interests of clarity and orderly development.

Condition 21

(a) The site shall be landscaped in accordance with the landscaping scheme submitted with the application, as amended by the further information plans and particulars.

(b) The implementation of the landscaping scheme shall align with the phasing plan indicated in 'Proposed Phasing Drawing No. 23161/P/011' and shall be carried out within the first planting season following the substantial completion of the construction works for each phase.

(c) The planting schedule shall be managed and maintained in accordance with the landscaping scheme submitted with the application, unless otherwise agreed in writing with the planning authority. This schedule shall cover a period of at least three years and any plants which die, are removed, or become seriously damaged or diseased within that period shall be replaced within the next planting season with others of similar size and species.

(d) Areas of open space shall be reserved and maintained for such use by the developer until taken in charge by the management company or by the local authority.

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

Condition 30

- (a) The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, and groundworks.
- (b) Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority Archaeologist or the National Monuments Service as appropriate a method statement for written agreement.
- (c) The use of appropriate tools and/ or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary.
- (d) Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation (e.g., preservation in-situ or by record).
- (e) The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer.
- (f) Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/ excavation required. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

Condition 38(b)

(a) Noise during site clearance and construction shall not exceed 65 dB(A), Leq 30 minutes and the peak noise shall not exceed 75 dB(A), when measured at any point off site.

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

(c) Bored piling as opposed to percussive piling shall be used during site clearance and construction.

Reason: In the interests of residential amenity.

And,

REMOVE Condition 10 in accordance with the following reasons and considerations:

Condition 10:

Having regard to the applicable zoning objectives of ZO 01 'Sustainable Residential Neighbourhoods' and ZO 02 'New Residential Neighbourhoods', other policies and objectives relating to active travel and phased development in the Cork City Development Plan 2022-2028, the amenity of future residents of the development, the pedestrian, cyclist and traffic safety and convenience of future residents and members of the public, the planning history in the vicinity of the site, and the guidance on the criteria of planning conditions in the Development Management, Guidelines for Planning Authorities, 2007, Condition 10 of the planning authority's grant of permission is not warranted and is removed in its entirety from the grant of 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report, in an improper or inappropriate way.

Phillippa Joyce

Senior Planning Inspector

28th April 2026

Appendix 1: Appropriate Assessment – Screening

I have considered the project in light of the requirements section 177U of the Planning and Development Act 2000 as amended.

The project is for the construction of 246 residential units, a childcare facility, and all associated development works including site clearance, and ground levelling. The subject site is located on lands at Ardarostig, Bishopstown, in an outer suburban area of southwest Cork City. The site is greenfield in nature, though notably disturbed having been previously under extensive tree-cover which was removed in 2024.

The project is located inland of two European site designations; Cork Harbour SPA (004030) is c.6.34km to the east and the Great Island Channel SAC (001058) is c.13.07km further to the east.

The qualifying interests (QI) of the SPA include 23 bird species, wetland (habitat) and waterbirds. The conservation objectives (CO) of the SPA are to maintain the favourable condition of all QIs. The QIs of the SAC of the SAC include mudflat, sandflat and salt meadow habitats. The COs of the SAC are to maintain the favourable condition of the mudflats and sandflats, and to restore the favourable condition of the salt meadow habitats.

There is no evidence of habitats or species at the subject site with direct links to any European sites, i.e., there are no ecological connections. Of hydrological connections, the project connects to the public systems for wastewater and surface water drainage. Wastewater will discharge via a gravity flow system connecting to the wastewater pumping station installed as part of the adjoining Waterfall Heights development for treatment in Carrigrennan WWTP. The surface water drainage system comprises several SuDS features which will collect runoff on-site and discharge off-site via a piped network. The final surface water outfall is into an existing drainage ditch (northern boundary of the site), which connects with the piped drainage system (south of the N40) and to the Glasheen River (north of the site). These hydrological connections are weak and indirect, i.e., there are no meaningful direct hydrological connections to any European sites.

The project would be developed using standard construction processes and best practice measures to protect surface and ground waterbodies (i.e., no requirement for specific measures to protect a European site). The likelihood of a pollution event at the site which would be of a magnitude to cause a significant effect on the downstream European sites can be reasonably excluded.

An Appropriate Assessment Screening Report (AASR) has been prepared for the project. The AASR identifies Cork Harbour SPA and the Great Island Channel SAC as being within the project's Zone of Influence. The AASR rules out all potential impact pathways associated with the project (construction and operation phase ecological and hydrological impacts) on the European sites.

The AASR concludes that the possibility of any significant effects on the listed European sites, whether arising from the project itself or in combination with other plans and projects, can be excluded in light of the listed European sites' conservation objectives.

The planning authority undertook an AA screening determination in its assessment of the project, screening out the need for a Stage 2 AA.

Based on the above, I too am satisfied that the project can be eliminated from further assessment because there is no conceivable risk to any European site.

Conclusion

In accordance with section 177U(4) of the Planning and Development Act 2000, as amended, and on the basis of objective information, I conclude that the project would not have a likely significant effect on any European site either alone or in combination with other plans or projects.

It is therefore determined that Appropriate Assessment (Stage 2) under section 177V of the Planning and Development Act 2000, as amended, is not required.

This conclusion is based on:

- Nature, scale and location of the project.
- Qualifying interests and conservation objectives of the European sites.
- Absence of any meaningful pathways to any European site.
- Distances from European sites.
- Objective information presented in the Appropriate Assessment Screening Report.
- Standard pollution controls and project design features that would be employed regardless of proximity to a European site and the effectiveness of same.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.