

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

10th June 2025

AN BORD PLEANÁLA	
LDG- <u>020731-25</u>	
ABP- _____	
10 JUN 2025	
Fee: € <u>3000.00</u>	Type: <u>CO.</u>
Time: <u>16:40</u>	By: <u>HAM</u>

Re: Cork County Council Ref. 25/4551
First Party Appeal against condition 4(a) attached to Cork County Council's decision to grant permission for a Large Scale Residential (LRD) comprising 362 no. residential units, creche with a community room and café and all associated ancillary development works at Mountain Road, Kilmoney, Carrigaline, Co. Cork.

Dear Sir/Madam,

We act on behalf of Bridgewater Homes Ltd. with an address at Unit 2, South Douglas Road, Cork (T12 HFE0), and wish to appeal condition 4(a) attached to Cork County Council's grant of permission for a Large-Scale Residential Development (LRD) comprising the construction of comprising the demolition of 3 no. existing agricultural farm sheds on site and the construction of 362 no. residential units, 1 no. creche with a community room and café and all associated ancillary development works including vehicular and pedestrian access, a 3m shared surface pedestrian and cycle link on the existing laneway to the east, upgrades to the L-6495-9 and L-6495-0 Mountain Road to the north and east of the site to include pedestrian crossings, traffic calming/raised tables and a 3m shared cycle/footpath facility connecting on to the R611/Kilmoney Road and all other ancillary development.¹

This appeal is accompanied by the appropriate fee of €3,000.

We request that this appeal is considered under section 139 of the 2000 Planning and Development Act (as amended) and restricted to the consideration of condition No. 4(a) only.

Grounds of Appeal against Condition no. 4(a)

This appeal seeks to **remove condition no. 4(a)** which requires the Mountain Road Improvement works to be completed prior to any commencement of works within the development site. The full wording of the condition is as follows:

"The Mountain Road Improvement works shall be carried out and completed prior to any commencement of works within the proposed housing development site."

¹ An Environmental Impact Assessment Report (EIAR) was submitted to the planning authority with the application.

The reason cited for Condition no. 4(a) is as follows:

"To ensure the timely provision of services and infrastructure, for the benefit of the occupants of the proposed dwellings."

Section 34 (4) of the Planning and Development Act 2000 provides that certain conditions may be imposed in connection with the granting of a planning permission. It states;

4) Conditions under subsection (1) may, without prejudice to the generality of that subsection, include all or any of the following—

(b) conditions for requiring the carrying out of works (including the provision of facilities) which the planning authority considers are required for the purposes of the development authorised by the permission;

(h) conditions for determining the sequence and timing in which and the time at which works shall be carried out.

Further, the Development Management Guidelines for Planning Authorities (June 2007) ("the 2007 Guidelines") set out the Basic criteria for conditions.

7.3 Certain basic criteria have often been suggested as a guide to deciding whether to impose a condition. These include whether the condition is:

Necessary;

Relevant to planning;

Relevant to the development to be permitted;

Enforceable;

Precise;

Reasonable.

It is submitted that condition 4(a) is **unreasonable** given the applicants' commitment to infrastructure delivery and **unnecessary** as the timing and delivery of this infrastructure has already been addressed in the phasing plan submitted with the application.

It is submitted that it is totally unreasonable that there is a requirement for the Mountain Road Improvement works to be carried out and completed **prior to** any commencement of works within the proposed housing development site. The site on Mountain Road is a zoned residential site. The applicant has committed to providing infrastructure including the Mountain Road improvements and sections of the greenway proposed for the area as part of the application – normally this infrastructure would be provided for by the Local Authority. Nonetheless, our client is happy to provide this infrastructure for the betterment of the area, however it is unreasonable for these improvement works to be carried out and completed **prior to** any commencement of works within the proposed housing development site. The condition therefore falls foul of Section 34(4) (b) and is not directly related to the development to be permitted.

The condition also fails the "reasonable" test set out at paragraph 7.3.5 of the 2007 Guidelines which state that:

"A condition that requires a developer to carry out additional works may be reasonable but the provisions of section 34(4)(m) of the Planning Act may come into play in some cases where such a condition is attached. Section 34(4)(m) of the Act allows for planning authorities to impose conditions

*to require a developer to carry out additional works, such as the provision of roads, traffic calming measures, open spaces, car parks, sewers, watermain or drains, facilities for the collection or storage of recyclable materials and other public facilities in excess of the immediate needs of the proposed development, **subject to the local authority paying for the cost of the additional works** and taking them in charge or otherwise entering into an agreement with the applicant with respect to the provision of those public facilities. **If such a condition is attached the planning authority will be liable for the costs of the services over and above the requirements of the development**" (emphasis added).*

Despite the significant costs associated with the Mountain Road Improvement works, the applicant has taken responsibility for the required third-party consents and the costs associated with these improvements works (despite the provisions of section 34(4)(m) of the Planning Act). Having not made any contribution to the provision of the Mountain Road improvements it is totally unreasonable and contrary to the provisions of section 34(4)(m) of the PDA to require these improvement works to be carried out and completed **prior to** any commencement of works within the proposed housing development site.

As part of the planning application submission a logical phasing plan was provided which proposed to develop the LRD scheme in three main stages (as shown on drawing 24001/P/011 'Proposed Phasing Plan' prepared by Deady Gahan Architects). The proposed Mountain Road Improvements works phasing were included in Phase 1.

Given that the applicant has committed to providing the Mountain Road Improvements works phasing in Phase 1, condition no. 4(a) therefore clearly fails a number of the basic criteria included in the Development Management Guidelines in that it is unnecessary and directly fails the "reasonable" test set out at paragraph 7.3.5 of the 2007 Guidelines.

We therefore request that the Board to omit Condition no. 4(a) in its entirety.

We request that this appeal is considered under section 139 of the 2000 Planning and Development Act (as amended) and restricted to the consideration of condition no. 4(a) only.

Please do not hesitate to contact the undersigned if you require any further information.

Yours sincerely,



Tom Halley
McCutcheon Halley

- Encl. 1) Cheque for the appropriate fee of €3,000.
 2) Copy of Cork County Council Decision under 25/4551.

CORK COUNTY COUNCIL
PLANNING & DEVELOPMENT ACTS 2000 – 2010 AS AMENDED
NOTIFICATION OF DECISION TO GRANT LRD Permission

Reference No. in Planning Register **25/04551**

Bridgewater Homes Ltd.
C/O Cora Savage
McCutcheon Halley Planning
6 Joyce House
Barrack Square, Ballincollig
Cork

In pursuance of the powers conferred upon them by the above mentioned Act and for the reason set out in the First Schedule hereto, the Council of the County of Cork has by Order dated **26/05/2025** decided to **GRANT LRD Permission** for the development of land namely:

Permission for Large Scale Residential Development (LRD) comprising the demolition of 3 no. existing agricultural farm sheds on site and the construction of 362 no. residential units to include 318 no. dwelling houses (comprising a mix of 2, 3 and 4 bed semi-detached and townhouse/terraced units) and 44 no. 2 bed apartment/duplex units, 1 no. creche with a community room and café and all associated ancillary development works including vehicular and pedestrian access, a 3m shared surface pedestrian and cycle link on the existing laneway to the east, upgrades to the L-6495-9 and L-6495-0 Mountain Road to the north and east of the site to include pedestrian crossings, traffic calming/raised tables and a 3m shared cycle/footpath facility connecting on to the R611/Kilmoney Road, drainage (including a pumping station), landscaping, amenity and open space/play areas, footpaths and cycle lanes, boundary treatments, bicycle and car parking, bin and bike storage, plant, public lighting and all other ancillary development. An Environmental Impact Assessment Report (EIAR) has been submitted to the Planning Authority with the application. The application may be inspected online at the following website set up by the applicant: www.mountainroadlrd.ie

At: Mountain Road, Kilmoney, Carrigaline, Co. Cork

In accordance with the plans and particulars submitted by the applicant

On: 31/03/2025

And subject to the conditions (69 no.) set out in Column 1 of the Second Schedule attached hereto. The reasons for the imposition of the said conditions are set out in Column 2 of the schedule.

An appeal against a decision of the Planning Authority may be made to An Bord Pleanála by any authorised person before the EXPIRATION of the period of FOUR WEEKS beginning on the day of the giving (i.e. Date of Order) of the decision of the Planning Authority. (SEE NOTES ATTACHED).

If there is no appeal against the said decision on expiration of the period, a grant of LRD Permission in accordance with the decision shall be issued as soon as may be, but not earlier than 3 working days after the expiration of the period for the making of an appeal to An Bord Pleanála. It should be noted that until a grant of LRD Permission has been issued the development in question is NOT AUTHORISED.

Signed on behalf of the said Council

Cde Baróid

Cathal de Baróid
Administrative Officer

Date: 26/05/2025

SEE NOTES ATTACHED

Please note that pursuant to S.34(3) of the Act, the Planning Authority has had regard to submissions or observations received in accordance with these Regulations.

In accordance with Article 20, site notice shall be removed on receipt of this notification.

FIRST SCHEDULE

Planning Ref. No. 25/04551

Having regard to the location of the site within residentially zoned lands it is considered that subject to compliance with the conditions set out in the Second Schedule, the proposed development would not be prejudicial to residential amenity and would therefore be in accordance with the proper planning and sustainable development of area.

SECOND SCHEDULE

No.	Condition	Reason
1	The proposed development shall be carried out in accordance with plans and particulars lodged with the Planning Authority on 31/03/2025 and in accordance with the mitigation measures and the timescale for their implementation contained in the submitted Environmental Impact Assessment Report (EIAR), save as may otherwise be required by the following conditions.	In the interests of clarity.
2	This permission is for a total of 362 no. of residential units.	In the interests of clarity.
3	Prior to commencement of development, or at the discretion of the Planning Authority within such further period or periods of time as it may nominate in writing, the applicant/person or commercial entity with an interest in the land to which the application relates and Part V compliance relates, shall enter into an agreement in writing with the Planning Authority providing for compliance with Section 96 of the Planning and Development Act 2000, (as amended), unless an exemption certificate shall have been applied for and been granted, under Section 97 of the Act, (as amended).	To comply with the requirements of Part V of the Planning and Development Act 2000, (as amended).
4	<p>The development shall be carried out in accordance with the phasing scheme lodged with the application, except as otherwise may be required to comply with the requirements of the following conditions, unless agreed otherwise in writing with the Planning Authority:</p> <p>(a) The Mountain Road Improvement works shall be carried out and completed prior to any commencement of works within the proposed housing development site.</p> <p>(b) The Woodland Park Area shall be completed prior to the occupation of dwellings in phase two of the proposed development.</p> <p>(c) The creche, community room and café shall be completed prior to the occupation of dwellings in</p>	To ensure the timely provision of services and infrastructure, for the benefit of the occupants of the proposed dwellings.

	<p>phase two of the proposed development.</p> <p>(c) A phasing plan and revised drawings detailing all the above shall be submitted to the Planning Authority for written agreement prior to the commencement of development.</p>	
5	<p>a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the Planning Authority (such agreement must specify the number and location of each housing unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential units permitted to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each housing unit, it is demonstrated to the satisfaction of the Planning Authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>c) The determination of the Planning Authority as required in (b) shall be subject to receipt by the Planning and Housing Authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified residential units, in which case the Planning Authority shall confirm in writing to the developer or any person with an interest in the land, that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p>	<p>To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>

6	<p>Before any development commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing, the developer shall submit for the written agreement of the Planning Authority the following:</p> <p>(a) A design manual concerning the palette of all materials to be used in the external treatment of the residential development to include a variety of high quality finishes, such as brick, roofing materials, windows and doors.</p> <p>(b) The exposed rear elevation of units 4039, 3062, 3046, 4001, 4010 and 2001 when viewed from the adjoining roadway shall be redesigned to achieve better privacy and defensibility.</p> <p>(c) The area located to the front of units 1045 to 1047 shall be redesigned to achieve a less dominant car parking arrangement and a higher quality people centred space to add to the sense of placemaking and defensibility qualities of the space. Provision for high quality surface materials in the form of a variety of paving and soft landscaping and outdoor seating shall be included in the re-design.</p> <p>(d) The location of Apartment Block 2100 – 2103 shall be altered to respect the existing building line and orientation of the adjoining third party dwelling located directly north of the said proposed apartment block.</p> <p>(e) The area located to the front of units 2085 to 2089 and 2090 to 2093 shall be redesigned to achieve a less dominant car parking arrangement and a higher quality people centred space to add to the sense of placemaking and defensibility qualities of the space. Provision for high quality surface materials in the form of a variety of paving and soft landscaping and outdoor seating should be included in the re-design.</p> <p>(f) The developer shall submit</p>	<p>In the interest of visual and residential amenity and of orderly development and to protect environmental quality.</p>
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	<p>revised proposals for which increases the separation distance of first floor bedroom windows of units No. 2090 to 2093 (inclusive) from the third-party boundary to 11m.</p> <p>(g) Prior to the commencement of development, please submit for the written agreement of the Planning Authority revised floor plans/elevations and site layout plans which correspond exactly to each other as minor discrepancies in relation to labelling and consistency are evident.</p>	
7	<p>Before any development commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing, the developer shall submit for the written agreement of the Planning Authority the following:</p> <p>(a) The internal roadway running a North-South direction located in front of/between units 2031 to 2045 and 2055 to 2070 shall be converted into a Cul De Sac with allowance for pedestrian/cycling connectivity only to the adjoining internal roadway to the South of the requested Cul De Sac. A zone of soft landscaping shall be introduced between the front elevation of each dwelling.</p> <p>(b) The internal roadway running a North-South direction located in front of 2071 to 2084 shall be converted into a Cul De Sac with allowance for pedestrian/cycling connectivity only to the adjoining internal roadway to the South of the requested Cul De Sac. A zone of soft landscaping shall be introduced between the front elevation of each dwelling.</p>	In the interest of placemaking and orderly development.
8	<p>Before any development commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing, the developer shall submit for the written agreement of the Planning Authority the following:</p> <p>(a) All shared external bin stores that have been allocated to apartments and duplexes shall be shown on a site layout plan.</p>	In the interest of placemaking and orderly development.

	<p>(b) The applicant shall demonstrate the accessibility of the shared external refuse/recyclable/green bin stores for refuse/recycling trucks.</p> <p>(c) All bin store and bike store areas shall be constructed in brick in the interest of robustness and longevity.</p> <p>(d) All bin stores shall have a roof. This roof can be of a lightweight steel galvanised type and shall be provided with rainwater goods.</p> <p>(e) Water points should be provided at the bin/bike stores.</p>	
9	<p>Before any development commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing, the developer shall submit for the written agreement of the Planning Authority the following:</p> <p>(a) A detailed boundary treatment plan showing the positions of all gates proposed within the curtilage of all residential units.</p> <p>(b) The units backing onto the southern boundary (units 4053 to 4069 inclusive) shall use the existing natural boundary as per submitted details.</p> <p>(c) Where future connection to adjoining lands to the east are proposed, the proposed paths shall be brought right up to the boundary line.</p>	In the interest of placemaking and orderly development.
10	<p>(a) The areas of the development for Taking in Charge shall be agreed in writing with the planning authority, prior to the commencement of development on site.</p> <p>(b) Areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.</p> <p>(c) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted</p>	To provide for the satisfactory future maintenance of the development in the interest of residential amenity.

	to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.	
11	The development shall be carried out and operated in accordance with the provisions of the Mobility Management Plan (MMP) submitted to the Planning Authority. The developer and/or the Mobility Management Plan Co-Ordinator shall undertake an annual monitoring exercise to the satisfaction of the planning authority for the first five years following the completion of Phase 2 and shall submit the results to the Planning Authority for consideration and placement on the public file.	To achieve a reasonable modal split in transport and travel patterns in the interest of sustainable development.
12	All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points.	In the interest of sustainable transportation.
13	Before any development commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing, the developer shall provide, to the satisfaction of the Planning Authority, security for the provision and satisfactory completion, including maintenance until taken in charge at the discretion of that Authority, of roads, footpaths, sewers, road lighting, open spaces and other relevant services required in connection with the development. The security shall be a Bond in a form and amount approved by the Planning Authority and provided by a Bank or Insurance Company acceptable to the Planning Authority.	To ensure that these parts of the development are constructed and completed to a satisfactory standard.
14	The developer shall be responsible for the maintenance of all roads, footpaths, open spaces, site boundaries and other services within the estate until taken in charge by Cork County Council and/or Uisce Éireann at its discretion.	To ensure adequate maintenance of the estate.
15	Prior to the commencement of development, proposals for a	In the interest of orderly development, and to protect the local

	<p>bilingual naming and numbering scheme and associated nameplates for the development shall be submitted to the Planning Authority for written agreement. Names shall reflect an individual or place of local environmental, cultural, topographical, historical or heritage significance. Names in Irish are encouraged. The names should be simple, easily pronounced and in keeping with the location of the site. In addition, no residential unit shall be occupied prior to the erection of high quality name and number plates to be designed and located in agreement with the Planning Authority.</p>	<p>identity of the area.</p>
16	<p>The developer shall prepare and submit an internal traffic management plan identifying the locations of stop lines, pedestrian crossings, traffic calming measures and finalising the kerb lines/radii. The plan shall be submitted for the written approval of the Planning Authority prior to the commencement of development.</p>	<p>In the interest of traffic safety.</p>
17	<p>The developer shall contact the Housing Estates Dept. of the Planning Authority prior to any works commencing on site to arrange a meeting to discuss general working arrangements with the Housing Estates Dept, and any issues that may be specifically linked to the proposed development.</p>	<p>In the interest of orderly development.</p>
18	<p>A management company or companies shall be formed to maintain the Apartment complex, creche area and cafe (or other use) and all their individual associated facilities. The Management Company or Companies shall be retained in perpetuity as these areas will not be taken in charge of.</p>	<p>In the interests of orderly development.</p>
19	<p>Where existing boundaries are to be retained, the Planning Authority may at any time, instruct the developer to supplement them as necessary, and any works shall be carried out at the expense of the developer.</p>	<p>In the interest of orderly development.</p>
20	<p>Before any development commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing, the developer shall provide, to the</p>	<p>To ensure that these parts of the development are constructed and completed to a satisfactory standard.</p>

	<p>satisfaction of the Planning Authority, security for the provision and satisfactory completion, including maintenance until taken in charge at the discretion of that Authority, of roads, footpaths, storm sewers, road lighting, open spaces and other relevant services required in connection with the development. The security shall be a Bond in a form and amount approved by the Planning Authority and provided by a Bank or Insurance Company acceptable to the Planning Authority.</p>	
21	<p>Before any development commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing, the developer shall submit for the written agreement of the Planning Authority the following:</p> <p>(a) A long-term management and maintenance plan (minimum of 15 years) for the Woodland Park Area. This shall include comprehensive details of the proposed decking. Responsibility for the maintenance and upkeep of this facility shall be agreed with the Planning Authority.</p> <p>(b) Revised details for the proposed playgrounds shall be submitted which shall incorporate natural children's play areas which are low maintenance.</p>	In the interest of orderly development.
22	<p>(a) The applicant shall enter a Connection Agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network and adhere to the standards and conditions set out in that agreement.</p> <p>(b) All development shall be carried out in compliance with Uisce Éireann's Standard Details and Codes of Practice.</p> <p>(c) Uisce Éireann does not permit Build Over of its assets. Where the applicant proposes to build over or divert existing water or wastewater services, the applicant shall have received written Confirmation of Feasibility (COF) of Diversion(s) from Uisce Éireann prior to any works commencing.</p>	To provide adequate water and wastewater facilities.
23	No dust, mud or debris from the	To protect the amenities of the area

	site shall be carried onto or deposited on the public road/footpath. Public roads and footpaths in the vicinity of the site shall be maintained in a tidy condition by the developer during the construction phase.	and in the interests of road safety.
24	The developer shall clean any spillages on the public roads arising from the development, as the need arises or when requested to do so by the Planning Authority.	In the interests of traffic safety.
25	During construction the wheels of all trucks shall be washed prior to their exit from the site in a wheel wash facility. Details of the construction, installation and operation of this facility shall be agreed in writing with the Planning Authority prior to commencement of any development.	To protect the amenities of the area and in the interests of road safety.
26	Prior to commencement of development, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing, a method statement for the management of the construction phase shall be submitted to and agreed in writing to the Planning Authority. Development shall be carried out in accordance with the agreed details which shall provide, inter alia for:- (a) wheelwash arrangements to be provided on the site and retained and used for the duration of the development; (b) location of the materials compound and site huts; (c) site security fencing; (d) methodology for the use and control of any site piling proposed on site during construction; (e) access arrangements to be used by construction traffic visiting the site; (f) adequate on-site car parking facilities for site workers and traffic associated with the development during the course of construction; (g) details of any site security lighting proposed (which will not negatively impact on adjoining dwellings), and (h) delivery of materials shall be organised so that deliveries are minimised at the morning or evening periods of peak flow.	In the interests of residential amenity, traffic safety and orderly development.
27	A standby generator shall be provided to ensure continuous operation of the Sewage Pumping station. Details to be submitted	In the interests of public health and orderly development.

	and agreed with the Planning Authority before any development commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing	
28	<p>(a) Foul sewage only shall be discharged to the public sewer.</p> <p>(b) No groundwater from any excavation dewatering works associated with the proposed development shall drain to the public foul sewer.</p> <p>(c) Surface water shall not be permitted to enter the foul sewer.</p>	To prevent overloading of the public sewer.
29	Existing roadside drainage arrangements shall be preserved to the satisfaction of the Planning Authority.	To preserve proper roadside drainage and to prevent the flooding of the public road.
30	Vertical curves shall be constructed at all locations where there is a change of gradient on all roads. The minimum "k" values shall be 10 (Crest) and 9 (Sag).	To comply with good practice in road construction.
31	Stockpiles of earth shall be dampened down or otherwise suitably treated to prevent the emission of dust from the site. Earth stripping or moving should not be carried out in periods of dry and windy weather unless suitable mitigation measures are implemented.	To safeguard the amenities of the area, and prevent airborne pollution.
32	<p>All tank and drum storage areas shall be rendered impervious to the materials stored therein. In addition, tank and drum storage areas shall, as a minimum be bunded, either locally or remotely, to a volume not less than the greater of the following;</p> <p>(i) 110% of the capacity of the largest tank or drum within the bunded area</p> <p>(ii) 25% of the total volume of substance which could be stored within the bunded area.</p> <p>Drainage from bunded areas shall be diverted for collection and safe disposal. The integrity and water tightness of all the bunding structures and their resistance to penetration by water or other materials stored therein shall be tested and demonstrated to the satisfaction of the Planning Authority.</p>	To ensure the protection of groundwater, surface water and soil.
33	Storm water attenuation and treatment measures utilising Nature Based Drainage Solutions	To prevent flooding, and improve the quality of the storm water discharge, and allow some ground water

	and SUDS best management practices shall be incorporated into the proposed storm water system.	recharge.
34	<p>Noise levels emanating from the proposed development when measured at Noise Sensitive Locations shall not exceed:</p> <p>55dBA (30 minute LAR) between 0700 and 1900 hours 50dBA (30 minute LAR) between 1900 and 2300 hours 45dBA (15 minute Leq) between 2300 and 0700 hours</p> <p>All sound measurements shall be carried out in accordance with ISO Recommendations R 1996 - "Acoustics-Description and Measurement of Environmental Noise"</p> <p>Noise Sensitive Location : Any dwelling house, hotel or hostel, health building, educational establishment, places of worship or entertainment, or any other facility or area of high amenity which for its proper enjoyment requires the absence of noise at nuisance levels.</p>	In the interest of protecting amenities.
35	<p>The construction of the development shall be managed in accordance with a Site Specific Construction Environment Management Plan (CEMP), which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.</p> <p>This plan shall identify sensitive environment and human receptors at risk from the development, and shall provide details of intended construction practices for the development, including hours of working, noise, dust, vibration and water management measures, and details of the monitoring programme to verify the efficacy of these controls.</p> <p>This plan shall identify responsibility for the implementation and monitoring and reporting of the efficacy of these controls for the duration of development.</p>	To safeguard the amenities of the area.
36	The developer shall put in place a programme to ensure that members of the public can obtain	To safeguard the amenities of the area.

	<p>information concerning all emissions from this development.</p> <p>The developer shall ensure that a responsible and suitably qualified person is available on the site at all times during which emissions to the environment are occurring. A designated member of the company's staff shall interface with the Planning Authority or members of the public in the event of complaints or queries in relation to environmental emissions.</p> <p>The developer shall record all complaints received relating to site operations. The record shall contain the name of the complainant, nature, time and date of the complaint and a summary of the company's investigation and response. This information and records shall be maintained for inspection by the Planning Authority.</p>	
37	<p>Prior to the commencement of any works on site, the developer shall engage the services of a suitably qualified person(s) to prepare and submit a Surface Water Runoff Management Plan for the Construction phase of the of the development. The Plan shall include measures to be put in place to prevent any potential silt/sediment materials discharging into nearby gullies/surface waters during the Construction phase of the of the development. This Plan shall have regard to CIRIA C532 – Control of Water Pollution from Construction Sites – Guidance for Consultants & Contractors (CIRIA, 2001), and CIRIA C648 – Control of Water Pollution from Linear Construction Projects – Technical Guidance (CIRIA,2006).</p> <p>This Plan shall identify all surface water management controls to be employed within the site to prevent adverse water quality impacts from construction and demolition activities. All such controls shall be identified on a suitably scaled drawing. This Plan shall include a monitoring programme to ensure all controls are operating to</p>	To prevent water pollution and protect amenities.

	<p>specification. Appropriate anti scouring measures shall be provided on any outlet prior to discharge to any surface water system.</p> <p>This Plan and all associated information shall be kept onsite and made available for inspection at all times.</p>	
38	<p>(a) Any hazardous or contaminated waste materials arising on the site including any asbestos, shall be recycled as far as possible or disposed. Any hazardous materials exported from the site for recovery, recycling or disposal shall be managed at an approved facility. Adequate on-site arrangements shall be made for the storage of recyclable materials prior to collection.</p> <p>(b) Any end-of-life equipment shall not be allowed to accumulate on site and any end-of-life equipment waste arising on the site shall be recycled at an approved recycling facility.</p> <p>(c) The applicant shall revise and resubmit the Resource and Waste Management Plan (RWMP) to make reference to the National Waste Management Plan for a Circular Economy 2024-2030.</p>	In the interest of proper planning and sustainable development.
39	<p>The developer shall engage a suitably qualified archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping and groundworks (areas to be agreed with County Archaeologist and NMS). The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. 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 [preservation in-situ/excavation]. The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation</p>	To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest.

	<p>requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. 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.</p>	
40	<p>All mitigation measures in relation to archaeology and cultural heritage as set out in the Archaeological Testing Report (Lane Purcell, Licence:24e1251) shall be implemented in full, [except as may otherwise be required by the conditions of this permission]. In this regard, prior to the commencement of the development, the developer shall appoint a suitably qualified archaeologist (Licensed by the National Monuments Service) to preserve by record the following features:</p> <p>A layer of charcoal/oxidised silt deposits (F1) and a narrow linear feature or possible slot- trench (F2) in Trench 2 (Field M1).</p> <p>A small pit (F17) containing charcoal/oxidised soil and five possible post-holes/pit features (F18-22) in Trench 21 (Field M5).</p> <p>A small group of shallow features (F18-22) in Trench 21</p> <p>Two further pits (F4 and F6) were found in Trench 5 (Field M1) and Trench 9 (Field M2)</p> <p>The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the archaeological excavation required, following the completion of all archaeological</p>	<p>To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest.</p>

	work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.	
41	<p>A Construction/Demolition Noise Management plan shall be put in place and agreed in writing with the Planning Authority prior to the commencement of operations on site. This plan shall provide details of intended construction/demolition plan for the development, including;</p> <p>(a) Proposals for the suppression of on-site noise</p> <p>(b) Proposals for the suppression of any vibration</p>	To protect the residential amenities of the area.
42	The applicant shall ensure that the detailed design & construction of the site for which planning is sought is compliant with the Cycle Design Manual, Cork County Councils 'Design Guide For Provision Of Services In Housing Estates', & the UK DETR 'Guidance on the use of tactile paving'. The applicant shall also ensure that any linemarking and signage shall be provided in compliance with the latest version of the Traffic Signs Manual (issued by DTTAS).	In the interests of public safety.
43	All pedestrian crossings are to be dished with appropriate tactile paving used. Minimum distance for sightlines, in accordance with DMURS, shall be provided at all pedestrian crossing points.	To provide access and ensure the safety of all road users.
44	The applicant shall install appropriate tactile paving to aid visually impaired road users, particularly so at road crossings or where there may be conflicts between the proposed footpath and the proposed shared path. The applicant is to ensure that the tactile paving is deployed at the appropriate areas and is designed and constructed in accordance with the DETR 'Guidance on the Use of Tactile Paving Surfaces'.	To ensure the safety of all road users.
45	<p>All proposed footpaths constructed by the applicant shall be minimum 2m in width, as per the Design Manual for Urban Roads and Streets.</p> <p>All proposed shared paths shall be a minimum width of 3m, as per the Cycle Design Manual.</p>	To adhere to relevant design guidance and provide sufficient space for active travel users.

46	The applicant shall submit a stage 3 road safety audit. The applicant shall be responsible for ensuring any actions / recommendations arising from the road safety audit for stage 1 & Stage 2 is agreed and 'closed out' to the satisfaction of the road safety auditor for their sign-off of same. The road safety audit shall comply with TII's road safety guidance (GE-STY-0124 Road Safety Audit, GE-STY-0127 Road Safety Audit Guidelines, GE-STY-0125 Road Safety Audit – Audit Team Qualifications). Any additional areas of proposed/conditioned works not covered in the scope of the applicants original Stage 1/2 Road Safety Audit (RSA) shall be subject to separate RSA covering these additional elements of works.	In the interest of safety for all road users.
47	The applicant shall undertake routine general maintenance, vacuuming, and repairs of proposed porous asphalt, as set out in the applicants proposed maintenance regime / plan submitted.	To protect the amenities of the area and in the interests of road safety.
48	Proposed active travel paths are to be appropriately lit, ensuring compliance with Cork County Councils Public Lighting Manual.	In the interest of safety for all road users.
49	Prior to works commencing, the applicant to liaise with the Sustainable Travel Unit and seek the written agreement on details of the proposed active travel paths material composition, to ensure with the latest version of the Cycle Design Manual (refer to Table 5.1).	To ensure a smooth surface finish and appropriate structural composition.
50	The shared path shall have line-marking to indicate the path is shared (e.g. symbol M111 & M116), spaced every 50m.	To improve user safety.
51	Proposed active travel paths shall be constructed with a crossfall that conforms to the crossfall requirements noted in the Cycle Design Manual, to allow path to drain.	To assist drainage.
52	Applicant to ensure that sufficient sightlines, in accordance with DMURS, are provided for all proposed crossings, including the proposed shared crossing on Mountain Road.	To ensure safety of active travel users.
53	Prior to the commencement of development, the developer shall submit revised drawings for the written approval of the Planning Authority that incorporates the	To ensure appropriate connectivity.

	<p>following:</p> <p>(a) The proposed shared path on the eastern side of the south eastern internal road (i.e. adjacent to unit 3048, shown on Proposed Site Layout Part B) shall be extended southwards to the south eastern turning head to allow a future connection to neighbouring site, in alignment with that neighbouring internal road (i.e. refer 'possible additional connection' on Proposed Site Layout Part B).</p> <p>(b) The applicant shall liaise with the Sustainable Travel Unit and seek written agreement on the design of an active travel connection to facilitate safe and direct connectivity for residents within the western side of the development site, to access the proposed greenway connection on the eastern side of the development site.</p>	
54	Proposed shared path crossings of carriageway are to be at-gradient via raised tables, accompanied by appropriate linemarking and signage.	To provide priority to active travel users, and to slow vehicles.
55	Where the applicant is constructing raised tables / crossings, drainage gullies shall be installed locally to ensure free draining of surface water adjacent to same.	To ensure adequate drainage measures are installed.
56	Public Lighting in this development shall be designed and constructed in accordance with Cork County Council's Public Lighting Manual and Product Specification 2023; a copy of which is available on Cork County Council's website, www.corkcoco.ie .	In the interest of consistency of design and compatibility for future maintenance.
57	The following conditions as contained in Appendix H, Figure 4, of the Cork County Council Public Lighting Manual and Product Specification 2025 shall apply to this development: - A1, A4, A5, A6, A8, A9, A10, A11, A12, A13, A23, A25, A27, A28.	In the interests of proper design and orderly development.
58	Prior to the occupation of any houses / residences, within any phase of new development, the public lights shall be switched on in that phase and on any access roads, and shall be kept active and maintained by the developer until taken in charge by Cork County Council. Separate phases within a	In the interests of public safety and to facilitate the taking in charge of the public lighting in phases if required.

	development shall be designed to be connected to separate mid-pillar circuits, in so far as practicable.	
59	<p>Within the public lighting report, the applicant has designed the lighting within the estate to a P4 Class. Before the development commences, the applicant shall submit a revised design ensuring the estate main spine roads (as per the Proposed Roads Layout Drawing the main spine road would be all areas highlighted as "Proposed Extend Tarmac Surface") are design to a P3 Class. The remainder shared surface roads can be designed to P4. As per Cork County Council Public Lighting Manual and Product Specification 2023, lighting class in housing estates are generally designed to a minimum of P4 standard but P3 standard should be considered for the access spine road on larger estates.</p>	To achieve adequate lighting standards whilst minimising energy usage.
60	<p>External lighting within this development shall be directed and cowled as necessary so as not to interfere with passing traffic or so as not to cause any glare or additional light spill to adjoining residential properties. The lighting must comply with requirements of the ILP Guidance Note 01/21 'The Reduction of Obtrusive Light'. The applicant shall demonstrate that the location of columns 27C, 29C, 32C, 83D, 86C, 88D, 94D, 101D, 102D, 104C, 106C, 107C, 140D are compliant to Table 3, Maximum Values of Vertical Illuminance of the document.</p>	In the interest of road safety and of not interfering with adjacent dwelling owners.
61	<p>Prior to the commencement of development, the developer shall carry out a cross check between the location of the lights and trees so as to ensure that no tree is within 10m of a light so that the lights can operate effectively. This needs to be reflected in a revised design for both the lighting layout plan and the landscaping. The applicant shall revise and resubmit for approval prior to the commencement of development, the location of trees or columns for numbers 1B, 2B, 3B, 4B, 5B, 6B, 7B. These columns are located at the back of the greenway with trees located between the greenway path and the access</p>	As canopy growth can inhibit the effective light spread and roots can disrupt underground cables.

	road. This is a concern, as the trees mature over time preventing access to the columns for future maintenance with a hydraulic hoist and it will also prevent light spill required for the road. No trees shall be planted within 10m of a public light. Lighting provided shall have due regard for potential bat roots in the subject and Woodland area.	
62	The applicant has indicated two zebra crossings on the main public road with no lighting details. The applicant shall ensure that any zebra crossings installed as part of this development shall incorporate auxiliary lighting designed to ILP technical report TR12 which has not been provided. A TR12 lighting design shall be submitted to the Planning Authority for approval, prior to commencement.	In the interest of road safety.
63	The applicant has provided lighting for the shared surface pedestrian & cycle way on the eastern side of the development. The applicant shall relocate columns 110C, 112C, 113C, 114C, 115C, 116C & 65C to the opposite side of the footpath to ensure the lanterns are facing the direction of the new development and not towards the existing housing. This is to reduce any unwanted glare onto existing properties. The Public Lighting design report shall be submitted to the Planning Authority for approval prior to commencement with revised changes.	In the interest of not interfering with adjacent dwelling owners and for the elimination of road safety hazard.
64	The applicant shall revise the lighting design for the hammer head adjacent to lighting column No. 46C. The proposed lighting design does not achieve the minimum lighting requirement for this area as shown by the contours in Public Lighting Layout Plan PL2438-E-100-13. The applicant shall submit a revised lighting design to the Planning Authority for approval before the development commences, ensuring that road way is lit to a minimum standard.	To enhance the safety of pedestrians accessing this development and for the improvement of security in the Area generally.
65	Cutting or removal of trees, hedgerows and clearance of ground vegetation shall not be undertaken between the 1st of March and 31st August.	To protect biodiversity.
66	(a) All works shall be implemented in accordance with	In the interest of protection of protected species and/or habitats of

	<p>mitigation measures specified in the Biodiversity Chapter of the EIAR.</p> <p>(b) Pre-construction surveys for badger and amphibians shall be carried out by the developer. All results of these surveys shall be submitted prior to the commencement of works for the written approval of the Planning Authority.</p>	high natural value.
67	No soil, spoil, construction material or waste will be stored or tipped near hedgerows or tree and no construction plant or vehicles will be parked within the spread of existing/retained trees or hedgerows.	In the interests of protecting biodiversity value within the site.
68	<p>(a) Trees and hedgerows shall be retained in accordance with the submitted Hedgerow Treatment Map included in the Landscape Concept document.</p> <p>(b) Where removal of hedgerows is cited, appropriate mitigation shall be provided and incorporated into proposals, to include control of timing of works to avoid disturbance to hedgerows during the bird breeding season, translocation of existing hedgerows (where possible and practicable) and/or to incorporate new planting of hedgerows into landscape management proposals. The 'extensive native hedgerow planting' as per paragraph 11.10.2.1.3 in the EIAR that will be undertaken shall be identified in a revised landscape plan and full details shall be provided including all species. These details shall be submitted to the Planning Authority for written approval prior to the commencement of development.</p> <p>(c) All landscape planting shall be completed within 18 months of the completion of this development. Any trees that die or are removed within three years of planting shall be replaced in the first planting season thereafter.</p> <p>(d) Prior to the commencement of development activity, protective fencing in accordance with BS 5837, shall be installed to protect all trees identified to be retained. The fencing shall be installed in</p>	To protect biodiversity.

	<p>such a manner as to provide protection to the critical root zone of trees to be protected and it shall be retained on site until all construction works are completed. No soil, spoil, construction material or waste will be stored or tipped within the fenced off area and no construction plant or vehicles will be parked within the spread of trees/hedgerows identified to be retained. The fencing shall be retained until such time as works are completed.</p>	
69	<p>At least one month before commencing development or at the discretion of the Planning Authority within such further period or periods of time as it may nominate in writing, the developer shall pay a contribution of €619,452.08 to Cork County Council in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority. The value of this contribution is calculated in accordance with the Council's Development Contributions Scheme on 26/05/2025 and shall be increased monthly at a rate of 8% per annum in the period between the date on which this value was calculated, and the date of payment.</p>	<p>It is considered appropriate that the developer should contribute towards the cost of public infrastructure and facilities benefiting development in the area of the Planning Authority, as provided for in the Council's Development Contributions Scheme, made in accordance with Section 48 of the 2000 Planning and Development Act, and that the level of contribution payable should increase at a rate which allows both for inflation and for phasing in of the target contribution rates, in the manner specified in that scheme.</p>