

An  
Coimisiún  
Pleanála

**Commission Order**  
**ACP-323082-25**

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**Planning and Development Act 2000, as amended**

**Planning Authority: Cork City Council**

**Planning Register Reference Number: 25/43847**

**Appeal** by Blarney Street and Surrounding Areas Community Association Limited care of The Rock Community Centre, Blarney Street, Cork and by others against the decision made on the 23<sup>rd</sup> day of June, 2025 by Cork City Council to grant subject to conditions a permission to Bellmount Good Shepherd Limited care of McCutcheon Halley of 6 Joyce House, Barrack Square, Ballincollig, County Cork in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** 10-year planning permission for Large Scale Residential Development (LRD) comprising 274 number student accommodation apartments and a total of 957 number bed spaces. The proposed LRD includes the partial demolition, conservation, redevelopment and extension of the existing former Good Shepherd Convent buildings for student accommodation use, modifications (including the removal of a glasshouse extension) to the former Bake House/Coach House building to provide a community/amenity space, the conservation, redevelopment and extension of the existing Gate Lodge to provide a café, co-working space and security/administrative office use, the demolition of the former hostel building (known as Well House) and demolition of sheds, glasshouses and other

ancillary structures on site, the construction of eight number new student accommodation apartment blocks ranging in height from three to five storeys, the construction of a three-storey mixed-use building with commercial/retail use at ground floor level and student accommodation on the upper floors, and all associated ancillary development works, including vehicular/pedestrian access and pedestrian crossing on to Convent Avenue, new footpaths and raised table at the junction of Convent Avenue and Sunday's Well Road, landscaping, amenity and open space areas, boundary treatments, bicycle and car parking, bin storage, two number ESB substations, public lighting and all other ancillary development, all at the Former Good Shepherd Convent, Convent Avenue and Buckston Hill, Sunday's Well, Cork. The proposed development consists of works to and within the curtilage of the former Good Shepherd Convent which is a protected structure (reference number PS721). The proposed development also consists of works to the exterior of structures which are located within the Sunday's Well Architectural Conservation Area.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Reasons and Considerations**

In coming to its decision, the Commission performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, in accordance with the provisions of the Climate Action Plan 2024 and Climate Action Plan 2025, and also had regard to the following:

- (a) the location of the site in an area where residential development (including student accommodation) is permitted under ZO 1 Sustainable Residential Neighbourhoods where the objective is 'To protect and provide for residential uses and amenities, local services and community, institutional, educational, and civic uses',
- (b) the Protected Structures on site and the area's Architectural Conservation design,
- (c) the incorporation and protection of the ZO 17 'Landscape Preservation Zones' which has the following objective 'To preserve and enhance the special landscape and visual character of Landscape Preservation Zones',
- (d) the policies and objectives of the Cork City Development Plan 2022-2028,
- (e) the nature, scale and design of the proposed development and the availability in the area of infrastructure,
- (f) the planning history of the site,
- (g) the pattern of existing and permitted development in the area,
- (h) the provisions of Housing for All, A New Housing Plan for Ireland 2021,
- (i) the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024),

- (j) the Urban Development and Building Heights Guidelines for Planning Authorities (2018),
- (k) the Design Manual for Urban Roads and Streets (DMURS),
- (l) the National Biodiversity Action Plan (NBAP) 2023-2030,
- (m) the Design Guide for State Sponsored Student Accommodation,
- (n) the policies and objectives set out in the National Planning Framework,
- (o) the policies and objectives of the Regional and Spatial Economic Strategy for the Southern Regional Assembly,
- (p) the grounds of the appeals received,
- (q) the observations received,
- (r) the submission from the planning authority, and
- (s) the report and recommendation of the Inspector.

### **Appropriate Assessment: Screening:**

The Commission completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites taking into account the nature, scale and location of the proposed development in a serviced urban area and other documentation submitted with the application to the planning authority, the Inspector's report, and submissions on file received at planning application and appeal stage. In completing the screening exercise, the Commission adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the Conservation Objectives of such sites.

### **Environmental Impact Assessment:**

The Commission, in accordance with Section 172 of the Planning and Development Act 2000, as amended, completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale, location and extent of the proposed development in an urban area served by foul and surface sewerage systems,
- (b) the Environmental Impact Assessment Report (EIAR) and associated documentation submitted with the planning application,
- (c) the grounds of appeal, the submissions from the planning authority, the prescribed bodies and third parties in the course of the planning application and the appeal, and
- (d) the Inspector's report.

## **Reasoned Conclusions on the Significant Effects:**

The Commission considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the Developer, provided information which is reasonable and sufficient to allow the Commission to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment and the results of the examination set out in the Inspector's Report.

The Commission was satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Commission considered that the main significant direct and indirect effects of the proposed development on the environment are those arising from the impacts listed below.

The Commission considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated, as follows:

- **Population and Human Health:** Construction-related disturbance including noise/vibration, dust, and traffic, which would be mitigated by construction management measures, including the agreement of a Construction Environmental Management Plan, a Dust Minimisation Plan and a Traffic Management Plan.
- **Population and Human Health:** Positive socio-economic effects at operational stage through the availability of additional housing, village centre and employment space, together with the provision of additional services, amenities, open space, recreational improvements, and sustainable transport options.

- **Biodiversity:** Construction stage loss and/or damage of habitat which will be mitigated by the protection of existing habitats, the carrying out of new planting, and biosecurity protocols.
- **Biodiversity:** Potential construction and operational impacts on water quality which will be mitigated by a Construction and Environmental Management Plan and the operational surface water drainage system.
- **Biodiversity:** Disturbance and displacement of fauna at construction and operational stage, which will be mitigated by a Construction and Environmental Management Plan, lighting design, existing and proposed landscaping, the appropriate timing of works, and the installation of bat boxes and bird boxes.
- **Land & Soil:** Loss of land, soil, and geology, which would be replaced by appropriate development and improved amenities in accordance with the proper planning and sustainable development of the area.
- **Land & Soil:** Construction stage impacts relating to dust/dirt pollution, groundwater interference, and soil contamination, which would be mitigated by the Construction and Environmental Management Plan and other measures proposed in the Environmental Impact Assessment Report.
- **Water:** Impacts on groundwater and surface water quality, which will be mitigated by standard good practice construction stage measures including a Construction Environmental Management Plan, and by the implementation of suitably designed drainage infrastructure and Sustainable Urban Drainage System (SuDS) measures.

- **Air:** Construction stage dust emissions, which will be mitigated by a dust management and standard good practice construction stage measures outlined in a Construction Environmental Management Plan.
- **Traffic and Transportation:** Impacts mitigated by the management of construction traffic by way of Construction and Environmental Management Plans. Operational traffic impacts on the capacity of the road network which will be mitigated by traffic management measures at existing and proposed junctions, proposals to improve active/sustainable travel options, and the implementation of a Mobility Management Plan.
- **Material Assets: Services, Infrastructure and Utilities.** An upgrade of utilities and telecommunications will have a long-term positive impact for the site and the surrounding area.
- **Landscape:** Changes to landscape character which will be mitigated by the design and layout of the proposed development, including the Landscape Preservation Zone, retention of existing trees and vegetation and the provision of additional landscaping and open space.
- **Archaeology and Architectural Heritage:** Construction and operational impacts would be mitigated by best practice in conservation, archaeological supervision, landscaping and design. Given the location of the site within the urban area no significant adverse direct, indirect or cumulative effects are likely to arise.

The Environmental Impact Assessment Report has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. The likely significant environmental effects arising as a consequence of the proposed development have, therefore, been satisfactorily identified, described and assessed.

The Commission completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed in each chapter of the Environmental Impact Assessment Report and, subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and cumulatively with other development in the vicinity, would be acceptable. In doing so, the Commission adopted the report and conclusions of the reporting inspector.

#### **Conclusions on Proper Planning and Sustainable Development:**

The Commission considered, having regard to the Cork City Development Plan 2022-2028, including the zoning objectives for the site, and Chapter 11 of the Plan 'Placemaking and Managing Development', which provides overarching development principles for the development of a compact and sustainable city (Section 11.5), the pattern of existing development in the immediate vicinity of the site, the Environmental Impact Assessment Report submitted with the application and the subsequent Environmental Impact Assessment and Appropriate Assessment Screening in the Inspector's Report, the location in the inner suburbs of Cork City, and within a reasonable walking distance of services and amenities, that the proposed development would not seriously injure the residential or visual amenities of the area or of property/land in the vicinity, would be consistent with national and local planning policy, would be acceptable in terms of design, scale, height, mix,

quantum of development, and placemaking and in terms of pedestrian and traffic safety.

The Commission concurred with the planning authority that the studio units in this scheme are one bedspace for the purpose of calculating density, and should be accounted for accordingly when applying the methodology for calculating density as set out in The Sustainable Residential Development and Compact settlement Guidelines for Planning Authorities (2024), this differs to the approach taken in the Inspector's assessment. The reason the Commission concurred with the planning authority that it is appropriate that a studio unit in this scheme is assessed as a single bed space for the purpose of calculating density, and not one dwelling, is because the proposed development is for Student Accommodation. In accordance with the interpretation of 'Student Accommodation' in the Planning and Development Act 2000, as amended, Part 1 Schedule 2, student accommodation, as a whole, is a typology of shared accommodation and, therefore, for this development it is not necessary to differentiate between the different units within the development. In the schedule of accommodation that accompanied the application, each studio unit in this development accommodates a single bedspace, so the 130 studios account for 130 bedspaces. Consequently, for the purpose of applying the density formula in The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) to this development, 'when calculating net densities for shared accommodation, such as student housing, four bed spaces shall be the equivalent of one dwelling'; the totality of the development is shared accommodation and the total number of bedspaces is 957.

The Commission determined that the scheme has a density of 86.7 units per hectare ((total number of bedspaces divided by four) divided by the net site area), and while this is not within the target density range for this area 40-80 units per hectare, as set out in Chapter 11, Table 11.2 of Cork City Development Plan 2022-2028, on the facts of the case, the Commission determined that the proposed development can equally be considered as being substantially compliant with the purpose and effect of the range set out

in Table 11.2 and the associated development plan commentary on density, and Strategic Objective.9 Placemaking and Development Management, and is not considered to militate against these elements of the development plan such that any contravention could reasonably be deemed material. In reaching this conclusion, the Commission had regard to the overall plot ratio or floor area ratio, and considered the proposed development is within the target range as set out in Table 11.2. Regard was also had to the fact that the development plan states (11.72) 'that minimum density targets will be applied in the development of all sites, apart from in exceptional circumstances', but does not state that the target maximum density is an absolute limit.

Furthermore, the Commission noted that the proposed development is well within the density parameters of 50-250 units per hectare, as set out in the Sustainable Residential Development and Compact Settlement Guidelines (2024), and noted that it is a stated policy and objective of the Guidelines that the recommended density ranges set out there in are applied within statutory development plans 'and in the consideration of individual planning applications'.

Having regard to the quality of the proposed scheme, to the relevant provisions of the Compact Settlement Guidelines (2024) on density, having noted the clear, reasoned assessment of the overall scheme by the planning authority, and having considered also case specific matters such as building volume, overlooking, overbearance, amenity of adjoining properties, transport and services capacity, it is concluded that no material adverse effect would arise and, therefore, in accordance with the particulars of this case the effect of a density of 86.7, while greater than the target maximum density, does not materially contravene the development plan. In this context, it is determined that the proposed development would be in accordance with the proper planning and sustainable development of the area, and that a grant of permission is, therefore, warranted in this instance, including on a full assessment of the provisions of the statutory development plan.

The Commission determined that due to the extensive fire damage to the protected structures on this site and the continuing deterioration of the structures due to their vacant state that exceptional circumstances apply and that the demolition of part of the protected structures is justified in this case and, therefore, is in accordance with Section 57(10)(b) of the Planning and Development Act 2000, as amended.

Furthermore, the Commission also concluded that the proposed development would not subject future occupiers to flood risk or increase the risk of flood to other lands, would not result in any unacceptable ecological or biodiversity impacts, and would be capable of being adequately served by wastewater, surface water, and water supply networks. The Commission considered that the specific ecological and conservation conditions attached by the planning authority are supported by technical advice and have, therefore, included these in this decision.

The proposed development will provide student accommodation in the city and will ensure the protected structures, that are part of the historic fabric of the city, are repurposed. Subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the Cork City Development Plan 2022-2028, including the zoning objectives for the site, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Coimisiún Pleanála on the 15<sup>th</sup> day of August 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The period during which the development hereby permitted may be carried out shall be seven years from the date of this Order.

**Reason:** Having regard to the nature and scale of the proposed development, the Commission considers it appropriate to specify a period of validity of this permission in the interest of proper planning and sustainable development and in order to ensure the timely protection of historic structures on site.

3. The permitted development shall be used for student accommodation, or accommodation related to a Higher Education Institute or tourist/visitor accommodation only during academic holiday periods, and shall not be used for the purposes of permanent residential accommodation, or as a hotel, hostel, apart-hotel or similar use, without a prior grant of permission.

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

4. The proposed development shall be implemented as follows:
- (a) The student accommodation and complex shall be operated and managed in accordance with the measures indicated in the Student Accommodation Management Plan submitted with the planning application.
  - (b) The Student Cluster Units shall not be amalgamated or combined.  
**Reason:** In the interest of the amenities of occupiers of the units and surrounding properties.
5. The mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with the planning application, shall be carried out in full, except where otherwise required by conditions attached to this permission.  
**Reason:** In the interest of protecting the environment and in the interest of public health.
6. The proposed development shall be carried out in accordance with the following phasing arrangements:
- (a) The first phase shall consist of the works to the Home, Convent, and Orphanage buildings and the construction of Blocks A2, A3 and A4, and works to the road under the ownership of the planning authority.

- (b) Prior to the occupation of any units constructed in the second phase, the retail use proposed for Block B shall be operational, or a meanwhile shop shall be established elsewhere on the site which shall be converted to residential use upon opening the shop in Block B.
- (c) The pedestrian access point onto Buxton Hill shall be opened to all pedestrians/cyclists with similar access controls as presented at the other entrance to the development site as presented in the Site Access Strategy Landscape Drawing L208.
- (d) The remaining phases shall follow as per drawing number 24160-BCA-ZZ-ZZ-DR-A-9700.
- (e) Before the occupation of any of the residential units, the pedestrian enhancement works proposed for Convent Avenue shall be completed in full.

**Reason:** In the interest of proper planning and orderly development and in the interest of residential amenity.

7. The proposed development shall be amended as follows:

- (a) All facades of Type B blocks finished with brick to match that used in Type A blocks shall be shown on revised elevations (Scale 1:100). This shall include, for the southern elevations of Blocks B4 and B5, maintaining the appearance of terraced houses, including, but not limited to, vertical features.

- (b) The relocation of the main windows of two number corner north-facing ground floor living spaces in Building B1 to east and west facing gables. On the upper floors, the east-facing elevations shall show the narrow windows within recessed brick panels replicating the size and the rhythm established by the windows on the southern elevation.

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

**Reason:** In the interest of visual amenity, respecting the primacy of the protected structures on site and the protection of residential amenities.

8. A schedule of all materials to be used in the external treatment of the proposed development, to include a variety of high-quality finishes, such as brick and stone, roofing materials, windows and doors, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity and to ensure an appropriate standard of development.

9. Prior to commencement of development, the developer shall submit the following for the written agreement of the planning authority:

- (a) Full details with respect to the internal communal spaces, including intended uses including laundry facilities.

- (b) Full details regarding the interpretation plan for the former Bake House, to include particulars on the nature and extent of the interpretation concepts, evidence of consultation with third-party interests, and a management plan for the interpretation area in recognition of the site's history.

**Reason:** In the interest of orderly development and in the interest of proper planning and sustainable development.

10. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority a Condition Survey and Method Statement for works required, as applicable, to the external site boundary walls.

**Reason:** In the interest of orderly development and in the interest of proper planning and sustainable development.

11. Proposals for the development name and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements or marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

12. (a) Details of signage, waste management and hours of operation of the non-residential units shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

- (b) The café in the Gate Lodge shall be used solely as a café and shall not be used as a hot food/fast food takeaway outlet.
- (c) Prior to commencement of development, full details of any associated air extraction and air conditioning and any coolers and fridges shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of proper planning and orderly development.

13. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest dwelling, shall not exceed:
- (i) An Leq, 1 hour value of 55 dB(A) during the period 0800 to 2200 hours, Mondays to Saturdays inclusive.
  - (ii) An Leq, 15-minute value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.
- (b) All sound measurements shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

**Reason:** To protect the residential amenities of property in the vicinity.

14. All findings of the Quality Audit (which includes a Road Safety Audit Stage, Walking Audit and a Cycle Audit) shall be closed out, signed off and incorporated into the development. A Stage 3/4 Road Safety Audit shall also be undertaken, closed out, signed off and acted upon. All costs associated with this condition shall be borne by the developer.

**Reason:** In the interest of road safety.

15. The developer shall ensure that boundary treatments and entrance details are fully coordinated with the proposed design of the National Transport Authority's pedestrian scheme for Shanakiel and Strawberry Hill. The developer must provide safe and accessible pedestrian infrastructure across their entrance, including a pedestrian crossing on the east - west axis immediately south of the entrance. All works shall be carried out to the satisfaction of the planning authority.

**Reason:** In the interest of road safety.

16. Prior to the commencement of the development, the developer shall submit and agree details in writing with the planning authority of the internal road network serving the proposed development, including, where applicable, turning bays, ramps, junctions, parking area, footpaths and kerbs, and signing and lining. All works shall be in accordance with the construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban Roads and Streets. All costs associated with the condition shall be borne by the developer.

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

17. 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 or public holidays. Deviation from these times shall 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.

18. The construction of the proposed development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the proposed development, including:
- (a) A Pre-Construction Invasive Species Management Plan and an Invasive Species Management Plan, if required.
  - (b) Provision for mitigation measures described in the Environmental Impact Assessment Report.
  - (c) The location of the site and materials compound(s), including area(s) identified for the storage of construction refuse.
  - (d) The location of areas for the construction site offices and staff facilities.
  - (e) Details of site security fencing and hoardings.
  - (f) Details of on-site car parking facilities for site workers during the course of construction.
  - (g) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
  - (h) Measures to obviate the queuing of construction traffic on the adjoining road network.
  - (i) Details of lighting during construction works.
  - (j) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
  - (k) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site works.

- (l) Provision of parking for existing properties during the construction period.
- (m) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
- (n) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.
- (o) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.
- (p) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interest of amenities; public health and safety.

19. Prior to commencement of development, the developer shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of sustainable waste management.

20. Prior to commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Éireann.

**Reason:** In the interest of public health.

21. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

**Reason:** To prevent flooding and in the interest of sustainable drainage.

22. The site shall be landscaped in accordance with the landscape scheme submitted with the planning application, unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. This landscaping scheme relating to each phase shall be completed before any of the residential units are made available for occupation unless otherwise agreed in writing with the planning authority. Access to green roof areas shall be strictly prohibited, unless for maintenance purposes.

**Reason:** In order to ensure the satisfactory maintenance of the public open space areas and their continued use for this purpose.

23. Prior to commencement of development, the developer shall:

(a) engage the services of an independent, qualified arborist, for the entire period of construction activity,

- (b) inform the planning authority in writing of the appointment and name of the consultant. The consultant shall visit the site at a minimum on a monthly basis, to ensure the implementation of all of the recommendations in the revised tree reports and plans, once agreed,
- (c) ensure the protection of trees to be retained,
- (d) submit photographs and confirmation that fencing for retained trees meets BS5837:2012 "Trees in Relation to Design, Demolition and Construction – Recommendations" for the written agreement of the planning authority,
- (e) all works on retained trees shall comply with proper arboricultural techniques conforming to BS 3998:2010 Tree Work – Recommendations so as to ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the proposed development,
- (f) the clearance of any vegetation, including trees and scrub, shall be carried out outside the bird-breeding season (1<sup>st</sup> day of March to the 31<sup>st</sup> day of August inclusive) or as stipulated under the Wildlife Acts 1976 and 2000,
- (g) the arborist shall carry out a post construction tree survey and assessment on the condition of the retained trees,
- (h) a completion certificate shall be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the tree report, and
- (i) the certificate shall be submitted to the planning authority for written agreement upon completion of the works.

**Reason:** To ensure the retention, protection and sustainability of trees during and after construction of the permitted development.

24. A suitably Qualified Ecological Clerk of Works (ECoW) shall be present onsite:

- (a) For the duration of the construction phase, including demolition works.
- (b) To supervise areas where vegetation, scrub and hedgerow removal will occur prior to and during construction.

**Reason:** To ensure that all targeted ecological mitigation measures within the biodiversity chapter within the EIAR are adhered to.

25. Prior to the commencement of development, revised details and drawings including location, elevations and floor plans, shall be submitted to, and agreed in writing with, the planning authority to show:

- (a) Two Barn owl nest boxes, in building(s) or trees, which are at least four metres above ground. The Barn owl nest boxes shall be installed under the guidance of the ECoW, to the satisfaction of the planning authority.
- (b) Two Common kestrel nest boxes, in building(s) or trees, which are to be between three to five metres above ground. The Common kestrel nest boxes shall be installed under the guidance of the ECoW, to the satisfaction of the planning authority.
- (c) Swift brick nest boxes, for common swifts, within buildings. These shall be at least five metres above ground and facing into an open area. The common swift nest boxes shall be installed under the guidance of the ECoW, to the satisfaction of the planning authority.

- (d) Two stock dove nest boxes to be located under the guidance of the ECoW, preferable within mature trees at the woodland edge, and to the satisfaction of the planning authority.

**Reason:** To enhance the barn owl, common kestrel, swift, and stock dove populations within the local area.

26. The developer is required to commission a qualified ecologist who is an NPWS - licensed bat worker to survey the site for bats prior to commencement of site clearance works and, if there is bat usage of the existing vegetation or buildings of the site found, the Developer is required to ensure that:

- (a) a licenced bat worker is present on site prior to and during the removal of any existing trees planned for removal and
- (b) all necessary licences for relocation of bats are obtained in advance from NPWS.

**Reason:** To protect the bat species found on site during the construction phase of the development.

27. The developer is required to install bat boxes within suitable located sites under the supervision of a qualified bat ecologist. A detailed report, with drawings of the proposed locations to be submitted in advance to the planning authority to agree to.

**Reason:** To protect and enhance the local bat population within Sunday's Well.

28. The public lighting to be friendly towards nocturnal wildlife within the proposed development and to follow guidance note from Bat Conservation Trust and Institute of Lighting Engineers, 2023. Detailed report and drawings of the public lighting scheme to highlight the light spill, lux levels and the light and dark corridors throughout the site.  
**Reason:** To reduce the impact of the proposed development on nocturnal fauna.
29. No advertisement or advertisement structure shall be erected or displayed on the building, or within the curtilage of the site, in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.  
**Reason:** In the interest of visual amenity.
30. The following requirements of the Archaeology Section of the planning authority shall be strictly adhered to:
- (a) Prior to commencement of development and site preparation works, the developer shall retain the services of a suitably qualified archaeologist at its 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.
  - (b) All sub-surface works, including drainage and pipeline excavation, shall be supervised by the archaeologist.

- (c) In the event of archaeological features being located, the developer shall facilitate the archaeologist in fully recording such features, including, if necessary, the archaeological excavation of such features. In the event of significant archaeological features on site, the archaeologist retained by the developer shall immediately contact the City Archaeologist. The City Archaeologist (in consultation with the National Monuments Service) shall determine the further archaeological resolution of the site.
- (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:** 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.

- 31. (a) Should human remains be located in the course of construction, all works shall cease at all parts of the proposed development site and all relevant authorities, including the City Coroner and An Garda Síochana, shall be informed of the location of the previously unrecorded human remains.
- (b) In the event that human remains are located, it shall be the responsibility of the relevant state agencies to determine the outcome for these remains and any associated evidence.
- (c) Contemporaneous log<sup>s</sup> shall be maintained detailing personnel, decisions and actions, and evidence collected. The site record of stratigraphy and features of interest or evidential value shall be maintained on a contemporaneous and continuous basis.

- (d) All documentation generated shall be submitted to the planning authority.

**Reason:** In the interest of proper planning and recording of the site.

32. The following conservation requirements shall be fully complied with in the proposed development, including the submission of relevant details for the written agreement of the planning authority:

- (a) A conservation expert with proven and appropriate expertise shall be employed to design, manage, monitor and implement the works and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained fabric and the curtilage of the protected structure.

- (b) The proposed development shall be carried out in accordance with the following:

- (i) All works to the structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of Housing, Local Government and Heritage. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.
- (ii) All existing original features in the vicinity of the works shall be protected during the course of the refurbishment works.

- (iii) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.
- (iv) The architectural detailing and materials in the new works shall be executed to the highest standards so as to complement the setting of the protected structure and the historic area.

**Reason:** In order to protect the original fabric, character, integrity and settings of the protected structures and to ensure that the proposed works are carried out in accordance with best conservation practice.

33. Prior to the commencement of development, permanent structural works to the historic structures (Home, Convent and Orphanage buildings) shall be agreed in writing with the planning authority. Following an in-depth analysis of the existing Home, Convent and Orphanage buildings, drawings and a supporting method statement regarding the structural works required to these buildings that is compiled by a structural engineer with demonstrable experience with historic buildings shall be submitted to the planning authority. The approach shall be in line with best practice conservation.

**Reason:** To protect the integrity of protected structures.

34. (a) The developer shall submit full details (Scale 1:20 and 1:5, as required) of the proposed reinstated timber sash windows, including details of the pane arrangement, frames, top rails, meeting rails etc., to the planning authority for written agreement before these windows are manufactured. These drawings shall show the windows set within the window reveals.

- (b) All works shall be carried out in accordance with best conservation practice and the Department of Housing, Local Government and Heritage Advice Series: Windows: A Guide to the Repair of Historic Windows (2007).

**Reason:** In the interests of the enhancement of the built heritage.

35. All service cables associated with the proposed development, such as electrical, telecommunications and communal television, shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interest of visual and residential amenity.

36. 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. The developer shall provide wayleaves in advance of Taking in Charge Application submission for any public infrastructure located within private areas, that is, within private car parking spaces.

**Reason:** To provide for the satisfactory future maintenance of the development in the interest of residential amenity.

37. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination. **Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

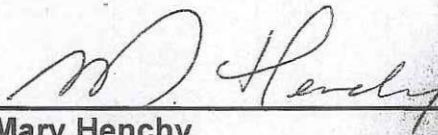
38. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination. **Reason:** To secure the protection of the trees on the site.

39. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Contribution Scheme made under section 48 of the Act be applied to the permission.

40. At least one month before commencing development or at the discretion of the planning authority within such further periods of time as it may nominate in writing, the development shall pay a special contribution in accordance with section 48(2)(c) of the Planning and Development Act 2000, as amended, of €375,000 (three hundred and seventy five thousand euros) to Cork City Council, updated monthly in accordance with the Consumer Price Index from the date of grant of permission to the date of payment in respect of works proposed to be carried out by the authority for the provision of improvements to the pedestrian environment along Sunday's Well Road between Convent Avenue and Daly's Bridge (i.e. wider footpaths, enhanced pedestrian crossings, traffic calming, etc..).

**Reason:** It is considered appropriate that the developer should contribute towards these specific exceptional costs, for works which will benefit the proposed development.



Mary Henchy

Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.



Dated this 6<sup>th</sup> day of November 2025.

