



An  
Coimisiún  
Pleanála

**Direction**  
**CD-021454-25**  
**ACP-323303-25**

The submissions on this file and the Inspector's report were considered at a meeting held on 03/12/2025.

The Commission decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

**Planning**

**Commissioner:**

*Eamonn James Kelly*

**Date:** 03/12/2025

Eamonn James Kelly

## **DRAFT WORDING FOR ORDER**

### **Reasons and Considerations**

Having regard to the nature of the proposed development, location and character of the subject site together with the policies and objectives of the Cork County Development Plan 2022-2028, it is considered that the proposed development meets the requirements as per objective RP 5-29 (Redevelopment or replacement of an Uninhabitable or Ruinous dwelling), RP 5-22 (Servicing Single Houses and ancillary development in Rural Areas) and GI 14-12 (General Views and Prospects) of the Cork County Development Plan 2022-2028 and subject to compliance with the conditions set out below, would not seriously injure the visual or residential amenities of the area or have an adverse impact on the receiving environment. The proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 19<sup>th</sup> day of December 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

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

2. The mitigation measures contained in the submitted Natura Impact Statement shall be implemented.

**Reason:** To protect the integrity of European Sites.

3. In the event that bats, a protected species, are encountered roosting during course of works on site, namely the demolition phase, works shall be



immediately suspended and the applicants are required to contact the National Parks and Wildlife Service to determine whether a Section 23 (5)(d) Wildlife Act Derogation License is required to allow the works to proceed. Where a license is required, works may only proceed following the obtainment of such a license from National Parks and Wildlife Service and in accordance with any conditions imposed by the licence.

**Reason:** In the interests of ensuring the protection of bats.

4. Given the known presence of Harbour Seal breeding and moulting sites proximal to the development site, demolition works shall not be undertaken between the months of May and September inclusive. A compliance monitoring report shall be submitted to the planning authority at the end of the demolition period.

**Reason:** In the interests of a protected species.

5. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
  - (a) A plan to scale of not less than 1:500 showing existing trees, hedgerows, shrubs, rock outcroppings, stone walls, specifying which are proposed for retention as features of the site landscaping.
  - (b) The measures to be put in place for the protection of these landscape features during the construction period.
  - (c) The species, variety, number, size and locations of all proposed trees and shrubs, which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.
  - (d) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

6. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

**Reason:** In the interest of residential amenities, public health and safety and environmental protection.

7. Prior to commencement of development, 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) shall be prepared and submitted to the planning authority for written agreement. The Resource Waste Management Plan shall include specific proposals as to how the Resource Waste Management Plan will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed Resource Waste Management Plan shall be made available for inspection at the site office at all times.

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

8.
  - (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.
  - (b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

**Reason:** In the interest of traffic safety and to prevent flooding or pollution.



9. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on 19<sup>th</sup> December 2024 and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ )" – Environmental Protection Agency, 2021.
- (b) Treated effluent from the wastewater treatment system shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent  $\leq 10$ )" – Environmental Protection Agency, 2021.
- (c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

**Reason:** In the interest of public health and to prevent water pollution.

10. The existing septic tank shall be decommissioned within one month of the installation of the new wastewater treatment system.

**Reason:** In the interest of public health and to prevent water pollution.

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

### **Note**

The Commission noted from Section 1 of the 'Conservation objectives supporting document – marine species Version 1 2015' published by NPWS in association with the site-specific conservation objectives for Glengariff Harbour and Woodlands SAC that Harbour Seal "is present at the site throughout the year during all aspects of its annual life cycle which includes breeding (May to July approx.), moulting (August to September approx.) and non-breeding foraging and resting phases. The Commission therefore refined the months cited in Condition 4 in accordance with this information.