

An
Coimisiún
Pleanála

Commission Order
ABP-321247-24

Planning and Development Acts 2000, as amended

Planning Authority: Cork County Council

Planning Register Reference Number: 244429

Appeal by Carroll Daly and others care of John MacCarthy of 16 Mary Street, Cork and by Richard Gash of Coolkirky, Riverstick, County Cork against the decision made on the 23rd day of October, 2024 by Cork County Council to grant permission, subject to conditions, to Killian McCarthy care of McCarthy Engineering of "Shandon", 138 South Douglas Road, Cork for the proposed development.

Proposed Development: Permission for the construction of a dwelling house, domestic garage, on site wastewater treatment unit and all associated site works at Coolkirky, Riverstick, County Cork.

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

Having regard to the design, nature and scale of the proposed development, the pattern and character of development in the area; and to the policies of the Cork County Development Plan 2022-2028, as well as national guidance including Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024, it is considered that, subject to compliance with the conditions set out below, the proposed development would not have a significant adverse effect and would not detract from the character of the area, would not seriously injure the amenities of adjacent residential property and would be acceptable in terms of traffic safety, services and convenience. 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 as amended on the plans received on 27th day of September 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. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter, unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.
- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

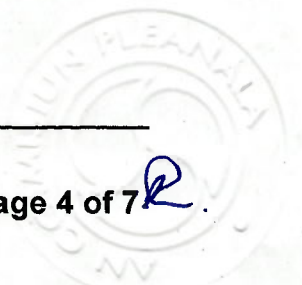
Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted in the interest of the proper planning and sustainable development of the area.

3. The proposed entrance to the site shall be located at the point on the roadside frontage indicated in the details submitted to the planning authority on the 27th day of September 2024. Any removal of the roadside boundary to facilitate the provision of sightline shall be reconstructed behind the sightline visibility line and the reconstructed boundary and shall consist of native species hedgerows details of which are to be submitted to and agreed with the planning authority prior to the commencement of any development works on the site. The agreement with the planning authority shall include a timescale of implementation of the new roadside planting.

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

4. The site shall be landscaped, using only indigenous deciduous trees and hedging species in accordance with the details submitted to the planning authority on the 27th day of September 2024. A timescale for implementation of the scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape and in the interest of visual amenity.



5. Drainage requirements and surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.
- (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 public health traffic safety and to ensure a proper standard of development.

6. (a) The septic tank/wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.
- (b) Treated effluent from the septic tank/ 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 Waste Water Treatment Systems (Population Equivalent ≤ 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 septic tank/ 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

7. External finishes in relation to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of works on the site.

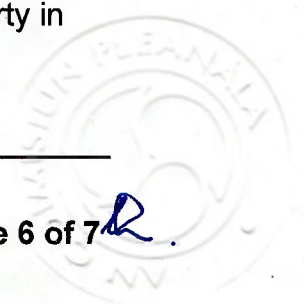
Reason: In the interest of visual and residential amenity.

8. 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 interests of visual and residential amenity.

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

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



10. 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.



Mick Long

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

Dated this 30th day of October 2025.