

An  
Coimisiún  
Pleanála

**Commission Order  
ACP-323118-25**

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

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 24/05266**

**Appeal** by Bill O'Regan of Walshestown, Ovens, County Cork against the decision made on the 25<sup>th</sup> day of June, 2025 by Cork County Council to grant subject to conditions a permission to Ger O'Sullivan care of Doyle McDonagh Nash Architects of 21 Saint Patrick's Hill, Cork in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The retention of the demolition of a single storey cottage dwelling and its replacement with a single storey dwelling together with the installation of a septic tank and percolation area and all associated site works at Walshestown, Ovens, 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 location of the site in an area zoned as 'Rural Area under Strong Urban Influence' and as 'High Value Landscape', the policies and objectives of the Cork County Development Plan 2022-2028, and in particular RP 5-29 (Replacement Rural Dwellings) and RP-30 (Redevelopment or replacement of an uninhabitable or ruinous dwelling), it is considered that, subject to compliance with the conditions set out below, retention of the replacement single storey dwelling would not seriously injure the visual amenities of the area, negatively impact the Scenic Routes or result in the deterioration of any waterbody. The retention development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Commission agreed with the Inspector that the sympathetic replacement of the vernacular cottage was within the general footprint of the original cottage but considered that, although mature trees and hedgerows had been removed, the proposed landscaping plan would contribute to enhancing the area and therefore did not consider that the requirement to comply with Objective RP 5-4 was applicable in this circumstance.

## Conditions

1. The development shall be retained 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 3<sup>rd</sup> day of June, 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 development shall be carried out and completed in accordance with the agreed particulars.

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

2.
  - (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site and using sustainable drainage systems. 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 permeable paving and adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

**Reason:** In the interest of sustainable drainage, the protection of the environment and to prevent flooding.



3. The landscaping scheme shown, as submitted to the planning authority on the 3<sup>rd</sup> day of June, 2025 shall be carried out within the first planting season following substantial completion of external construction works. 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 interests of residential and visual amenity.

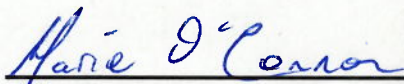
4. (a) The septic tank hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on the 5<sup>th</sup> day of July, 2024 and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent  $\leq 10$ )" – Environmental Protection Agency, 2021.
- (b) Treated effluent from the septic tank shall be discharged to a percolation area 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. The percolation area shall be at least 250 metres from the lakeshore.

- (c) Within three months of the date of grant of permission, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank 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.

5. 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 within three months of the date of this Order 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.

  
Marie O'Connor

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



Dated this 19 day of November 2025.