



Planning and Development Act 2000, as amended

Planning Authority: Cork County Council

Planning Register Reference Number: 25/4052

Appeal by Niall McCarthy against the decision made on the 17th day of December, 2025 by Cork County Council to grant subject to conditions a permission to Edmond O’Keeffe in accordance with plans and particulars lodged with the said Council.

Proposed Development: Residential development comprising of ten number two-storey detached four-bedroom dwellings, each dwelling serviced by an individual wastewater treatment unit, new site entrance, roadways, landscaping, public open space, including children's play area, and all associated site works at Garryvoe Lower, Ladysbridge, 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 provisions of the Cork County Development Plan 2022-2028, the location of the site outside of a flood risk area, within the village settlement boundary of Garryvoe/Shanagarry, and having regard to the nature, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development at this location would be acceptable in terms of surface water disposal, would not seriously injure the residential amenity of the adjacent properties, 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 the planning authority on the 17th day of October, 2025 and on the 21st day of November, 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. (a) Each wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included in the site characterisation reports submitted in connection with the planning 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) The septic tanks installed to service sites 1 – 5, inclusive, shall not be located within 10 metres of the drainage ditch on the southern boundary, or within 10 metres of Flood Zone A.
- (c) Treated effluent from the wastewater treatment systems shall be discharged to percolation areas/polishing filters which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.
- (d) Within three months of the first occupation of the dwellings, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tanks/ wastewater treatment systems and associated works are constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above. The responsibility for submitting the report and certification shall be carried out by the developer or transferred to the individual purchasers as a condition of sale.

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

3. Wastewater infrastructure to facilitate a potential public sewer connection shall be installed on site by the developer in accordance with the details submitted in connection with the planning application. In the event of a public sewer connection becoming available, the individual wastewater treatment systems serving each of the proposed dwellings shall be decommissioned and connected to the public mains. The responsibility for decommissioning each treatment plant shall be carried out by the developer or transferred to the individual purchasers as a condition of sale. Full details in this regard shall be subject to the written agreement of the planning authority.

Reason: In the interest of public health.

4. The future pumping station shall be positioned a minimum of 25 metres from any residence, and details of the final location shall be submitted for the written approval of the planning authority prior to commencement of development.

Reason: In the interest of public health and to comply with Objective WM11-9 of the Cork County Development Plan 2022-2028.

5. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/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.

6. Prior to commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Management Plan (CMP) for the written agreement of the planning authority. The CMP shall incorporate details for the following:

- (a) The collection and disposal of construction waste, in accordance with the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021).
- (b) Measures to control surface water run-off from the site.
- (c) Measures to prevent the deposit of mud, dust or debris on the public road/footpath, to control noise and vibration, and the monitoring of such measures.
- (d) Arrangements for on-site road construction.

The agreed CMP shall be implemented in full in the carrying out of the proposed development. A record of daily checks that the construction works are being undertaken in accordance with the CMP shall be kept at the construction site office for inspection by the planning authority.

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

7. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. The proposed attenuation tank shall be constructed in reinforced concrete, to reduce the risk of ground subsidence or floatation, and the monitoring and maintenance of the drainage arrangements shall be undertaken in accordance with the details set out in the plans and particulars submitted with the planning application, or as otherwise agreed with the planning authority.

Reason: In the interest of surface water management and of public health.

8. There shall be no interfering with bridging, piping, draining or culverting of any watercourse, its banks, or bankside vegetation to facilitate the proposed development without the prior written approval of the planning authority.

Reason: To safeguard the amenities and prevent pollution and/or erosion.

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 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.

10. The minimum finished floor level of the proposed dwellings shall be 5.0 metres OD.

Reason: In the interest of mitigating potential flood risk.

11. Prior to commencement of development, the developer shall submit details for the written agreement of the planning authority of revised boundaries for sites 1 to 4, inclusive, to provide for planting along the southern boundary of the revised boundaries, and to provide for a four-metre-wide area between the planting and the watercourse/drainage channel to the south of the site. Full details of access arrangements to this four-metre buffer zone, for maintenance of the watercourse, shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In order to help manage the risk of flooding.

12. The landscaping scheme shown on drawing number 25-01-P.005, as received by the planning authority on the 17th day of October, 2025, shall be carried out within the first planting season following substantial completion of external construction works. In addition to the proposals in the submitted scheme, the following shall be carried out:

- (a) Planting along the southern boundary shall be provided outside the required four-metre buffer zone required to provide maintenance and access to the watercourse.
- (b) 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 or until the development is taken in charge by the planning authority, whichever is the sooner, 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.

13. Following completion of the proposed development, the management and maintenance of the development, including drainage, wastewater and open space, shall be the responsibility of a legally constituted management company, or by the planning authority, in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of the development.

14. Prior to commencement of development, the developer shall enter into a connection agreement with Uisce Éireann to provide for a service connection to the public water supply.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

15. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within the drawing landscape plan drawing number 25-01-P.005.

Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

16. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement to An Coimisiún Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

17. (a) Prior to 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 house) pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all relevant 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.

- (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 specified 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.
- (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 housing units, in which case the planning authority shall confirm in writing to the applicant 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.

Reason: 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.

18. 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.

19. 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.


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

Dated this *12th* day of *May* 2026.