



An
Coimisiún
Pleanála

**Commission Order
PL-501031-WC**

Planning and Development Act 2000, as amended

Planning Authority: Cork County Council

Planning Register Reference Number: 25/6973

Appeal by Fachtna Hayes Building Contractor Limited against the decision made on the 24th day of February, 2026 by Cork County Council to refuse permission.

Proposed Development: Construction of a detached dwellinghouse accessed from the existing estate, connection to public services and all ancillary site works, all at Gleann Curaheen, Curraheen, Rosscarbery, County Cork.

Decision

GRANT permission for the above proposed development 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 within the settlement boundary of Rosscarbery, the planning history of the wider site, the pattern of development in the area, and the siting, scale, typography and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, would be acceptable in terms of residential amenity, open space, traffic safety and convenience, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In reaching its decision, the Commission considered the totality of the documentation submitted with the planning application and the appeal, and the planning history of the wider site, including planning register reference numbers 18/488 and 22/778 where the subject site is shown as a planted embankment enclosed by retaining walls to the north, north-west and east with no access to the public. The Commission considered that the subject site does not form part of the public realm, is not useable or accessible to the public for the purposes of active and passive recreation, and, therefore, the Commission determined that the proposed development does not encroach on, or contribute to the loss of, public open space to serve the wider estate. Furthermore, the Commission was satisfied that the proposed development would not result in excessive cut-and-fill when considered in the context of the extant adjacent properties where the installation of retaining walls is a feature of this part of the estate. It is considered that the proposed development would integrate well with the existing estate and would not be visually intrusive. The proposed development 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, 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. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of planning register reference numbers 18/488, 21/150 and 22/778, unless the conditions set out hereunder specify otherwise.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permissions.

3. The scope of this permission does not include the substation structure indicated on the site layout plan and located outside the application site boundary.

Reason: In the interest of clarity.

4. Prior to commencement of development, the developer shall enter into a connection agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and wastewater collection network.

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

5. 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.

6. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

7. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) The species, variety, number, size and locations of all proposed trees, hedge and shrubs, which shall comprise predominantly of native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.
- (b) Details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme. All tree and hedge planting 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, 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. Landscaping to the remaining embankment shall be in accordance with the relevant conditions of planning register reference numbers 18/488, 21/150 and 22/778.

Reason: In the interest of residential and visual amenity.

8. Development described in Classes 1 or 3 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwellinghouse without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwellinghouse.

9. 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 the 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.



Emer Maughan

Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 20th day of July 2026.