



An
Bord
Pleanála

Inspector's Report

ABP-316241-23

Development	Construction of a house, foul water treatment system, garage, site entrance and associated site works.
Location	Knockdromaclogh, Fermoy, Co.Cork,
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	234085
Applicant(s)	Humphrey Lynch
Type of Application	Planning permission
Planning Authority Decision	Refuse permission.
Type of Appeal	First Party
Appellant(s)	Humphrey Lynch
Observer(s)	None
Date of Site Inspection	21 st December 2023
Inspector	Claire McVeigh

1.0 Site Location and Description

- 1.1. The 0.74ha site, part of a larger 16.37ha farm holding, is located off the in the townland of Knockdromaclogh approximately 4km from Fermoy, County Cork. The site is accessed via a local road L5861 south of the N72. A track leads from this local road through one field to the subject site in the adjoining field. The trackway has been marked out with a post and wire fencing along the northern boundary of the site to the proposed location of the dwelling in the adjoining field.
- 1.2. Currently on site there is a blockwork flat roofed structure positioned behind some mounds of soil grassed over from site clearance works undertaken and a number of haybales stacked in the location of the proposed dwelling. The historic townland boundary is heavily treed and provides an attractive delineation of the southeastern boundary of the site and the other land in same ownership as identified in blue on site location map.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a single storey detached dwelling (274.7 sq. metres gross floor space) with proposed attic storage and ridge level height of 6.06m, the proposed conservatory has a ridge height of 4.902m and detached double garage (108sq.metres gross floor space) of 5.63m in height to the ridge. A gravel driveway is indicated up to and surrounding the proposed house and a new timber post & rail fence with beech hedging proposed to bound the site.
- 2.2. A proposed wastewater treatment unit and percolation area is shown in the northeast corner of the site and a new bored well located in the southern section of the site. A proposed planting program and species is set out on site layout drawing (Drawing no. 20). Surface water is proposed to be disposed to soak pits.

3.0 Planning Authority Decision

3.1. Decision

On the 20th March 2023, the planning authority decided to refuse permission for the proposed development for one reason, as follows:

Reason: The planning application relates to the construction of a single dwelling in the rural area under strong urban influence on lands forming part of a High Value Landscape as defined in the Cork County Development Plan, 2022. Having regard to the pattern of existing residential development in the immediate vicinity of the site and to the siting of the proposed dwelling on an elevated and exposed site set back a significant distance from the adjoining public road, it is considered that the proposed development would constitute a piecemeal, disorderly, haphazard form of development in an unserviced area that would be likely to seriously injure the amenities of the receiving environment and would set an undesirable precedent for development of a similar nature in the vicinity. Objectives HE 16-21, GI 14-9, PL 3-5 and RP 5-22 of the Development Plan seek to ensure that new developments appropriately fit into their receiving environments. On this basis, it is considered that the proposed development does not accord with Objectives HE 16-21, GI 14-9, PL 3-5 and RP 5-22 of the Development Plan and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Refers to the site's planning history, noting a previously refused application for a dwelling and one that was withdrawn prior to the grant of permission on the landholding and subsequent extension of duration of permission.
- The subject site is in a 'Rural Area Under Strong Urban Influence' immediately outside the Town Greenbelt for Fermoy. Consideration of the applicants genuine rural generated housing need and notes the submitted supporting documentation. It is stated that the location of the applicant's current residence is not shown in the submitted planning application form and that this will require clarification in order to substantiate their rural housing need.
- The pattern of development in the receiving environment is broadly defined by residential dwellings set along the public road network with some farm complexes incorporating residential units within their respective curtilages. The proposed would represent the 6th no. dwelling within a stretch of 250m at this location.

- The subject site seeks to incorporate a long access road (c.240m) to provide access to the rear of these lands off the adjoining local road.
- The planning history associated with this site has noted concerns in relation to the pattern of development at this location. Concerns that the proposed dwelling would give rise of a back land form of development on an elevated and exposed site.
- A recommendation for refusal was attached to the planner's report for 11/5002, subsequently granted on foot of a direction from the Director of Services. Taking into account the landholding alternative site locations may be an option should the applicant be able to demonstrate their rural housing need.
- There are concerns regarding the density of development that arises at this location, in addition to the haphazard form of development that results on the selected site which constitutes an elevated and exposed part of this landholding.
- Concerned that any grant of permission on this site would give rise to an expectation of permission in the adjoining field units and within the wider receiving environment.
- Dwelling type broadly of a form consistent with the rural environment but it cannot be determined how the proposal will fit in its receiving environment in the absence of detail. Concerns about the excessive scale of the garage (108 sq. m).
- Insufficient details provided with respect to landscaping and notes the proposed use of non-native species.
- No issues raised with respect to access and site servicing.
- Recommends refusal, taking into account the dwelling is located in a rural area under strong urban influence on lands forming part of a high value landscape as defined in the Cork County Development Plan 2022, on the basis of the high density of development in the rural location and the setting some 240m off the adjoining local road it is considered that the dwelling would give rise to disorderly back land development.

- Determined the need for EIA can be excluded at preliminary examination and a screening determination is not required.
- The subject site is located within the screening zone for the Blackwater SAC (Site Cde 2170). The nearest water feature is approximately 540m to the east of the subject site and the SAC approximately 3.3km to the north. The need to carry out AA is screened out.

3.2.2. Other Technical Reports

Area Engineer no objection, subject to conditions relating to the proposed entrance design, roadside boundary surface water and roadside drainage, potable water supply, wastewater treatment system and limited the use of the proposed garage to purposes incidental to the enjoyment of the dwelling house. With respect to the proposed sewage disposal, it is noted that the assessment for the wastewater treatment system with polishing filter was carried out in 2011 and highlights that the proposed treatment system must comply with current regulations.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None

4.0 Planning History

087755 Planning permission refused (September 2008) for a dwelling, garage and septic tank (Humphrey Lynch and Orla Hickey).

104324 Withdrawn

115002 Planning permission granted (August 2011) for the construction of a dwelling, foul water treatment system, garage, site entrance and associated site works (Humphrey Lynch and Orla Hickey).

165593 Extension of duration of permission granted (July 2016) under planning register reference 11/5002 (Humphrey Lynch).

236630 Permission for the following: a) enlargement of existing farm entrance, b) construction of access farm passage, c) construction of silage slab, dungstead area & a 7000 gallon effluent tank, d) construction of a haybarn & machinery shed and e) an easy feed/house with slatted tank (capacity c.875.5 cubic metres) granted February 2024 (Humphrey Lynch).

5.0 Policy Context

5.1. Cork County Development Plan 2022-2028

- 5.1.1. The subject site is located within the Strategic Planning Area – Greater Cork Ring and is unzoned land designated as a rural area under strong urban influence. Section 5.4.4 of the development plan outlines that these areas exhibit characteristics such as rising population, evidence of considerable pressure from the development of urban generated housing in the open countryside due to proximity to such urban areas /major transport corridors, pressures on infrastructure such as the local road network and higher levels of environmental and landscape sensitivity.
- 5.1.2. County development plan objective RP 5-4 applies and applicants must satisfy the planning authority that their proposal constitutes a genuine rural generated housing need based on their social and/or economic links to a particular local rural area and must demonstrate that they comply with one of the categories of housing need a-e.
- 5.1.3. Volume 6 (Maps) The map viewer indicates that the subject site is not within the designated high value landscape area.
- 5.1.4. The subject site is located within the Landscape Character Area: Broad fertile lowland valleys (6c) the landscape value and landscape sensitivity are noted as medium and the landscape of local importance.
- 5.1.5. The following county development plan objectives are noted:

HE16-21 Design and Landscaping of New Buildings

- a) Encourage new buildings that respect the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape.

- b) Promote sustainable approaches to housing development by encouraging new building projects to be energy efficient in their design and layout.
- c) Foster an innovative approach to design that acknowledges the diversity of suitable design solutions in most cases, safeguards the potential for exceptional innovative design in appropriate locations and promotes the added economic, amenity and environmental value of good design.
- d) Require the appropriate landscaping and screen planting of proposed developments by using predominantly indigenous/local species and groupings and protecting existing hedgerows and historic boundaries in rural areas. Protection of historical/commemorative trees will also be provided for.

GI 14-9: Landscape

- a) Protect the visual and scenic amenities of County Cork's built and natural environment.
- b) Landscape issues will be an important factor in all land-use proposals, ensuring that a pro-active view of development is undertaken while protecting the environment and heritage generally in line with the principle of sustainability.
- c) Ensure that new development meets high standards of siting and design.
- d) Protect skylines and ridgelines from development.
- e) Discourage proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments.

PL 3-5: Rural Placemaking

The Plan acknowledges that there are distinct and regional patterns of development within the rural villages and rural areas of County Cork and these make a positive contribution to the County's settlement network and rural landscape. New buildings should respond to the historic placemaking patterns and built form prevalent in the area.

RP 5-22: Design and Landscaping of New Dwelling Houses and Replacement Dwellings in Rural Areas.

- a) Encourage new dwelling house design that respects the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape.
- b) Promote sustainable approaches to dwelling design by encouraging proposals to be energy efficient in their design, layout and siting, finishes, heating, cooling, and energy systems having regard to the need to reduce reliance on fossil fuels and reduce carbon emissions.
- c) Foster an innovative approach to design that acknowledges the diversity of suitable design solutions in most cases, safeguards the potential for exceptional innovative design in appropriate locations and promotes the added economic, amenity and environmental value of good design.
- d) Require the appropriate landscaping and screen planting of proposed developments by retention of existing on-site trees hedgerows, historic boundaries, and natural features using predominantly indigenous/local trees and plant species and groupings.

5.2. Cork Rural Design Guide: Building a new House in the Countryside

5.3. **Natural Heritage Designations**

The development site is not located in or immediately adjacent to a European site. The closest European Sites are the Special Protection Area: Blackwater Callows SPA (site code 004094), the Special Area of Conservation: Blackwater River (Cork/Waterford) SAC (site code 002170) and the pNHA Blackwater River Callows (Site Code 000073) within approximately 3.3km of the proposed development.

A stream located approximately 500 metres east from the proposed development flows towards and into the river Bride part of the Blackwater River (Cork/Waterford) SAC (site code 002170), within 4.7km south of the proposed development.

5.4. EIA Screening

See completed Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- The applicant has never owned any dwelling, currently living in a friend's house in Kilworth, and was granted planning permission on the same site in August 2011 after a long process and many meetings with planners and county engineers to address issues and was ultimately granted permission.
- Payment of the first instalment for development contributions was paid on the 30/08/2013 to the value of €1436.95 so that development could commence and then on 02/09/2013 the applicant was involved in a workplace accident.
- The works carried out were limited to the removal of topsoil, levelling of the site and the creation of the driveway and vehicular access. Construction work was halted due to health complications following the workplace accident, waiting on a High Court Case for a compensation claim which has been delayed due to Covid delays in the courts and has ultimately delayed the house build and the planning permission lapsed.
- Farming is now the applicant's main occupation. He is highly involved with Teagasc and is involved in the GLAS scheme (Green Low-Carbon Agri-Environment) from 2015-2023, and recently accepted in the new DAFM ACRES (Agri Climate Rural Environment) Scheme running 2023-January 2028.
- Does not agree with the planner's report on the number of houses built in the immediate vicinity of the site as there has not been any new dwelling constructed in the area since they were granted permission in 2011. This point makes no

sense to the applicant as there was the same number of dwellings already in the area when he first was granted permission as there is now.

- There is no other access point to the land.
- The neighbouring lands has a screen of trees right around which will make it impossible to see the house from the south/ south easternly direction.
- With respect to the non-native planting included there is no issue with planting an alternative like Hawthorn or Blackthorn down both sides of the driveway and around the site.
- Supporting documentation including photographs submitted.

6.2. **Planning Authority Response**

- The planning authority is of the opinion that all the relevant issues have been covered in the technical reports already forwarded to the Bord as part of the appeal documentations and has no further comment to make in this matter.

6.3. **Observations**

- None

7.0 **Assessment**

7.1. I consider the main issues in determining this appeal are as follows:

- Compliance with rural housing policy
- Siting of the proposed development
- Appropriate Assessment Screening

7.2. **Compliance with rural housing policy**

7.2.1. The site for the proposed development is on unzoned land in the current Cork County Development Plan 2022-2028 and falls within the designated rural area under strong urban influence. The letter in support of the application notes that the applicant is farming the lands at Knockdromaclogh on a therapeutic basis – beef farmer - and has livestock on the land, herd number D3841279. I note the submitted

letters as evidence from the Department of Agriculture, Food and Marine (DFAM) confirming involvement in the GLAS and ACRES schemes from 2015. As such, it appears that from the documentation submitted that the applicant is working full-time in farming for a period in excess of seven years in the local rural area and would comply with category (c) of development plan objective RP 5-4. Furthermore, the applicant states that they have never owned any dwelling, is currently living with a friend in a temporary capacity in Kilworth and proposes to build a first home for his permanent occupation. I consider that the applicant has sufficiently demonstrated that they have a housing need and on the basis of documentation submitted comply with category (c).

7.3. Siting of the proposed development

- 7.3.1. A central issue to the reason for refusal relates to concerns that the proposed siting of the dwelling considered to represent an inappropriate back land development which involves an excessive length of access road of c. 240m and that this would set an undesirable precedent.
- 7.3.2. I note that in the subject application the planner's assessment makes reference to the previous planner's recommendation to refuse permission in application register reference 11/5002 for a dwelling house on the same subject site for two reasons. The first relating to the undesirable density of development in the rural area and secondly that the proposal would constitute back land development. Notwithstanding, this recommendation I note that the Director of Services decided to granted permission. Therefore, planning permission was granted under planning register reference 11/5002 for the construction of a dwelling and development commenced on foot of that permission in 2013.
- 7.3.3. Due to unforeseen personal circumstances the applicant was unable to complete the works and works carried out were limited to the removal of topsoil, levelling of the site and the creation of the driveway and vehicular access. I am of the opinion that the site access and access roadway as carried out under planning register reference 11/5002 are permitted elements of that permission. As such, I am of the view that this element does not need to be revisited.
- 7.3.4. Concerns are raised by the planning authority with respect to the receiving environment being defined as 'High Value Landscape'. From my review of the

development plan map viewer the subject site is located outside the designated high value landscape and is within the landscape character type: Broad fertile lowland valleys where the landscape is considered to have a medium sensitivity. Noting the medium rated landscape sensitivity and having walked the subject fields on my site visit I consider that there is greater capacity of the landscape to absorb the proposed development taking into account the following:

- The proposed position of the dwelling is within the lower section of the landholding, sitting off the high point in the landscape in a dip just below the ridge where the land begins to rise. As per submitted site layout plan the ground levels from the public road (marked as 100.130 at the site entrance) rise to the centre line of the first field (100.500) and then lower to the proposed location of the dwelling (94.00) in the adjoining field.
- The proposed siting also would benefit from and be well screened from the south/ southeast heavily treed historic townland boundary.
- The area is sitting outside of the designated high value landscape area.

7.3.5. Furthermore, I note that a recent permission granted under planning register reference 236630 permitted the construction of a silage slab, dung stead area and a 7000 effluent tank, a haybarn, machinery shed and an easy feed/house with slatted tank within the wider landholding south/southwest of the proposed dwelling and an enlargement of the existing entrance. It is therefore, considered that the permitted farm complex of buildings and structures would act as a visual buffer of the proposed dwelling from the public road. However, even in the absence of this cluster of farm structures I consider that the topography of the lands and the distance from the public road would ameliorate sufficiently the proposed development's visual prominence.

7.3.6. I note the planner's concerns with respect to the proposed landscaping plan indicated on site layout drawing including non-native species and an insufficient level of landscaping provided to appropriately screen the development. I would agree with these concerns. The applicant has offered, as part of the appeal submission, to planting a native hedge down both sides of the driveway and around the site. I am of the view that additional landscaping to screen the proposed development should be provided and the area of hardstanding to the front of the house to be reduced with a

planting zone to soften the visual impact of the new dwelling. These matters could be addressed by way of a condition in the event of a grant of permission to ensure compliance with subsection (d) of HE16-21 Design and Landscaping of New Buildings.

7.3.7. I highlight to the Board that the retention of access to adjoining agricultural lands in the same ownership (indicated in blue on the site location map and site layout map) is unclear from the submitted drawings. From the application documentation and the grounds of appeal I understand that there is only one access to the entire landholding and the intention will be that this would serve both the dwelling and the agricultural buildings. No details have been shown to indicate how the agricultural lands to the north and northeast of the subject site will be accessed if the proposed dwelling were to be constructed and boundary implemented as per the site layout plan. I consider that this matter could be addressed by way of a condition given these lands are delineated within the blue line boundary.

7.3.8. In conclusion, notwithstanding the permitted agricultural structures noted in section 4.0 and acknowledging the proposed siting of the dwelling is to the rear of the existing pattern of development of houses which form a ribbon along the local road, I consider the proposed informal pattern of development, in this specific location taking into account the immediate topography of the site, with a greater set back from the public road using an existing vehicular entrance and retaining the field boundaries will maintain the rural character of the area, will not lead to the undesirable suburbanisation of the rural countryside and will appropriately fit into its receiving environment.

7.3.9. Taking into account the recently permitted amendments to the existing entrance I recommend, should be Board be minded to grant permission, that a condition be attached for entrance details to be agreed in writing with the planning authority to ensure that the permission for the access to the dwelling incorporates, as necessary, the permitted amendments and associated conditions pertaining to planning register reference 236630.

8.0 Appropriate Assessment - Screening

- 8.1.1. The planning authority concluded in their screening report that the potential for significant impacts on the SAC have been ruled out and screened out the need to carry out an appropriate assessment.
- 8.1.2. The development site is not located in or immediately adjacent to a European site. The closest European Sites are the Special Protection Area: Blackwater Callows SPA (site code 004094), the Special Area of Conservation: Blackwater River (Cork/Waterford) SAC (site code 002170) and the pNHA Blackwater River Callows (Site Code 000073) within approximately 3.3km of the proposed development.
- 8.1.3. Marsh lands are identified 350m north/northeast of the subject site and a stream located approximately 500 metres east from the proposed development flows towards and into the River Bride part of the Blackwater River (Cork/Waterford) SAC (site code 002170), located within 4.7km south of the proposed development.

Compliance with Article 6(3) of the Habitats Directive

Background on the Application

- 8.1.4. The requirements of Article 6(3) related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.
- 8.1.5. A screening report for Appropriate Assessment was not submitted with this appeal case. Therefore, this screening assessment has been carried *de-novo*.

Screening for Appropriate Assessment- Test of likely significant effects

Brief description of the development

- 8.1.6. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).
- 8.1.7. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.
- 8.1.8. In summary, the development comprises:

- Construction of a single storey detached dwelling and separate garage.
- Packaged wastewater treatment system and polishing filter discharging to ground water. Section 6.0 of the Site Characterisation Form requires the installation to be inspected and certified by a suitably qualified engineer and commissioned by the system supplier. In terms of on-going maintenance, a service contract to be entered into between client and system supplier and maintenance to be adhered to according to system requirements.

8.1.9. The development site is described in section 3.0 of the Site Characterisation Form). It is described as comprising predominantly as agricultural green field site with mature coniferous trees bounding east of the site. The ground water flows in a northeast direction and there is an areas of bog land 350m north east of the subject site. With a tributary of the river Bride approximately 500 metres east from the proposed development.

8.1.10. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Construction related -uncontrolled surface water/silt/ construction related pollution
- Habitat disturbance /species disturbance (construction and or operational)

Submissions and Observations

8.1.11. None.

European Sites

8.1.12. The development site is/is not located in or immediately adjacent to a European site. The closest European Sites are the Special Protection Area: Blackwater Callows SPA (site code 004094) and the Special Area of Conservation: Blackwater River (Cork/Waterford) SAC (site code 002170) within approximately 3.3km of the proposed development. I note a stream located approximately 500 metres east from the proposed development flows towards and into the river Bride part of the Blackwater River (Cork/Waterford) SAC (site code 002170), within 4.7km south of the proposed development.

8.1.13. A summary of European Sites that occur within a possible zone of influence of the proposed development is presented in the table 7.4. Where a possible connection between the development and a European site has been identified, these sites are examined in more detail.

Table 7.4:

European Site (code)	List of qualifying interest/special conservation interest (SCI)	Distance from proposed development (km)	Connections (source, pathway, receptor)	Considered further in screening
Blackwater Callows SPA (004094)	Bird species of SCI are Whooper Sawn, Wigeon, Teal and Blac Tailed Godwit. Also, as a resource for the regularly occurring migratory wetland and water bird that utilize the wetland habitat at Blackwater Callows SPA.	3.3km to the north of the subject site.	No	No
Backwater River (Cork/Waterford) SAC (002170)	Freshwater Pearl Mussel, White-clawed Crayfish, Sea Lamprey, Brook Lamprey, River Lamprey, Twaite Shad, Atlantic Slamon,	3.3km to the north of the subject site and 4.7km	Yes Indirect hydrological connection through stream to River Bride 4.7km south	Yes

	<p>Estuaries, Mudflats and sandflats not covered by the sea water at low tide, Perennial vegetation of stony banks, Salicornia and other annuals, Atlantic salt meadows, Otter, mediterranean salt meadows, Killarney Fern, Water courses of plain to montane levels</p>		<p>of the proposed development.</p>	
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Identification of likely effects

- 8.1.14. During the construction phase there is potential for surface water runoff from site works to temporarily discharge to the stream (500m to the northeast), which ultimately discharges to the River Bride. However, intervening land uses and separation distances of over 4km, given the scale of the proposed development, will not result in significant impacts that could affect European Sites within the wider catchment area. All foul and surface water runoff is designed to be contained on site and discharged via polishing filter to the ground. The hydrological connections are indirect and the separation is such that there is no real likelihood of significant effects on European Sites in the wider catchment area.
- 8.1.15. I note that planning permission has been granted (February 2024) under register reference 236630 for the enlargement of the existing farm entrance, construction of access farm passage and construction of silage slab, dungstead area and 7000

gallon effluent tank, construction of a hay barn, machinery shed and a easy feed/house with slatted tank. I note that this extant development was similarly screened out for appropriate assessment by the planning authority.

No likely significant in-combination effects are identified.

Mitigation measures

- 8.1.16. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

Screening Determination

Finding of no likely significant effect

- 8.1.17. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Site No. 002170, or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on the following:

The distance of the proposed development from the European Site and the nature and scale of the proposed development.

9.0 Recommendation

- 9.1. I recommend that permission be granted, subject to conditions, for the reasons and considerations as set out below.

10.0 Reasons and Considerations

- 10.1. Having regard to the location of the site within an area designated as Rural Area Under Strong Urban Influence in the Cork County Development Plan 2022-2028 and, in respect to the defined categories of rural generated housing need, the applicant has sufficiently demonstrated their economic links to live in a rural area at this location. Furthermore, taking into account that the subject site is located outside the

designated high value landscape and is within the 'broad fertile lowland valleys' landscape character type where the landscape is considered to have a medium sensitivity and the immediate topography of site I consider that the proposed development using an existing vehicular entrance and retaining the field boundaries will maintain the rural character of the area, will not lead to the undesirable suburbanisation of the rural countryside and will appropriately fit into its receiving environment. Therefore, I consider that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area and would be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 25th January 2023, 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 the 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 to meeting essential local need in the interest of the proper planning and sustainable development of the area.

3. The proposed development shall be amended as follows:

(a) The entrance details shall be amalgamated with the revised entrance details approved under planning register reference 236630 providing a shared entrance with minimum sight distance of 60 metres, in both directions, at a point 2.4 metres back from the edge of the public road shall be provided in the centre of the vehicular entrance. No vegetation or structure shall exceed 1m in height within the sight distance triangle.

(b) Having regard to the guidance contained in the Cork County Council's Rural Housing Design Guide provide a revised landscaping plan including the planting of a semi-mature hedgerow of indigenous species along the roadside boundary and driveway, additional planting and soft landscaping close to the front of the house to reduce/minimise the hard landscape zone by removing vehicular access around the front of the house to avoid the 'platform effect'. The revised landscaping plan shall include proposals for the protection of all existing and new planting for the duration of construction works on site, together with proposals for adequate protection of new planting from damage until established.

(c) Access to the adjoining agricultural lands, within the entire holding outlined in blue, to the north/northeast of the subject site clearly indicated, taking into account the landscaping requirements of (b).

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

4. The external finishes of the proposed dwelling house shall be as per the schedule of finishes with (i) external wall in neutral painted render finish and locally sourced natural stone indigenous to the vicinity of the site (iii) the roof shall be blue black slate. The colour of the ridge tiles shall match the colour of the roof.

White uPVC shall not be used for any of the proposed windows, external doors and rainwater goods.

Reason: In the interest of visual amenity.

5. The garage shall not be used for human habitation or for commercial purposes or for any purposes other than for purposes incidental to the enjoyment of the dwelling.

Reason: To protect the residential amenities of the area.

6. All public service cables for the development, including electrical and telecommunication cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

7. a) The wastewater treatment system and polishing filter shall meet all the requirements of the document entitled “Code of Practice-Domestic Wastewater Treatment Systems (p.e.< 10) –Environmental Protection Agency, 2021” and shall be installed and maintained in accordance with the manufactures instructions. No system other than the type proposed in the submission shall be installed unless agreed in writing with the planning authority.

b) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the wastewater treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

8. 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 and shall be collected and diverted to discharge to existing watercourse or to drain or soak pits.

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 pollution.

9. The developer shall ensure the provision of an adequate supply of potable water to serve the development.

Reason: In the absence of a public supply, it is the developer's responsibility to provide an adequate water supply.

10. Potable water supply shall be from a private well which shall be constructed so as to prevent contamination and, thereafter water shall be tested and treated as necessary to meet the requirements of The European Communities (Quality of Water Intended for Human Consumption) (amendment) Regulations 2000.

Reason: In the interest of public health.

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 Bord 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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Claire McVeigh
Planning Inspector

27 March 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	316241-23		
Proposed Development Summary	Construction of a dwelling, foul water treatment system, garage, site entrance and associated site works.		
Development Address	Knockdromaclogh, Fermoy, Co. Cork.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	√
		No	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	√		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
			Conclusion
No		N/A	No EIAR or Preliminary Examination required
Yes	√	Class 10 (b) (i) Construction of more than 500 dwelling units.	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	√	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	316241-23	
Proposed Development Summary	Construction of a dwelling, foul water treatment system, garage, site entrance and associated site works.	
Development Address	Knockdromaclogh, Fermoy, Co. Cork.	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The proposed development is for the construction of a one-off rural dwelling house and wastewater treatment system, on a greenfield site and for works to the roadside hedgerow boundary and access.</p> <p>The proposal is for the development of a detached house and site works. No significant waste, emissions or pollutants are likely.</p>	No
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>The size of the proposed development is notably below the mandatory thresholds in respect of a Class 10 Infrastructure Projects of the Planning and Development Regulations 2001 as amended.</p> <p>There is no real likelihood of significant cumulative considerations having regard to other existing and/or permitted projects in the adjoining area.</p>	No
Location of the	The application site is not located in or immediately adjacent to a European site. The closest European	No

<p>Development Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>site is the Blackwater SAC within approximately 3.3km.</p> <p>There are no ecological sensitive locations in the vicinity of the site.</p> <p>It is considered that, having regard to the limited nature and scale of the development, there is no real likelihood of significant effect on other significant environmental sensitivities in the area.</p>	
Conclusion		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>		

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)