



An  
Bord  
Pleanála

# Inspector's Report

## ABP-317689-23

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|                                     |  |
|-------------------------------------|--|
| <b>Development</b>                  | Construction of a house and garage, wastewater treatment unit, site entrance and associated site works |
| <b>Location</b>                     | Monaloo, Killeagh, Co. Cork  |
| <b>Planning Authority</b>           | Cork County Council  |
| <b>Planning Authority Reg. Ref.</b> | 23/4496  |
| <b>Applicant(s)</b>                 | Marie Coughlan   |
| <b>Type of Application</b>          | Planning Permission  |
| <b>Planning Authority Decision</b>  | Grant  |
| <b>Type of Appeal</b>               | Third Party  |
| <b>Appellant(s)</b>                 | Mildred Coughlan   |
| <b>Observer(s)</b>                  | None   |
| <b>Date of Site Inspection</b>      | 9 <sup>th</sup> November 2023  |
| <b>Inspector</b>                    | Gary Farrelly  |

## 1.0 Site Location and Description

The subject site has a stated area of 0.23ha and is located within the townland of Monaloo, which is situated approximately 11km north of Killeagh, County Cork and approximately 8km south of Tallow, County Waterford. Access to the site is via a single carriage public road, the L-7808. The topography of the site is relatively level with the eastern boundary defined by mature hedgerow. The south and west boundaries are undefined and the north boundary with the public road is defined by a ditch. Rushes are located throughout the site.

## 2.0 Proposed Development

Permission is sought for a single storey dwellinghouse, detached garage, wastewater treatment system and entrance off the public road. The dwelling is proposed to have a ridge height of 4.78 metres and internal floor area of 64.89sqm. A site characterisation form has recorded a subsurface percolation value of 59.31min/25mm and a surface percolation value of 62.81min/25mm.

## 3.0 Planning Authority Decision

### 3.1. Decision

Cork County Council (The Planning Authority) decided to grant permission by order dated 10<sup>th</sup> July 2023 subject to 11 conditions (mainly standard conditions).

### 3.2. Planning Authority Reports

#### Planning Reports

- Two area planner's reports assess the development in terms of rural housing policy, design and layout and site servicing. Further information was requested to demonstrate compliance with rural housing policy and sightlines. Subsequent report recommended a grant of permission.

#### Other Technical Reports

- Area Engineer's Report (dated 09/05/23 & 07/07/23) – No objection.

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

A third party submission was received from Mildred Coughlan who raised the issue of traffic safety. The submission considered that the road was too narrow to deal with two way traffic levels with two dwellings in close proximity. Other non-related planning issues were raised.

## 4.0 Relevant Planning History

None

## 5.0 Policy Context

### 5.1. Development Plan

Cork County Development Plan 2022-2028

Section 5.3 Rural Housing Guidelines

Subject site is located within a 'Rural Area Under Strong Urban Influence' where the characteristics are a rapidly 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.

#### Objective RP 5-1: Urban Generated Housing

Discourage urban-generated housing in rural areas, which should normally take place in the larger urban centres or the towns, villages and other settlements identified in the Settlement Network.

#### Objective RP 5-4: Rural Area under Strong Urban Influence and Town Greenbelts (GB 1-1)

The rural areas of the Greater Cork Area (outside Metropolitan Cork) and the Town Greenbelt areas are under significant urban pressure for rural housing. Therefore, 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 in this regard, must demonstrate that they comply with one of the following categories of housing need:

(d) Persons who have spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation.

## 5.2. **National Policy**

- Climate Action Plan 2023
- Project Ireland 2040 – National Planning Framework (2018) and National Development Plan 2021-2030

### National Policy Objective 19

Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;

## 5.3. **Regional Policy**

- Regional Spatial and Economic Strategy for the Southern Region

## 5.4. **National Guidance**

- Sustainable Rural Housing, Guidelines for Planning Authorities (2005)

## 5.5. **Natural Heritage Designations**

The subject site is not located within any designated site. The site is approximately 4.5km south of the Blackwater River Special Area of Conservation (SAC) (Site Code 002170).

## 5.6. **Environmental Impact Assessment (EIA) Screening**

Having regard to the nature, size and location of the proposed development, comprising the construction of a single rural one off house, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Refer to Appendix 1 regarding this preliminary examination.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

A Third-Party Appeal was lodged to the Board on 31<sup>st</sup> July 2023 opposing the Planning Authority's (PA) decision. The grounds of appeal can be summarised as follows:

- Road is too narrow to deal with the current traffic levels and is unsafe for motorists and pedestrians;
- Housing need is questioned, currently residing in local authority housing for past 15 to 17 years.
- Other concerns raised which are not planning related.

### 6.2. **Applicant Response**

None

### 6.3. **Planning Authority Response**

All relevant issues covered in the technical reports, no further comment to make.

## 6.4. Observations

None

## 7.0 Assessment

7.1. Having examined the application details and all other documentation on file, after an inspection of the site, and having regard to relevant local, regional and national policies and guidance, I consider that the main issues on this appeal are as follows:

- Traffic Safety
- Rural Housing Policy
- Appropriate Assessment (AA) Screening

### Traffic Safety

7.2. I note that the Appellant raises concern with the width of the road in terms of traffic congestion and it potentially being a hazard for pedestrians and motorists. I note the PA's Area Engineer (AE) had no objection to the development in terms of traffic safety. The AE was satisfied with the sightlines achievable at the entrance, however, did note the narrowness of the road.

7.3. Having inspected the site, I did note the narrowness of the public road (L-7808) where access is to be taken from. There were limited opportunities to stop and let passing vehicles by on the road. The road is approximately 1.13km in length and there are c. 3 dwellings which currently take access from this road.

7.4. I also noted the narrowness of the wider road network within the vicinity of the site which consist of single carriageway public roads. The nearest two carriageway public roads are approximately 4km north and southwest of the site.

7.5. Notwithstanding the recommendation from the AE, it is my view that the road network in the area is substandard in terms of width and carrying capacity to accommodate further traffic movements. Therefore, I consider that the additional traffic associated with the proposed development would endanger public safety by reason of a traffic hazard and obstruction of road users.

## **Rural Housing Policy**

- 7.6. The Appellant suggests that the Applicant is currently living within the jurisdiction of Cork City Council and that her housing needs are already met.
- 7.7. The site is located within a 'Rural Area Under Strong Urban Influence' and the PA concluded that the Applicant demonstrated compliance with objective RP5-4 of the CDP on the basis of meeting the criteria set out under paragraph (d) of said objective.
- 7.8. The details submitted by the Applicant to support her rural housing need are as follows:
- The site is owned by the Applicant's uncle.
  - She is renting and has been for the past 16 years at an address in Cork City, however, I note that no details of this address is provided.
  - Map provided showing uncle and cousin's homeplace within the area. I note that no location of immediate family members are provided.
  - She states that she works as a homecare support worker in St. Finbarr's Hospital in Cork City.
  - Letter from Father Liam Kelleher of 4 Cathedral Terrace, Cobh who supports the application.
  - She states that she has lived in the area from birth to the age of 15. She attended Conna National School from 1990 to 1994, Inch National School from 1994 to 1997 and Colaiste Eoin in Youghal until 2000. A letter from Inch National School confirms that she resided in Monaloo from 1994 to 1997.
  - She states that she is not working full time in a rural based occupation in the area.
  - She states that she does not own or has ever owned a residential property, has never received planning permission for a residential property and has never built a home in the rural area.
  - She states that all of her family support live in this rural area, however, I note that she does not outline what family support that is and whether any immediate family members live in the area;

- 7.9. I note that the PA originally questioned the applicant's housing need and sought further information with regards to where she lived in the area. In response the applicant submitted details of two addresses for the years 1991-1999 and 1999-2001. I note that the Eircode for the 1991 to 1999 address that was provided does not produce any results on the Eircode finder website. A letter from the applicant and letters from the applicant's aunt and uncle, signed by a peace commissioner, confirming residence within the area between the years 1991 and 2001 were provided.
- 7.10. Interestingly, I note that paragraph 5.3.6 of the CDP states that in the absence of new guidelines it is not feasible to reconcile the approach of the National Planning Framework (NPF) based on having a demonstratable economic or social need to construct a house in the rural area, with the detailed approach set out in the current guidelines issued in 2005, which remain in force, which advocate that people who are part of the rural community should be accommodated there. The rural housing policy of the plan is therefore based on the 2005 Guidelines.
- 7.11. Notwithstanding this paragraph of the CDP, I note that the CDP was adopted in 2022, and therefore, after the publication of the NPF. I note that the PA considered that the Applicant complied with the criteria outlined under objective RP5-4(d) of the CDP. I am satisfied that the Applicant complies with the rural housing criteria outlined under said objective.

### **Appropriate Assessment (AA) Screening**

- 7.12. The subject site is not located within any European Site. The site is approximately 4.5km south of the Blackwater River Special Area of Conservation (SAC) (Site Code 002170). Having viewed the Environmental Protection Agency AA Mapping Tool, I note that there are no hydrological connections or other pathways to any European Site.
- 7.13. Having regard to the nature and scale of the proposed development and distance to designated sites, I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.



## 8.0 Recommendation

I recommend that permission be refused for the reason stated below.

## 9.0 Reasons and Considerations

1. The road serving the site and wider road network within the vicinity of the site is considered to be seriously substandard in terms of width and carrying capacity. It is considered that the traffic generated by the proposed dwelling would endanger public safety by reason of a traffic hazard and obstruction of road users and would, therefore, be contrary to the proper planning and sustainable development of the area.

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.

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Gary Farrelly  
Planning Inspector

14<sup>th</sup> December 2023

## Appendix 1

### Form 1 - EIA Pre-Screening [EIAR not submitted]

|   |  |   |   |
|---|--|---|---|
| <b>An Bord Pleanála<br/>Case Reference</b>  | 317689   |   |   |
| <b>Proposed Development<br/>Summary</b>   | Construction of single dwelling with wastewater treatment system |   |   |
| <b>Development Address</b>  | Monaloo, Killeagh, Co.Cork                                       |   |   |
| <b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b><br><br>(that is involving construction works, demolition, or interventions in the natural surroundings)                                    | <b>Yes</b>   | <input checked="" type="checkbox"/>   |   |
|   | <b>No</b>  | No further action required  |   |
| <b>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?</b>   |  |   |   |
| <b>Yes</b>  |  |   | EIA Mandatory EIAR required                 |
| <b>No</b>   | <input checked="" type="checkbox"/>                              |   | Proceed to Q.3                              |
| <b>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]?</b> |  |   |   |
|   |  | <b>Threshold</b>  | <b>Comment<br/>(if relevant)</b>            |
| <b>No</b>   |  |   | <b>Conclusion</b>                           |
|   |  |   | No EIAR or Preliminary Examination required |
| <b>Yes</b>  | <input checked="" type="checkbox"/>                              | <ul style="list-style-type: none"> <li>Class 10(b)(i) Construction of more than 500 dwelling units</li> <li>Class 15 Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the</li> </ul> | Development is for a single dwelling unit.  |
|   |  |   | Proceed to Q.4                              |

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|  |  | environment, having regard to the criteria set out in Schedule 7. |  |  |
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| <b>4. Has Schedule 7A information been submitted?</b> |                                     |                                  |
| No  | <input checked="" type="checkbox"/> | Preliminary Examination required |
| Yes   | <input type="checkbox"/>            | Screening Determination required |

## Form 2 - EIA Preliminary Examination

|  |  |                              |
|--|--|------------------------------|
| <b>An Bord Pleanála Case Reference</b>   | 317689   |                              |
| <b>Proposed Development Summary</b>  | Construction of single dwelling with wastewater treatment system   |                              |
| <b>Development Address</b>   | Monaloo, Killeagh, Co. Cork  |                              |
| <p><b>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.</b></p> |  |                              |
|  | <b>Examination</b>   | <b>Yes/No/<br/>Uncertain</b> |
| <p><b>Nature of the Development</b><br/>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 development is for a single dwellinghouse within a rural area.</p> <p>Wastewater treatment unit proposed; subsurface percolation value calculated at 59.31min/25mm and surface percolation value calculated at 62.81min/25mm in accordance with EPA Code of Practice.</p> | No                           |
| <p><b>Size of the Development</b><br/>Is the size of the proposed development exceptional in the context of the existing environment?</p>  | <p>The development site measures 0.23 hectares. The size of the development is not exceptional in the context of the existing environment.</p> <p>There is no real likelihood of significant cumulative effects with existing and permitted projects in the area.</p>            | No                           |

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| <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>   |  |  |
| <p><b>Location of the Development</b><br/>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>The site is not located within any ecologically sensitive site and is approximately 4.5km south of the Blackwater River Special Area of Conservation (SAC) (Site Code 002170).<br/>The site is located outside Flood Zones A and B.</p> | <p>No</p>  |
| <p><b>Conclusion</b></p>  |  |  |
| <p><b>There is no real likelihood of significant effects on the environment.</b></p> <p><b>EIA not required.</b></p>  | <p><del>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</del></p> <p><del>Schedule 7A Information required to enable a Screening Determination to be carried out.</del></p>   | <p><del>There is a real likelihood of significant effects on the environment.</del></p> <p><del>EIAR required.</del></p> |

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_