



An
Bord
Pleanála

Inspector's Report

ABP-318054-23

Development	Construction of a house, provision of wastewater treatment system, alterations to entrance, all associated site works.
Location	Caherdrinny, Mitchelstown, Co Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	235352
Applicant(s)	Amanda (Formerly Declan) Murphy.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant(s)	Amanda (Formerly Declan) Murphy.
Observer(s)	None
Date of Site Inspection	22 nd November 2023
Inspector	Niall Sheehan

1.0 Site Location and Description

The subject site, with a stated area of 0.407 hectares c.12m OD is located in the townland of Caherdrinny, Mitchelstown, Co.Cork. The site is situated approximately 4 km to the south-west of Mitchelstown in a predominately rural area. The site is recessed from the public roadway by way of surfaced area leading to a gated entrance. There is a post box at the entrance. There is a mobile home supported by blocks and other implement positioned towards the rear of the site. A loose gravel track leads from the front entrance to the mobile home. The site contains an unroofed pumping station to the rear boundary for which pumps water to the site, a services pier for electricity. There is an area part fenced off to the west of the site which appears to serve some form of a wastewater treatment area. The site rises gradually from front roadside to rear boundary. The site was under grass on the day of site visit with a small number of sheep present in the field (counted 2 no. on the day).

- 1.1. There is a dormer dwellinghouse to the adjoining site due north, a narrow gap site due south (which is currently being developed), a laneway leading to a cottage setback from the road further south, and, a modern single storey dwellinghouse further south again.
- 1.2. The site lies within the Strong Rural Area and is defined as a High Value Landscape in the Cork County Development Plan 2022-2028. The landscape in the surrounding area is defined as "Fertile Plain with Moorland Ridge". There are a significant number of dwellinghouses situated along the local road network.
- 1.3. The ground conditions underfoot were wet on the day of site visit.

2.0 Proposed Development

- 2.1. The proposed development comprises of the following:
 - Dormer dwelling house with proposed floorarea of 192.8sq.m and ridge height of 7.5m;
 - Waste water treatment system;
 - Alterations to entrance;
 - All associated works.

3.0 Planning Authority Decision

3.1. Decision

Cork County Council decided to refuse permission for the following stated reasons (as summarised):

1. The site is in a Stronger Rural Area by the Cork County Development Plan 2022. The applicant has not demonstrated that they come within the scope of the genuine rural generate housing need criteria for a dwellinghouse in this rural location. The development would materially contravene policy objective RP 5-6 of the Cork County Development Plan 2022, would set an undesirable precedent for such development in other comparable rural areas, contrary to the proper planning and sustainable development of the area.
2. The proposed development would exacerbate ribbon development having regard to Objective RP 5-24 of the Development Plan. Such sporadic development would militate against the preservation of the rural environment and lead to demands for the uneconomic provision of public services setting off an undesirable precedent for similar development on neighbouring lands.
3. Articles 18 and 19 of the Planning and Development Regulations require an applicant to provide a description of the nature and extent of the development. The development for which permission and retention permission is sought does not accurately reflect the full extent of development at this site. Development comprises of a mobile home described as temporary construction accommodation in the submitted application. Having regard to the inaccurate nature of description of development, the planning authority is precluded from further considering as to do so would result in the consideration of an application which does not reflect the full nature and extent of development at this site. This would consolidate an act of unauthorised development and would result in the consideration of an application which has not been advertised appropriately to the public in accordance with Articles 18 and 19 of the Planning and Development Regulations.

Appropriate Assessment Screening was carried out and concluded that there is no likely potential for significant effects to any Natura 2000 site.

3.1.1. Other Technical Reports

Area Engineer

Requested further information be sought. The applicant has not shown the location of neighbouring wells or treatment systems. These are to be shown on the site layout drawing.

3.2. Prescribed Bodies

An Taisce

Consideration that the proposal would exacerbate impact of one-off housing and ribbon development dependant on car based travel and individual wastewater treatment systems undermining sustainable land use and transport.

3.3. Third Party Observations

None

4.0 Planning History

Planning Reg. Ref 07/8449: Construction of dwellinghouse and garage (Bernadette Sheehan) Conditional.

5.0 Policy Context

5.1. National

National Planning Framework 2018

The NPF in relation to rural housing includes Objective 19 (NPO 19) which states: 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 elsewhere (in this case), facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

Sustainable Rural Housing Development Guidelines 2005

The Sustainable Rural Housing Guidelines require planning authorities to differentiate between rural housing demand arising from rural housing need and housing demand arising from proximity to cities and towns. Additionally, development plans should distinguish rural areas under strong urban influence, stronger rural areas, structurally weak rural areas and areas with clustered settlement patterns. The guidelines state that development management policy should be tailored to manage housing demand appropriately within these areas.

5.2. Development Plan

Cork County Development Plan 2022-2028

County Development Plan Objective RP 5-6: Stronger Rural Area

These rural areas generally have stable population levels based on a traditionally strong agricultural base. Therefore, in order to recognise these characteristics and to consolidate and sustain the stability of the rural population, it is an objective that applicants shall 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 (of relevance):

- (a) Farmers, their sons and daughters who wish to build a first home for their permanent occupation on the family farm.
- (b) Persons taking over the ownership and running of a farm on a full-time basis (or part – time basis where it can be demonstrated that it is the predominant occupation), who wish to build a first home on the farm for their permanent occupation, where no

existing dwelling is available for their own use. The proposed dwelling must be associated with the working and active management of the farm.

(c) 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 (social).

(e) Persons whose predominant occupation is farming / natural resource related, for a period of over three years, in the local rural area where they work and in which they propose to build a first home for their permanent occupation.

Objective RP5-22: Design and Landscaping of new dwellinghouses and replacement dwellings in rural areas (of relevance).

Objective RP 5-23 & WM 11-5: Servicing Single Houses (and ancillary development) in Rural Areas (of relevance) in compliance with EPA Code of Practice Domestic Wastewater Treatment Systems (Population Equivalent greater than or equal to 10).

5.7 Ribbon Development

5.7.1 The Sustainable Rural Housing Guidelines recommend against the creation of ribbon development for a variety of reasons relating to road safety, future demands for the provision of public infrastructure as well as visual impacts. It is the policy of the Council to discourage development which would contribute to or exacerbate ribbon development (defined by Cork County Council as five or more houses on any one side of a given 250m of road frontage).

5.7.2 The Planning Authority will assess whether a given proposal will exacerbate such ribbon development, having regard to the following;

- The type of rural area and circumstances of the applicant;
- The degree to which the proposal for a single dwelling might be considered an infill development;

- The degree to which existing ribbon development would be extended or whether distinct areas of ribbon development would coalesce as a result of the development;
- Local circumstances, including the planning history of the area and development pressures;

RP 5-24: Ribbon Development. Presumption against development which would contribute to or exacerbate ribbon development (as five or more houses on any one side of a given 250m of road frontage)

Objective GI 14-9: Landscape. Refers to the protection of the visual and scenic amenities of County Cork's built and natural environment and landscape pattern.

Objective 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) Require the appropriate landscaping and screen planting of proposed developments by using predominantly indigenous local species and groupings.

Cork Rural Design Guide

Building a New House in the Countryside, Second Edition 2010

Part Two: Well Considered Site Layout; Creating New Boundaries.

5.3. Natural Heritage Designations

The appeal site is located c.7km north of the Blackwater Callows Special Protection Areas (SPA) (004094), Blackwater River Special Area of Conservation (SAC)

(002170) and Blackwater River Callows proposed Natural Heritage Area pNHA (000073).

5.4. EIA Screening

Having regard to the nature and scale of the proposed development, separation from sensitive environmental receptors and absence of connectivity to any sensitive location, I am satisfied that no real likelihood of significant effects on the environment arise from the proposed development and that the carrying out of an EIA can be excluded at preliminary examination and screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted on behalf of the first party Amanda (formerly Declan) Murphy. The main points made can be summarised as follows:

History of site

- States expired planning permission 078449 for dwellinghouse;
- States appellant purchased site in 2018 and positioned mobile home for the purposes of alteration and maintenance of gated entrance, provision of loose surfaced area, provision of boundary structures, provision of land drainage onsite;
- Made planning application in 2021 however had to withdraw;
- Subsequently made planning application 23/5352 subject of appeal.

Reason 3: Accuracy of Description of Development in Public Notices

- Entrance to site present at time of planning permission reg. ref. 078449;
- Site purchased by applicant in 2018 who positioned mobile home, surfaced area, erected boundary structures, and, provided land drainage in anticipation of carrying out exempted development works under Classes 3, 4, 9 and 13 of Part 3, Schedule 2 of Regulations;

- Claims temporary accommodation is exempt development under Regulations (Article 6, Class 16, 17 of Part 1, Schedule 2);
- Stated description of development subsequently complete and public notices compliant with Articles 18 and 19 of Regulations; (Article 19.3, 26.3 or 26.4);
- Application initially accepted by planning authority, hence, not within remit to decline to assess part of;

Reason 2: Ribbon Development

- Only 4 no. dwellinghouses in 250m going north, or, 4 no. dwellinghouses in 250m going south (not 5 in either or both directions);
- Proposed development will not create ribbon development as effectively infills;

Reason 1: Rural Housing Need

- Error regarding stated length of time living in area submitted to local authority. Relates to submission and subsequent withdrawal of application in 2021;
- Applicant raised with grandparents in rural area. Sibling and members of extended family living in rural area;
- Applicant more recently living in rural area for a period in excess of five years from March 2018;
- Applicant purchased and placed the mobile onsite in March 2018 and has been living and farming there since;
- Due to recent economic circumstances, applicant took up employment with Bus Eireann;
- Demonstrates compliance with Objective RP5-6 (a) and (c) (social and economic);
- With respect to generation of sporadic development and precedent, proposed development seeks permission where planning permission granted historically in 2007;
- Majority of dwellinghouses in area date from c.20 years ago with some before;
- No risk of creation of precedent in this instance;

Other: House design;

- Provided photographs of approved designs nearby in Appendix F;
- Willing to amend design if required;

6.2. Planning Authority Response

Contains commentary from Executive Engineer who recommends deferral as per planning application (summarised below).

- The applicant has not shown the location of neighbouring wells or treatment systems. These are to be shown on the site layout drawing.

7.0 Assessment

7.1.1. Having examined the application details and all other documentation on file including the first party submission received, inspection of site, and, having regard to relevant local, regional, national policies and relevant guidance, I consider that the main issues in this appeal are

- Clarification;
- Rural Housing Policy;
- Ribbon Development;
- Other Issues including site services and design;
- Environmental Impacts;
- Appropriate Assessment.

Clarification of mobile home, description of development in public notices

7.2. With regard to third reason for refusal, for the purposes of clarity, Articles 18 and 19 of the Planning and Development Regulations refer the appropriate advertisement of planning applications, while Class 16 and 17 of the Planning and Development Regulations refer to structures needed temporarily in connection with the development during the period which it is being carried out.

- 7.3. Firstly, the applicant (appellant) did not seek planning permission for retention of mobile home and resultantly this is not stated in the public notices (site or newspaper). The first party appeal is clear that this was not part of the planning application
- 7.4. The appellant's claim regarding exempted development is therefore outside the scope of this report. I am subsequently not in a position to assess, either whether or not the retention should have been stated on the site and press notices, the actual retention (temporary or otherwise), or, the application of Articles 18 and 19 of the Planning and Development Regulations by the planning authority.
- 7.5. In the event of a decision to grant planning permission, clarity regarding the scope of planning permission could be addressed by way of condition.

Rural Housing Policy

- 7.6. With regard to the first reason for refusal, national guidance as set out in the National Planning Framework and in the Sustainable Rural Housing Guidelines emphasise the need to distinguish between areas that are under urban influence or development pressures and other rural areas and in addition to differentiating between urban and rural generated housing need.
- 7.7. The site is located in an area identified in the Cork County Development Plan 2022-2028 as a 'Stronger Rural Area'. As per the Sustainable Rural Housing Guidelines, population levels are generally stable within a well-developed town and village structure and wider rural areas around them. This stability is generally supported by a traditionally strong agricultural economic base and the level of individual housing development activity in these areas tends to be relatively low and confined to certain areas.
- 7.8. As part of the application to the Planning Authority, the First Party set out the justification for providing a house at this location on the basis of a social and economic need to locate on here on lands they claim to own and farm, near where they grew up (in part).
- 7.9. Under this appeal, the first party has stated in their Supplementary Application Form (Cork County Council) that they have lived at the current address (mobile home, P67 KV96) four years, attended primary (1978-86) and secondary school (1986-92) locally,

both in CBS Mitchelstown (c.4km north), and, work as a driver for Bus Eireann in Cork City. The applicant has also stated that they represent a first time buyer and were never previously in receipt of planning permission. For the purposes of clarity, no evidence was provided of address at time of attendance of both primary and secondary schools.

- 7.10. The first party's agent also stated in the supplementary planning submission (letter and accompanying details to Cork County Council) that they were raised by their grandparents in the same townland. They purchased the site in 2018, resided there since, are part time farming, have one sibling and a significant number of both immediate and extended family living nearby in the rural area. Again, no evidence was provided regarding residence with their grandparents.
- 7.11. Notwithstanding the question of the exempt or authorised status of the mobile home on the site I am not satisfied that occupation of such temporary accommodation meets the requirements of RP5-6.
- 7.12. Overall, the appellant has not demonstrated residence in the rural area for a period of seven years or greater.
- 7.13. With regard to the appellant's assertion, they are engaged in farming, they have not provided land ownership details (land registry) with the site appearing to be the only lands in their ownership, they have not provided a herd/flock number and/or any other details (from Department of Agriculture, Food and the Marine). The first party has therefore failed to satisfactorily demonstrate economic need. It appears from my assessment including site visit, their stated economic need is based on the ownership of 0.407ha. and potentially a small number of sheep for which ownership has not been demonstrated (2 no. observed onsite day of visit).
- 7.14. Overall, from what I have assessed, the applicant does not constitute either a full time or significant part time farmer and their involvement in agriculture is limited and does not demonstrate an economic need live at the appeal site.
- 7.15. In terms of Objective RP5-6 and it's requirements and compliance or otherwise, the application can be summarised as follows:

- (a) It has not been demonstrated that the first party is a farmer, farmer's son or daughter;
- (b) The First Party has not demonstrated that they are taking over the ownership and running of a farm on a full-time basis.
- (c) The First Party has not demonstrated living a substantial period of their lives (i.e. over seven years) in the local rural area in which they propose to build a first home for their permanent occupation (social need);
- (e) The First Party have not demonstrated that their predominant occupation is farming/natural resource related for a period of over three years in the local area where they work and in which they propose to built a first home;

7.16. I am therefore not satisfied that the information provided forms a clear basis for compliance with rural housing policy set out in the Cork County Development Plan 2022-2028 (falling short of necessary requirements) and consequently, a basis for a need to live at this rural location in accordance with the aforementioned policy. I am of the view that the applicant's housing needs could clearly be met either within Mitchelstown or alternatively within another town, village or settlement proximate to the appeal site.

7.17. The applicant does not meet the requirements of the settlement policy as set out in Objective RP 5-6 of the Cork County Development Plan for rural housing in an area designated as a 'Stronger Rural Area'. The proposed development is also contrary to the Sustainable Rural Housing guidelines. Overall, the proposed development would contribute towards the encroachment of random rural development in the area, and, would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure.

Ribbon Development

7.18. With regard to the second reason for refusal, 'ribbon development, Section 5.7.1 of the County Development Plan 2022-2028 defines 'ribbon development' as five or more houses on one side of the road over a distance of 250m of road frontage.

- 7.19. With regard to the appellant's assertion that expired planning permission onsite reg. ref: 078449 should serve as precedent for the current application, it is noted that this was approved in a different era under a different iteration of the county development plan, hence cannot be used as precedent.
- 7.20. When plotting the proposed dwellinghouse against existing adjoining or proximate development to either side, the proposed dwellinghouse would constitute the fourth dwellinghouse over a distance of 250m going southwards or indeed going northwards. The proposed dwellinghouse would also infill a gap site.
- 7.21. It was noted on site visit and in the assessment, there is a building under construction to the adjoining site immediately south, however there are no planning records on Cork County Council's planning portal which show this to be a dwellinghouse. Groundworks were underway of the day of site visit however it was not possible to identify what is being built. In any instance as aforementioned, the proposed dwellinghouse infills a gap site resultantly.
- 7.22. Overall, having regard to Objective RP 5-24, I do not consider the proposed development would meet the Development Plan definition of ribbon development.
- 7.23. Notwithstanding the above, as aforementioned, I nevertheless consider that the proposed dwellinghouse in lieu of inadequate demonstration of genuine need would constitute random rural development, and, thus fail to preserve the rural environment.
- 7.24. It is also noted that proposed boundary treatment in particular planting and landscaping is not site specific and therefore would not offer adequate screening for infill development. If the board are minded to grant permission, I would recommend that a site specific planting and landscaping scheme including compatible native species be agreed with the planning authority by way of condition prior to commencement of development.

Other Issues

Wastewater Treatment System

- 7.25. The proposed dwellinghouse is a 4 no. bedroom house, 6 person equivalent dwellinghouse (two double ensuite bedrooms). The First Party proposes to treat the wastewater by means of a proprietary treatment system (Biocycle packaged system

or equivalent) with imported soil and discharge to a raised gravel bed percolation area via pump sump to the west of the site(percolation area trench length of 120m; 12 no. trenches, 6 no. to each side, 2.5m between each). It is proposed to bore a well upgradient to the opposite/eastern side of the site.

7.26. On the day of site inspection, I noted that the ground conditions were soft and sticky underfoot with presence of following vegetation; Marsh Thistle, Creeping Buttercup, Curly Dock, Common Rush, Scotch Broom throughout the site and Alder trees to the southern site boundary. These aforementioned vegetation generally indicate poor drainage and in some cases seasonally high water table.

7.27. The Site Characterisation Form submitted outlines the following (as summarised):

- Excavation took place on the 29/09/2023 with examination on the 01/10/2023 (c.43-44 hours later);
- Site is classed as having moderate vulnerability with regionally important aquifer with fissured bedrock
- Bedrock formation is Killtorcan formation, soil type is till derived chiefly from lower palaeozoic rocks;
- Ground water protection response of R1, (acceptable subject to normal – good practice);
- Reeds noticed at surface with slight ponding;
- Mottling noticed at c.250mm below ground level;
- Topsoil noted for c.0.2m with sandy clay increasing gravel with depth until watertable, grey mudstone, boulder clay underneath;
- Water table at 1.9m deep;
- Past experience noted as poor drainage with soil depth present;
- Subsoil permeability and vulnerability noted as moderate;
- T-Test result 74.48;
- P-Test result 65.33;

7.28. The report of the Planning Authority's Area Engineer states that the presence of neighbouring wells is not shown and this would otherwise require clarification. The

position of such wells was not apparent on the day of site visit, and there do not appear to be any digital records available on Cork County Council planning portal either.

7.29. On my own examination of the Site Characterisation Report, I noted the following:

- No explanation was provided as to why a 3m depth trial hole was not attained. It is noted in all cases where a regionally important aquifer underlies the trial hole, the depth should be at least 3m.
- Mottling was referenced at c.200mm below ground level which can be indicative of impeded drainage;
- In this instance, mottling would be expected to be distinct, obvious, and, not slight as reported in the trial hole log of the Site Characterisation Report;
- It is noted that the applicant used an incorrect pre-soak method.
- The EPA Code of Practice for Domestic Wastewater Treatment Systems (2021_ requires pre-soaks to be carried out between 4 and 24 hours prior to this test;
- The pre-soaks for both the P and T tests were carried out c.43 to 44 hours prior to the percolation tests;
- The validity of the percolation test cannot therefore be relied upon and the percolation values may resultantly be higher given incorrect pre-soak method;
- The site is mapped as having soil till derived from Devonian Sandstones with soil ground of deep well drained acid brown earths or brown podzolics. The drainage characteristics of the site however instead appear to reflect the presence of gley soils described in the GSI for this area, and, also reflected in my onsite observations.
- Based on the above, T-Values would be likely, in my view to exceed 75 minutes over 25mm for which leaves only leaves only 2 no. options including a low pressure pipe distribution or drip dispersal system. Under assumption, percolation values are sub 90 minutes/25minutes and 120min/25mm;
- In summary, overall I am not satisfied the assessment and Site Characterisation Report was carried out in accordance with requirements of EPA Code of Practice 2001;

- 7.30. I conclude, based on the material submitted with the application in conjunction with my assessment of and observations on site visit, the appeal site has not been demonstrated to be suitable for the safe disposal of domestic effluent even with the installation of a proprietary wastewater treatment system, I consider the proposed development may create a serious risk of ground water pollution and pose a risk to public health. I do not consider that the proposals for the treatment and disposal of wastewater would conform with the EPA guidance issued under the 2021 Code of Practice. The proposed development would be contrary to Objective 5-23 of the Cork County Development Plan 2022-2028.
- 7.31. This would constitute a new issue in the consideration of this appeal.

Site Layout, Design, Visual Impact

- 7.32. The appeal site is located within an area of Co. Cork with a designation of a 'High Value Landscape', where it is an objective (GI 14-9) of the plan to protect the visual and scenic amenities of County Cork's built and natural environment and to protect skylines and ridgelines from development.
- 7.33. With regard to principle of development, Policy Objective GI 14-9 'Landscape' seeks to prevent inappropriate new dwelling houses unless there is an acknowledged local rural generated housing need.
- 7.34. As outlined in 'Rural Housing Need', I am not satisfied that the First Party has demonstrated a need (social or economic) for a house at this rural location, and, hence that the proposed development does not constitute an exception to the restriction on new houses within this 'High Value Landscape'.
- 7.35. With respect to the design itself, the Cork Rural House Design Guide: Building a New House in the Countryside, Second Edition 2010 details the necessity for well-considered site layout, position and appropriate design (for host landscape) with appropriate native planting and landscaping
- 7.36. The proposed design in particular the Dutch mansard type roof, the brown brick to ground floor front elevation, the combination of render with timber cladding (mock tudor) to upper floor front elevation are not typical of the rural environment, and, appear

bulky and inappropriate in the context of the host landscape, thus failing to comply with the Design Guide.

- 7.37. It is noted that the neighbouring dwellinghouse due north is a dormer style also, however this was approved and constructed in a different era (c.19 years ago, Reg. Ref. 035625 approved 16/02/1994). It is noted that this dwellinghouse is of a simpler more conventional design.
- 7.38. As aforementioned (in 'Ribbon Development'), I consider that proposed boundary treatment including planting and landscaping is not specific to the site and therefore does not offer adequate screening for effective infill development.
- 7.39. In respect of the first party appeal, there is no detailed site analysis or design statement. The examples provided in Appendix F of the Appeal Statement are on the approach roads into Mitchelstown within the settlement boundary and therefore have little relevance to the application site or surroundings.
- 7.40. Overall, the proposed dwellinghouse would, detract to an undue degree from the rural character and scenic amenities of the area and would constitute an undesirable precedent for development of this nature in a scenic, sensitive rural landscape.
- 7.41. I am aware that the above commentary on design constitutes a new issue. Having regard to the substantive issues raised above, I do not recommend that it be included as a reason for refusal.
- 7.42. Should a revised application be submitted in the future, the appellants would be advised to address design issues as above in order to ensure compliance with Objective RP5-22 and Objective HE16-21, and, the Cork Rural House Design Guide: Building a New House in the Countryside, Second Edition 2010.

Appropriate Assessment

- 7.43. As regards Appropriate Assessment having regard to the nature and scale of the development and the separation distance and the absence of any direct pathway to any European site, no Appropriate Assessment issues arise and it is not considered

that the proposed development would be likely to have a significant effect individually or in combination with any other plans or projects on a European site.

8.0 Recommendation

1. Having regard to the location of the site within 'a Stronger Rural Area' as identified in Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of Environment, Heritage and Local Government in April 2005 ,and, in an area where housing is restricted to persons demonstrating local need in accordance with the current Cork County Development Plan 2022-2028, specifically Objective RP 5-6 which facilitates the provision of rural housing for local rural people building in 'a Stronger Rural Area', the Board is not satisfied that the applicant would come within the scope of the housing need criteria as set out in the Guidelines, or, the Development Plan for a house at this location. Taking into consideration, the absence of documentary evidence on the file outlining the applicant's need to live in this rural area, the Board could not be satisfied on the basis of the information on file, that the applicant comes within the scope of either economic or social housing need criteria. The proposed development in the absence of any identified locally based need for the house, would result in a haphazard and unsustainable form of development in an unserved area, would contribute to the encroachment of random rural development in the area, would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure, and, would undermine the settlement strategy set out in the Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the soil conditions encountered onsite, and, the Sustainable Rural Housing Guidelines for Planning Authorities which recommend avoiding sites where it is inherently difficult to provide and maintain wastewater treatment facilities, the Board could not be satisfied on the basis of the information on file, that the effluent from the development can be satisfactorily treated and

disposed of onsite, notwithstanding the use of a proprietary waste water treatment system. The proposed development would therefore be prejudicial to public health and contrary to Objective 5-23 of the Cork County Development Plan 2022-2028, and, 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.



Niall Sheehan
Planning Inspector

22nd December 2023

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318054-23		
Proposed Development Summary	Construction of a house, provision of wastewater treatment system, alterations to entrance, all associated site works.		
Development Address	Caherdrinny, Mitchelstown, 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	x
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	x		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)
No		N/A	No EIAR or Preliminary Examination required
Yes	x	Class 10, (b) (i)	Sub-Threshold Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes	X (assessment conducted as part of planning application; single dwellighthouse, no real likelihood of significant effects)	Screening Determination required (No)

Inspector: *Niall Sheehan* Date: 22nd December 2023

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	318054-23
Proposed Development Summary	Construction of a house, provision of wastewater treatment system, alterations to entrance, all associated site works.
Development Address	Caherdrinny, Mitchelstown, Co Cork
<p>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.</p>	

	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>	Single rural house with onsite wastewater treatment plant, no significant emissions	No
<p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	No significant emissions resultant	No
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p>	Single rural house with onsite wastewater treatment plant, no significant emissions	No
<p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	No significant emissions resultant of this project combined with any existing or permitted	No
<p>Location of the Development</p> <p>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>	Located a significant distance away (c.7km) with no direct pathways to any ecologically sensitive sites.	No
<p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	Located a significant distance away (c.7km) with no direct pathways to any ecologically sensitive sites.	No

Conclusion		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A Information required to enable a Screening Determination to be carried out.</p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIAR required.</p>

Inspector: 

Date: 22nd December 2023

DP/ADP: _____
(only where Schedule 7A information or EIAR required)

Date: _____