



An  
Coimisiún  
Pleanála

## Inspector's Report

**ABP 321247-24**

|                                     |                                                                                      |
|-------------------------------------|--------------------------------------------------------------------------------------|
| <b>Development</b>                  | Construction of house and garage with all associated site works.                     |
| <b>Location</b>                     | Coolkirky, Riverstick, County Cork.                                                  |
| <b>Planning Authority</b>           | Cork County Council                                                                  |
| <b>Planning Authority Reg. Ref.</b> | 244429                                                                               |
| <b>Applicant</b>                    | Killian McCarthy.                                                                    |
| <b>Type of Application</b>          | Permission.                                                                          |
| <b>Planning Authority Decision</b>  | Permission with conditions.                                                          |
| <b>Type of Appeal</b>               | Third Party                                                                          |
| <b>Appellants</b>                   | 1 Carroll Daly and Others (Con Daly, Tim Daly and Ernest Beamish)<br>2. Richard Gash |
| <b>Observers</b>                    | None                                                                                 |

**Date of Site Inspection**

14<sup>th</sup> August 2025.

**Inspector**

Derek Daly

## **1.0 Site Location and Description**

- 1.1. The development is located approximately 2 kilometres north-west of Riverstick and 16 kilometres south of Cork city in a rural area of County Cork. The site has frontage onto a narrow local road which defines the sites northern boundary and which approximately 170 metres to the east has a junction with the R600 Cork to Kinsale regional route. This roadside boundary is defined by a hedgerow with a number of trees within the hedgerow. It is located on the north-western corner of a field and to the west adjoins a private roadway. Immediately to the west of this roadway is a cul de sac service road which serves three dwellings. The remaining boundaries adjoin open lands. To the east along the same roadside frontage there is a dwelling.
- 1.2. The site has a stated area of 0.165 hectares.

## **2.0 Proposed Development**

- 2.1. The proposed development as initially received by the planning authority on 11<sup>th</sup> March 2024 was for the construction of a two-storey house including domestic garage, (255.9 m<sup>2</sup>), waste-water treatment plant and all associated site works on a site of 0.165 hectares.
- 2.2. The proposed dwelling is a two storied dwelling of modern design and construction with a maximum stated height to the roof ridge of 7060mm with the main axis of the proposed dwelling being north to south. The dwelling also incorporates a two storied annexe at the southern side of the dwelling with a ridge height of 5860mm incorporating a garage at the ground floor level and a flat roof annexe to the north with a stated height of 2850mm.
- 2.3. Vehicular access to the development was indicated at the northeastern corner of the site and the site map as initially received by the planning authority on 11<sup>th</sup> March 2024 indicated a road was leading to another dwelling in the southern area of the field.
- 2.4. The details submitted also included the location of the wastewater treatment plant and percolation area to the southeast of the proposed dwelling, a site characterisation report, site entrance details including details relating to sightlines

and also a report in relation to the disposal of surface and storm water drainage including details of a soakaway trench. The means of water supply is stated as a private well.

- 2.5. A Supplementary Planning Form indicates the applicant is local to the area and the site forms part of the holding of the applicant's father. They have lived in this area for more than 7 years and intends returning from Dubai.
- 2.6. The proposed dwelling has a stated area of 255.9 m<sup>2</sup>.
- 2.7. Further information was submitted on the 2<sup>nd</sup> August 2024 with drawings in relation to sightline visibility indicating compliance with TII publication DN-GEO-03060 and clarifying the new entrance is solely for the dwelling, further details relating to the proposed entrance, details relating to wells and WWTPs on the site and in the vicinity, a revised site layout plan eliminating details relating to a previous dwelling which was refused, landscaping and details of land ownership.
- 2.8. Further information was submitted on the 27<sup>th</sup> September 2025 clarifying water supply of the existing dwelling to the east as being served by a public water main and a revised landscape plan.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

- 3.1.1. The decision of the Planning Authority was to grant planning permission subject to sixteen conditions.

Condition no 1 is an occupancy condition. Condition nos 11,12 and 13 relate to the proposed entrance to the site.

#### **3.2. Planning Authority Reports**

- 3.2.1. Planning Reports

The planning report dated the 2<sup>nd</sup> May 2024 refers to planning history in the area, to provisions of the current county development plan, submissions received and an assessment of the proposed development.

The report refers to the County Development Plan 2022, which has no maximum number of individual rural houses permissible one-way or other in terms of 'excessive density' only that Plan Objective RP 5-24 states there is a presumption against development which would contribute to or exacerbate ribbon development and that the proposed house in this case stands alone in a field and is not part of a ribbon development. The applicant the report states complies with eligibility criteria in Plan Objective RP 5-4 in the CDP 2014 because they are born and reared in this very locality and townlands at Glinny and Coolkirky.

Concern is indicated in relation to the scattered pattern of development that has slowly crept into this area, that the proposal would result in three dwellings on the family lands and six dwellings overall in the immediate environs and although it is a roadside development it would not cause excessive linear roadside pattern of development. Reference is made to the submitted site layout plan indicating a driveway and house associated with a previous planning application and also the issue of the roadside hedgerow's removal and replacement.

Further information was recommended outlining clarification sought by the area engineer, a revised site plan removing any proposed development associated with a refused development, a landscaping plan and clarification on land ownership.

The planning report dated the 27<sup>th</sup> August 2024 following an assessment of further information submitted requested further clarification on matters raised by the area engineer report.

The planning report dated the 22<sup>nd</sup> October 2024 having assessed the further clarification received recommended planning permission.

- 3.2.2. Area Engineer report dated 2<sup>nd</sup> May 2024 requested further information in relation sightline visibility and entrance, details relating to surface water drainage and location of wells and WWTPs in the vicinity.

Area Engineer report dated the 19<sup>th</sup> August 2024 sought further clarification in relation to assessment of further information sought further clarification in relation to the entrance and means of water supply.

Area Engineer report dated the 22<sup>nd</sup> October 2024 indicated no objection subject to conditions.

### **3.3. Other submissions.**

- 3.3.1. Third party submissions were received outlining concerns in relation to the proposed development and in relation to the details submitted with the planning application.
- 3.3.2. No submissions were received from external consultees in relation to the proposed development.

## **4.0 Planning History**

### **4.1.1. On the appeal site**

Planning Register No.23/4713 for similar development was withdrawn by the applicant.

Applications to the south of the current appeal site in the same field as the current proposed development.

ABP Ref No. 317526-23 / P.A. Ref. No 22/6091

A proposed dwelling was refused on appeal overturning the P.A decision to grant planning permission to the applicant Darragh McCarthy.

Two reasons for refusal was stated. The first reason referred to Having regard to the pattern of development within the vicinity of the site, it is considered that the proposed development would exacerbate and consolidate a trend towards the establishment of an excessive density of haphazard rural housing in an unzoned rural area which would lead to an erosion of the rural and landscape character of the area and which would lead to increased demands for the uneconomic provision of public services and facilities, where these are neither available nor proposed in the Cork County Development Plan. The second reason refers to contributing to ribbon development and being contrary to objective 5-24 of the County Cork Development Plan 2022-2028.

ABP Ref No.311674 / P.A Ref. No 21/5697.

A proposed dwelling was refused on appeal overturning the P.A decision to grant planning permission to the applicant Darragh McCarthy.

The reason for refusal refers to the site as being located in a “Rural Area under Strong Urban Influence” in the County Cork Development Plan 2022-2028 and in the

Sustainable Rural Housing Guidelines for Planning Authorities, issued by the Department of the Environment, Heritage and Local Government in April 2005; to the objective of the planning authority, as expressed in the current Development Plan, to channel housing into serviced centres and to restrict housing development in rural areas under significant urban pressure to those people who can demonstrate a genuine need to live in the countryside; the Board was not satisfied on the basis of the submissions made in connection with the planning application and the appeal, that the applicant has demonstrated that she comes within the scope of the housing need criteria in the Development Plan and would exacerbate and consolidate haphazard rural development in an unserviced rural area which would erode the rural and landscape character of the area and which would lead to increased demands for the uneconomic provision of public services and facilities.

P.A. Ref. No. 01/5976:

Planning permission was granted, subject to conditions, to Gerard McCarthy to construct a dwellinghouse and garage on site to the east of the subject site. conditions associated with this grant of permission include;

Condition 5: One dwelling house only shall be constructed on the entire site shown on the site location map lodged with the Planning Authority.

Condition 6: Further subdivision of this site shall not take place.

Condition 24: No further housing development shall be carried out on lands outlined on map lodged with the Planning Authority on 26th November 2001, for a period of 5 years from the date of grant of this permission. Before development commences provision to this effect shall be embodied in an agreement between the Landowner and the Planning Authority pursuant to section 38 of the Local Government (Planning and Development) Act 1963.

## **5.0 Policy and Context**

### **5.1. Development Plan**

5.1.1. The statutory development plan is the Cork County Development Plan 2022-2028.

- 5.1.2. The County Development Plan has specific provisions relating to rural areas which identifies various rural area types which follows national guidance and outlines policies for the rural area types, distinguishing between urban and rural generated housing need as set out in Objectives RP 5-1 where there is an objective to 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 and Objective RP 5-2 in relation to Rural Generated Housing to sustain and renew established rural communities, by facilitating those with a rural generated housing need to live within their rural community and to encourage the provision of a mix of house types in towns and villages to provide an alternative to individual rural housing in the countryside.
- 5.1.3. The site is part of a 'rural area of strong urban influence' as identified in Figure 14.3 of volume 1 of the plan and also Volume 6 relating to maps. Relevant objective to this rural area is Objective RP 5-4 in which applicants must comply with specified categories of housing need stated for this objective.
- 5.1.4. Objective RP 5-4: Rural Area under Strong Urban Influence and Town Greenbelts (GB 1-1) indicates 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:
- (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) Other persons working full-time in farming (or part time basis where it can be demonstrated that it is the predominant occupation), forestry, inland waterway or marine related occupations, for a period of over seven years, in the local rural area



where they work and in which they propose to build a first home for their permanent occupation.

(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.

(e) Returning emigrants who 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, who now wish to return to reside near other immediate family members (mother, father, brother, sister, son, daughter or guardian), to care for elderly immediate family members, to work locally, or to retire. It is not necessary for the applicant to show that they have already returned to Cork, provided they can show that they genuinely intend taking up permanent residence.

5.1.5. Section 5.6 of the CDP outlines Environmental and Site Suitability Requirements and section 5.6.1 provides guidance on the general planning and sustainable development criteria, considered by the planning authority in the assessment of a planning application.

The following criteria outlined in section 5.6.3 are most relevant:

- How the proposal relates to the overall strategy, policies, and objectives of the County Development Plan;
- The settlement pattern of the area and whether the proposal would give rise to a ribbon of linear roadside frontage development or excessive concentration of development;
- Whether the siting, design and scale of the proposal is appropriate to the surroundings;
- Whether the site is in an exposed or visually sensitive location;
- Whether any proposed vehicular entrance would endanger public safety or give rise to a traffic hazard;
- Whether an excessive length of roadside hedgerow or trees need to be removed to provide an entrance;

- Whether the proposal would threaten drinking water supplies because there is an over-concentration of septic tanks / treatment plants and private wells in the area;
- Whether there are any sewage disposal, drainage, water supply or other environmental concerns;
- Whether the proposal would unduly affect other properties in the area.

5.1.6. Section 5.7 refers to Ribbon Development and “Ribbon development” is formed by the development of a row of houses along a rural road outside of settlement boundaries. 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. Therefore, 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 250 metres of road frontage). Intending applicants are advised to consult with the Cork Rural Design Guide in relation to site selection. 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; and
- Normal Proper Planning and Sustainable Development Considerations.

Arising from the above criteria County Development Plan Objective RP 5-22 in relation to Design and Landscaping of New Dwelling Houses and Replacement Dwellings in Rural Areas is an objective to;

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.

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.

5.1.7. In relation to servicing rural housing County Development Plan Objective RP 5-23: has an objective;

a) Ensure that proposals for development incorporating on-site wastewater disposal systems comply with the EPA Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ ).

5.1.8. Para.5.7.2. in the CDP 2022 outlines criteria and considerations to be factored into whether a given proposal exacerbates ribbon development.

Plan Objective RP 5-24: Ribbon Development as an objective is a presumption against development which would contribute to or exacerbate ribbon development.

5.1.9. Section 5.9 refers to the Use of Occupancy Conditions and Sterilisation Agreements and it is important that in order to have overall confidence in the planning process and the policies contained in this plan that, where exceptions to the general policy are made to cater for the genuine rural housing needs of local persons, that the houses subsequently built are occupied by the persons for whom they are intended. Therefore, it is the policy of the Council, normally, to attach occupancy conditions to such permissions requiring the house to be occupied by the intended person for a seven-year period. Section 47 of the Planning and Development Act provides that a planning authority may enter into an agreement with any person for the purposes of restricting or regulating the development and use of land permanently or for a specified period. In general, the planning authority will avoid the use of sterilisation agreements, only using them in exceptional circumstances, and will focus instead on deciding the merits of the individual proposal in terms of the proper planning and sustainable development of the area.

5.1.10. Chapter 14 refers to Green Infrastructure and Recreation with the overall aim to encourage a more integrated and coherent approach to managing the Green Infrastructure assets of the County which will protect and enhance biodiversity, provide for recreational and amenity facilities and maintain and enhance landscape character.

In relation to landscape the site is not located within a high value landscape as outlined in figure 14-2 of the plan.

The plan as a general objective in Plan Objective GI 14-9 to

- 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.

5.1.11. Chapter 15 refers to Biodiversity and Environment with the aim of that the natural environment, biodiversity and ecosystems are protected and contributes to efforts to reverse the loss of biodiversity and the degradation of ecosystems and the environment.

County Development Plan Objective BE 15-6 relates to Biodiversity and New Development and to provide for the protection and enhancement of biodiversity in the development management process and when licensing or permitting other activities by:

- b) Encouraging the retention and integration of existing trees, hedgerows and other features of high natural value within new developments;
- c) Requiring the incorporation of primarily native tree and other plant species, particularly pollinator friendly species in the landscaping of new developments;

5.1.12. Chapter 16 refers to Built and Cultural Heritage and County Development Plan Objective HE 16-21 Design and Landscaping of New Buildings has as an objective;

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.

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.

## 5.2. National Guidance

### 5.2.1. Sustainable Rural Housing Development Guidelines 2005

The guidelines make clear distinction between urban and rural generated housing and to differentiate between development needed in rural areas to sustain rural communities and development tending to take place principally in urban areas.

The guidance defines rural area types and the subject site is within an area defined as an Area Under Strong Urban Influence. The guidelines in terms of housing need distinguish between urban generated housing need and rural generated housing need.

Section refers to 3.2.3 Rural Generated Housing Persons who are an intrinsic part of the rural community and that such persons will normally have spent substantial periods of their lives, living in rural areas as members of the established rural community which would include farmers, their sons and daughters and or any persons taking over the ownership and running of farms, as well as people who have lived most of their lives in rural areas and are building their first homes or wish to care for elderly family members.

Rural housing policies will normally be linked to other sections of the plan dealing with landscape character; protection of key natural assets such as surface and ground water resources and that the consideration of individual sites will be subject to normal siting and design considerations.

### 5.2.2. Project Ireland 2040 – National Planning Framework.

Section 5.3 refers to Planning for the Future Growth and Development of Rural Areas and outlines National Policy Objective (NPO) 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.

The Updated Draft Revised National Planning Framework November 2024 restated National Policy Objective (NPO) 19 as National Policy Objective 28;

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.

#### 5.2.3. EPA Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent $\leq 10$ ) 2021.

The Code of Practice (CoP) provides guidance on domestic waste water treatment systems (DWWTSs) for single houses or equivalent developments with a population equivalent (PE) of less than or equal to 10 and sets out a methodology for site assessment and selection, installation and maintenance of an appropriate DWWTS.

The CoP in the various chapters sets out in detail requirements and guidance on site characterisation, site suitability assessment, determining site suitability and the appropriate design solution in relation to an appropriate DWWDT. It also refers to designing an on-site DWWTS to treat and dispose of the waste water addressing can the soil and/or subsoil accommodate the waste water volumes; can the soil

and/or subsoil treat the waste water sufficiently and can all minimum separation distances be met.

### **5.3. Natural Heritage Designations**

- 5.3.1. The subject site is not located within site designated as a Natura 2000 site or NHA/pNHA and a significant distance of the subject site from any designated site.

## **6.0 EIA Screening**

- 6.1. The proposed development has been subject to preliminary examination for environmental impact assessment and in this regard, I refer to Form 2 in Appendix 1 of this report. 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. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

- 7.2. The appellants, Carroll Daly, Con Daly, Tim Daly and Ernest Beamish grounds of appeal in summary refers to;
- Reference is made to recent appeal decisions in the immediate vicinity of the appeal site and the reasons and considerations which applied to these decisions still apply.
  - Reference is also made to the planning history of the site and vicinity. Although they relate to adjoining site the subject site relies on the same entrance and driveway details.
  - The application documents include land outside of the ownership of the applicant and overlaps land of one of the appellant's who has not consented to the making of an application on his property.

- Documentation submitted is anomalous and misleading and difficult to interpret.
- The proposed development conflicts with the conditions of the parent planning permission governing the overall lands and reference is made to PA. Ref. No. S/01/5976 and to condition nos 5 and 6 which refer to sterilisation of lands. It is noted that the planning report refers to these conditions are no longer relevant.
- Reference is made to three houses being granted in family lands and there is no comment in relation to the entrance in the northwestern corner of the site.
- Restrictions on planning is more pressing now than when the parent permission was granted and there is reference to more recent development plans and planning guidance.
- The proposed development conflicts with the current county plan and national guidance and the appeal decisions reflect this.
- There has been no change in relation to the relevant criteria, policies, objectives and planning goals cited in these decisions.
- Reference is made to RP 5-24 of the CDP in relation to ribbon development.
- Reference is made to removal of a significant level of roadside hedgerow.
- Reference is made to sections 5.6 and in particular 5.6.1, 5.6.2 and 5.6.3 in considering development.
- The planning report is silent on the quality and nature of the existing boundary.
- The proposal development does not address the matters outlined in section 5.6.3.
- Reference is made to Objective RP-22d which refers to appropriate landscaping of proposed development in the context of the removal of a significant level of roadside hedgerow.
- The proposed development would create a traffic hazard and does not address road safety issues.



- Reference is made to the creation of an entrance at the northwestern corner of the site which represents a significant intensification of the use of the entrance which facilitates a builder's yard and these actions have eliminated the sightlines available to traffic exiting from this laneway and driveway.
- The assessment of the planning application is flawed and the planning report does refer to issues in relation to the number of houses in the vicinity and matters raised in the appeal decisions.
- It is contended that circumstances have not altered since the appeal decisions.
- There is no recognition of the excessive density of haphazard rural development or issues referred to in the appeal decisions.
- The development is contrary to the proper planning and sustainable development of the area for the reasons outlined in previous appeal decisions and circumstances have not altered.
- Photographs were submitted with the grounds.

7.3. The appellant Richard Gash grounds of appeal in summary refers to;

- Reference is made to the planning history of the site and to previous appeal decisions on the landholding including the applicant's brother on an adjacent site.
- The information submitted in the planning application process is insufficient to assess the application with omissions and inaccuracies made in relation to planning history, landownership, the farm holding and residing in the area.
- The proposed development would exacerbate and consolidate a trend towards the establishment of an excessive density of haphazard rural development in an unzoned rural area.
- The site is in a rural area under strong urban influence deviates from the principles of sustainable development outlined in the current county development plan.
- The reasons stated in appeal decisions are referred to in this regard and the consistency of those decisions.

- The issues arising in previous appeal decisions apply in relation to the current proposal.
- Reference is made to CDP Policy RP 5-4 and that the applicant does not comply with the provisions of same.
- The proposed development would exacerbate pressure on local infrastructure and the high level of development in the area is referred to.
- The proposed development would contribute to ribbon development and reference is made to entrances to five houses and a separate stable on the same land holding on a road only wide enough to accommodate one vehicle at a time.
- Reference is made to sections 5.7.1 and 5.7.2 and objective RP 5-24 of the CDP in relation to ribbon development and is in clear contravention of RP 5-24.
- The proposed development does not address concerns in relation to road safety. Specifically, issues are raised in relation to insufficient site distance at the junction between the local road and the proposed site entrance and the required sightlines would necessitate the removal of a significant portion of roadside hedgerow (60 metres) and mature trees.
- The area engineer consistently raised concerns and reference is made to reports outlining this including removal of road side boundaries.
- Reference is made to GI 14-9(e) in relation to the removal of hedgerows.
- Reference is made to the limited capacity of the road network and relocating the entrance will not solve the traffic and road safety risk.
- Reference is made the impact of unauthorised modifications on site assessment largely relating to development activities on adjacent lands and the ditch at the corner of the current site.

#### **7.4. First Party Response**

- 7.4.1. The first party applicant in a response to the appeals of Carroll Daly, Con Daly, Tim Daly and Ernest Beamish indicates;

- In relation to the application documents including lands outside of the applicant this is incorrect and misleading and that a land transfer map was prepared in 2002 and legal advice is that the relevant map indicating the site layout map correspond with the land transfer map.
- The planning authority were satisfied with documents submitted.
- The issue of the parent permission referring to S/01/5976 was addressed by the planning authority.
- The planning authority addressed matters relating to national guidance and the provisions of the CDP.
- The development was the subject of a very thorough assessment by the planning authority.

7.4.2. The first party applicant in a response to the appeals of Rochard Gash indicates;

- The issues raised in the appeal submission were addressed by the planning authority and addressed in the reports.
- There was no unauthorised modifications to the site that would affect the site assessment.

## **7.5. Planning Authority Response**

The planning authority in a response to the appeals in summary consider all the relevant issues are addressed in the technical reports and have no further comments to make.

## **7.6. Further Responses**

- 7.6.1. A response by Carroll Daly, Con Daly, Tim Daly and Ernest Beamish to the appeal of Richard Gash in summary supports the appeal submission made by Mr Gash.
- 7.6.2. Mr Richard Gash in a response to the appeal submission of Carroll Daly, Con Daly, Tim Daly and Ernest Beamish indicates support of the submission and the grounds as outlined and also that there as a planning enforcement complaint in relation to unauthorised works.

## 8.0 Assessment

- 8.1. The main issues in this appeal are those raised in the planning authority's decision to grant planning permission and subsequently in the grounds of appeal. The issue of the principle of the development including national and county development policy is raised in the grounds of appeal. The grounds of appeal also raise additional matters which are site specific issues which also require to be considered. Appropriate Assessment also needs to be considered. I am satisfied that no other substantive issues arise.

The issues are addressed under the following headings:

- Principle of the development/ rural settlement policy.
- Grounds of appeal.
- Site Specific matters.
- Unauthorised development.

- 8.2. In relation to the assessment of the proposed development I shall consider the initial proposal as submitted and the further information documentation as received by the planning authority.

### 8.3. **The principle of the development/rural settlement policy.**

- 8.3.1. The proposal as submitted is for the construction of house and garage with all associated site works. National and County Development Plan guidance in relation to housing in rural areas make a clear distinction between urban and rural generated rural housing and to a plan led approach to identified rural area typologies.
- 8.3.2. The proposed site is located within an area identified as a Rural Area under Strong Urban Influence" in the County Cork Development Plan 2022-2028 and in the Sustainable Rural Housing Guidelines for Planning Authorities, issued by the Department of the Environment, Heritage and Local Government in April 2005. The CDP specifically in Objective RP 5-4 indicates that prospective 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 which includes;

(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.

- 8.3.3. I note that the appellants in submissions have questioned whether the applicant complies with the requirement of rural housing need referencing that the applicant no longer resides in the area. The development the Planning Authority concluded that the applicant demonstrated compliance with objective RP5-4 of the CDP on the basis of the documentation submitted in the supplementary application form that he was born and reared in the area and had lived in the area all of his life and that site is owned by the applicant's father; has lived in Coolkirky since 2002, previously lived in Glenny, Riverstick from 1995 to 2002; attended local schools Scoil Mhuire nGrast, Belgooly from 1994 to 2002 and Kinsale Community School from 2002 to 2008; 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 and indicated that he has lived in the local area in the family home until moving to Dubai to save money to afford a house and has been involved in local sports clubs. He also indicated his intention on returning from Dubai to resume residing in the family home.
- 8.3.4. I would also note that the Sustainable Rural Housing Development Guidelines 2005 permits consideration in section 3.2.3 for rural generated housing persons who are an intrinsic part of the rural community and that such persons will normally have spent substantial periods of their lives, living in rural areas as members of the established rural community and are building their first homes and that the NPF facilitates 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.
- 8.3.5. Having regard to the documentation on file, I am satisfied that the Applicant complies with the rural housing criteria outlined under objective RP 5-4 of the CDP in relation to consideration of the principle of the development. In principle I would therefore have no objections to the proposal.
- 8.3.6. Notwithstanding compliance with objective RP 5-4 of the CDP the proposed development requires to be considered in the context of other CDP and national provisions and objectives and where the proposed development will not materially impact the visual amenity of the area and site development standards.

#### **8.4. Grounds of appeal**

8.4.1. The appellants notwithstanding the issue of the principle of the development in the grounds primarily raise concerns in relation to the planning history of the site and area, issues of ownership, deficiencies in relation to the documentation submitted, ribbon development/ density of development, traffic and removal of boundary hedgerows.

##### **8.4.2. Planning history**

It is contended that reference is made to recent appeal decisions in the immediate vicinity of the appeal site and the reasons and considerations which applied to these decisions still apply. Reference is also made to the planning history of the site and vicinity and that although they relate to adjoining site the subject site relies on the same entrance and driveway details. It is also contended in the grounds that the proposed development conflicts with the conditions of the parent planning permission governing the overall lands. In this regard, reference is made to PA. Ref. No. S/01/5976 and to condition nos 5, 6 and 24 which refer to sterilisation of lands and management of development on the holding generally.

In relation to the planning history initially it is important to state that the current proposal is a different site to the previous appeal decisions as it fronts directly onto the local road and is not accessed from a service road off the public road and requires to be considered on merits specific to the appeal site.

Reference is also made that the development would contravene Conditions 5 and 6 of application P.A. Ref. No. 01/5976 and condition no.24 relating to sterilisation of lands is also referred to. In relation to condition no.24 the time period for this condition was five years and is no longer active. It is also open to an applicant to submit a planning application which would amend the terms of a previous permission. The current application contravenes condition(s) of a previous permission granted in 2002 but this would not and cannot pre-determine the determination of any subsequent planning application to carry out development on lands including on the current appeal site. Therefore, I consider that contravention of such conditions are not a basis on which an application for permission may be refused.

##### **8.4.3. Issues of ownership.**

In the grounds of appeal, it is contended that the application documents include land outside of the ownership of the applicant and overlaps land of one of the appellants who has not consented to the making of an application on his property and documentation in support of this was submitted querying the boundary of the site with what is considered to be the registered boundary. The applicant in response contends that this is incorrect and misleading and that a land transfer map was prepared in 2002 and legal advice is that the relevant map indicating the site layout map correspond with the land transfer map.

I would note the submissions and advise that this is a civil matter and note that a grant of does not automatically overrule other civil matters, such as property rights or restrictive covenants. Planning permission allows for a development that complies with planning legislation but does not grant rights to infringe on existing private property rights. In this regard, it should be noted that, as section 34(13) of the Planning Act and Development Act 2000 as amended states, a person is not be entitled solely by reason of a permission to carry out any development.

#### 8.4.4. Deficiencies in relation to the documentation submitted.

In the grounds of appeal. it is contended that the documentation submitted is anomalous and misleading and difficult to interpret referring to matters relating to the access, interpretation of the house drawings and the issue of a terrace above the flat roof.

In relation to the drawings as submitted I consider based on the documentation submitted initially and by way of further information there is sufficient information to consider the proposal. I would note that the grounds in particular to the issue of the terrace refers to drawings submitted with a previous application. The current proposal indicates a flat roof single storied annexe to the south of the main block of the proposed dwelling. No specific terrace is indicated. The drawings do not indicate a terrace on the roof area of the flat roof. There are two windows at first floor level over the flat roof area one of which does extend down to floor level but this window extends past the flat roof area along the elevation and would not therefore appear to indicate that is a door.

#### 8.4.5. Ribbon Development and density of development

Reference is made to RP 5-24 of the CDP in relation to ribbon development. I would in this regard note that in reason 2 of the previous refusal of development on appeal on the holding ABP Ref No. 317526-23 refers to contributing to ribbon development and being contrary to objective 5-24 of the County Cork Development Plan 2022-2028.

In this regard in relation to objective 5-24 there is a presumption against development which would contribute to or exacerbate ribbon development and 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 250 metres of road frontage) and the Planning Authority will assess whether a given proposal will exacerbate such ribbon development and a number of criteria are outlined for assessment including the following;

- The type of rural area and circumstances of the applicant.

This matter has already been considered in the context of the rural settlement policy of this rural area and I consider that the applicant has established a position to be considered for the rural area.

- The degree to which the proposal for a single dwelling might be considered an infill development.

The issue of infill development given the pattern of development does not strictly apply in relation to the current proposal.

- 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.

There is no dwelling immediately to the east of the proposed site, there is a dwelling the appellant's parents dwelling approximately 150 metres to the east. To the west there are three dwelling approximately 130 metres to the west one of which has frontage onto the same local road as the proposed appeal site and the other two dwellings are served by a minor service road off the local road. I do not consider existing ribbon development would be



extended or distinct areas of ribbon development would coalesce as a result of the proposed development.

- Local circumstances, including the planning history of the area and development pressures.

The planning history has been noted and also that the site is in an area under development pressure given its proximity to the Cork metropolitan area and ease of access via the regional road to that area but as already indicated the CDP makes specific provisions to address different rural area types in particular for rural generated housing.

It is noted that the previous refusal of development on appeal on the holding ABP Ref No. 317526-23 considered that the proposed development would exacerbate and consolidate a trend towards the establishment of an excessive density of haphazard rural housing in an unzoned rural area.

The development as proposed will to some degree contribute to and consolidate a trend towards the establishment of an excessive density of haphazard rural housing in this unzoned rural area but the CDP does make provision for *bona fide* applications in this rural area and that the management and control of rural housing development is guided by an assessment of need based on stated criteria. It is restricted in relation to who can be potentially considered for development and does make provision for ongoing genuine local need and assessment on a case by case basis. I do therefore consider that an additional dwelling can be considered given the current level and scale of development in the immediate area subject to consideration of visual impact and impact on the landscape.

#### 8.4.6. Traffic

In relation to traffic the site fronts onto a narrow local road with a convex alignment along the roadside frontage. During assessment of the application the Area Engineer report sought further requiring sightlines of a minimum of 80 metres in both directions and to submit a 1:250 scale drawing showing the sight distance at the proposed entrance in accordance with the requirements of TII Publications DN-GEO-03060 and that no structures, utility poles, ditches or vegetation shall be allowed within the sight triangles. Further information was submitted on the 2<sup>nd</sup> August 2024

with drawings in relation to sightline visibility indicating compliance with TII publication DN-GEO-03060 and clarifying the new entrance is solely for the dwelling and indicated further details relating to the proposed entrance. Following submission of the further information the Area Engineer report dated the 22<sup>nd</sup> October 2024 indicated no objection subject to conditions.

The documentation submitted provides for a new access and sightline visibility is indicated on the drawing titled site entrance submitted on the 2<sup>nd</sup> August 2024. The drawing refers to “45 metres of ditch to be set back to ensure proper site distances shown dashed in green” to the east of the proposed entrance. This section of ditch is located outside of the demarcated site applied for but documentation submitted with the application does give consent for the applicant to apply for permission on a site which forms part of the applicant’s father landholding. The consent to set back this section of ditch could for absolute clarity be conditioned in a grant of planning permission.

Additional removal of the ditch will arise from the formation of the new entrance and may necessitate some level of altering the hedgerow west of the entrance. For clarity I consider that the retention and consolidation of the hedgerow along the site frontage should be conditioned as the drawing titled site entrance submitted on the 2<sup>nd</sup> August 2024 indicating an elevation of the road frontage only refers to detailing of the actual entrance with no details outside the entrance area.

I would have no objection in principle to the details submitted in relation to the entrance in relation to achievement of a satisfactory sightline visibility at the proposed entrance point.

#### 8.4.7. Removal of boundary hedgerows/Visual Impact.

The requirement to set back 45 metres of the ditch will involve the removal of an established ditch and hedgerow and the loss of hedgerow is referred to in the grounds of appeal.

In relation to landscape and visual impact the site is not located within a high value landscape as outlined in figure 14-2 of the plan. The site and proposed dwelling will not impact on the skyline or ridgelines and can assimilate into the landscape and is not readily visible from the Regional Route.

The CDP as a general policy discourages proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments and requiring the incorporation of primarily native tree and other plant species, particularly pollinator friendly species in the landscaping of new developments and in County Development Plan Objective HE 16-21 d) to 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.

The CDP also has as a general objective in Plan Objective GI 14-9 e) to discourage proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments. The provision as stated would infer retention of roadside boundaries and hedgerows in rural areas but it is not absolute.

I consider that any removal of hedgerow can be addressed by a condition that any removal by its reinstatement of a new hedgerow with a mix of native species detailing species to be planted and also consolidation of the existing hedgerow which is retained together with a timetable for implementation.

#### 8.5. Site specific matters.

##### 8.5.1. Services

Details relating to wells and WWTPs on the site and in the vicinity were submitted in the initial submission and by way of further information and in particular there was clarification in relation to location of wells and water supply. The details submitted also included the location of the wastewater treatment plant and percolation area to the southeast of the proposed dwelling and a site characterisation report.

Based on an assessment of the documentation submitted I would have no objections and consider that the proposal as submitted complies with the EPA Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ ).

##### 8.5.2. Siting and design.

In relation to overall siting and the design of the property itself the proposed dwelling is a two storied dwelling of modern design and construction with a maximum stated

height to the roof ridge of 7060mm which also incorporates a two storied annexe at the southern side of the dwelling with a ridge height of 5860mm incorporating a garage at the ground floor level and a flat roof annexe to the north with a stated height of 2850mm. I would have no objection to the details submitted and do not consider that it adversely impacts on the landscape or other dwellings in the vicinity.

#### 8.6. Unauthorised development.

8.6.1. Reference is made in the grounds of appeal to development relating to development activities on adjacent lands and the ditch at the corner of the current site and the first party in response indicated there was no unauthorised modifications to the site that would affect the site assessment.

8.6.2. Issues relating to enforcement and unauthorised development are matters to be statutorily determined by the planning authority and are not a matter for An Coimisiún Pleanála to address.

### 9.0 AA Screening

9.1. I have considered the proposal for the construction of a house and garage with all associated site works in light of the requirements S177U of the Planning and Development Act 2000 as amended.

9.2. The proposed development comprises in effect a relatively minor development as outlined in section 2 in the Inspectors report. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows; the nature of the development, the distance to designated sites and the absence of pathway to these sites.

9.3. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects and likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## 10.0 Recommendation

10.1. I recommend that permission be granted.

## 11.0 Reasons and Considerations

11.1. Having regard to the nature of the proposed development, the proposed residential use on the site; the design, nature and scale of the proposed development and the pattern and character of development in the vicinity; and to the policies of the Cork County Development Plan 2022-2028, as well as national guidance including Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024; it is considered that, subject to compliance with the conditions set out below, the proposed development would not have a significant adverse effect and would not detract from the character of the area, would not seriously injure the amenities of adjacent residential property and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 12.0 Conditions

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | <p>The development shall be carried out and completed in accordance with the drawings and particulars as received by the Planning Authority on the 11<sup>th</sup> day of March 2024 and as amended by the drawings and particulars as received by the Planning Authority on the 2<sup>nd</sup> day of August 2024 and 27<sup>th</sup> day of September 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the Planning Authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity</p> |
| 2. | <p>(a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

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|    | <p>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.</p> <p>(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.</p> <p>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.</p> <p><b>Reason:</b> 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.</p> |
| 3. | <p>The proposed entrance to the site shall be located at the point on the roadside frontage indicated in the details submitted to the planning authority on the 11<sup>th</sup> March 2024, 2<sup>nd</sup> August 2024 and the 27<sup>th</sup> September 2024.</p> <p>Any removal of the roadside boundary to facilitate the provision of sightline shall be reconstructed behind the sightline visibility line and the reconstructed boundary and shall consist of native species hedgerows details of which are to be submitted to and agreed with the planning authority prior to the commencement of any development works on the site. The agreement with the planning authority shall include a timescale of implementation of the new roadside planting.</p> <p><b>Reason:</b> In the interest of traffic safety and visual amenity</p>                                                                                                                                                                                                                                                                                                                                                                                                |
| 4. | <p>The site shall be landscaped, using only indigenous deciduous trees and</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

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|    | <p>hedging species in accordance with the details submitted to the planning authority on the 11<sup>th</sup> March 2024, 2<sup>nd</sup> August 2024 and the 27<sup>th</sup> September 2024. A timescale for implementation of the scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In order to screen the development and assimilate it into the surrounding rural landscape and in the interest of visual amenity.</p>                                                                                                                                                       |
| 5. | <p>Water supply and drainage requirements, including surface water collection and disposal, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health and to ensure a proper standard of development.</p>                                                                                                                                                                                                                                                                                                                                                                          |
| 6. | <p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p>(a) 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.</p> <p>(b) 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.</p> <p><b>Reason:</b> In the interest of public health and traffic safety.</p> |
| 7. | <p>1 (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021.</p> <p>(b) No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.</p> <p>(c) Certification by the system manufacturer that the system has been</p>                                                              |

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|     | <p>properly installed shall be submitted to the planning authority within four weeks of the installation of the system.</p> <p>(d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.</p> <p>(e) 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 effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.</p> <p>2.Details to comply with the requirements of this condition shall be submitted in a permission consequent to this grant of outline planning permission.</p> <p><b>Reason:</b> In the interest of public health</p> |
| 8.  | <p>External finishes in relation to the proposed development shall be submitted to and agreed with the planning authority prior to the commencement works on the site.</p> <p>The roof colour of the proposed house shall be blue-black, black, dark brown or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof.</p> <p><b>Reason:</b> In the interest of visual and residential amenity.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 9.  | <p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 10. | <p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |



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|     | <p>hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 11. | <p>Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p><b>Reason:</b> In the interest of reducing waste and encouraging recycling</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 12. | <p>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.</p> <p><b>Reason:</b> 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</p> |

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|  | applied to the permission. |
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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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Derek Daly  
Planning Inspector

9<sup>th</sup> September 2025

## Form 1 - EIA Pre-Screening

|                                                                                                                                                                                                                                                                               |                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| <b>Case Reference</b>                                                                                                                                                                                                                                                         | 321247-24                                                                         |
| <b>Proposed Development Summary</b>                                                                                                                                                                                                                                           | The construction of a dwellinghouse, garage and all associated site works         |
| <b>Development Address</b>                                                                                                                                                                                                                                                    | Coolkirky, Riverstick, County Cork.                                               |
| <b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>                                                                                                                                                                    | <input type="checkbox"/> <b>X Yes</b> , it is a 'Project'. Proceed to Q2.<br><br> |
| <b>2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>                                                                                                                        |                                                                                   |
| <input type="checkbox"/> <b>X Yes</b> , it is a Class specified in <b>Part 1</b> .                                                                                                                                                                                            |                                                                                   |
| <input type="checkbox"/> No,                                                                                                                                                                                                                                                  |                                                                                   |
| <b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b> |                                                                                   |
| <input checked="" type="checkbox"/> <b>No</b> , the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.<br><b>No Screening required.</b>                          |                                                                                   |
| <b>No</b> , the proposed development is of a Class and meets/exceeds the threshold.                                                                                                                                                                                           |                                                                                   |
| <b>Yes</b> , the proposed development is of a Class but is sub-threshold.<br><br><b>Preliminary examination required. (Form 2)</b>                                                                                                                                            |                                                                                   |

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| <b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b> |                                                                    |
| Yes <input type="checkbox"/>                                                                                                                                    | Screening Determination required (Complete Form 3)                 |
| No <input type="checkbox"/>                                                                                                                                     | Pre-screening determination conclusion remains as above (Q1 to Q3) |

Inspector: Derek Daly Date: 09/09/2025

## Form 2 - EIA Preliminary Examination

|                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                            |
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| <b>Case Reference</b>                                                                                                               | AP321247-24                                                                                                                                                                                                                                                                                                                                |
| <b>Proposed Development Summary</b>                                                                                                 | The construction of a dwellinghouse garage and all associated site works                                                                                                                                                                                                                                                                   |
| <b>Development Address</b>                                                                                                          | Coolkirky, Riverstick, County Cork.                                                                                                                                                                                                                                                                                                        |
| <b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b> |                                                                                                                                                                                                                                                                                                                                            |
| <b>Characteristics of proposed development</b><br>(                                                                                 | <i>The development has a modest footprint, providing for a dwelling of a modest scale. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</i>                                                                       |
| <b>Location of development</b><br>(                                                                                                 | <i>The development is situated in a rural area. The development is removed from sensitive natural habitats, designated sites and landscapes of identified significance in the County Development Plan</i>                                                                                                                                  |
| <b>Types and characteristics of potential impacts</b>                                                                               | <i>Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</i> |
| <b>Conclusion</b>                                                                                                                   |                                                                                                                                                                                                                                                                                                                                            |
| <b>Likelihood of Significant Effects</b>                                                                                            | <b>Conclusion in respect of EIA</b>                                                                                                                                                                                                                                                                                                        |
| There is no real likelihood of significant effects on the environment.                                                              | EIA is not required.                                                                                                                                                                                                                                                                                                                       |
| There is                                                                                                                            | No                                                                                                                                                                                                                                                                                                                                         |

|                                                                                                     |    |
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| significant and realistic doubt regarding the likelihood of significant effects on the environment. |    |
| There is a real likelihood of significant effects on the environment.                               | No |

Inspector: Derek Daly      Date: 9<sup>th</sup> September 2025