



An
Bord
Pleanála

Inspector's Report

ABP-321438-24

Development	Construction of five houses and all ancillary site works.
Location	Gurteenroe, Macroom, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	244997
Applicant(s)	Michael Lynch.
Type of Application	Permission.
Planning Authority Decision	Granted Permission
Type of Appeal	Third Party
Appellant(s)	Gerald Hallinan.
Observer(s)	None.
Date of Site Inspection	16 th May 2025.
Inspector	Oluwatosin Kehinde

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	6
3.4. Third Party Observations	6
4.0 Planning History.....	6
5.0 Policy Context.....	7
5.1. National Policy	7
5.3. Development Plan.....	9
5.4. Natural Heritage Designations	11
Special Protection Areas: The Gearagh SPA (Site Code 004109) is located approximately 1.6km south of the site.	12
6.0 EIA Screening.....	12
7.0 The Appeal	12
7.1. Grounds of Appeal	12
7.2. Applicant Response	13
7.3. Planning Authority Response.....	14
8.0 Assessment	14
9.0 AA Screening.....	19
10.0 Water Framework Directive (WFD).....	20
11.0 Recommendation	20
12.0 Reasons and Considerations.....	20

13.0	Conditions	21
Form 2 - EIA Preliminary Examination	29
Appendix 1 – EIA Considerations		
Appendix 2 – Water Framework Directive		

1.0 Site Location and Description

- 1.1. The 0.38 ha site is located within the settlement boundary of Macroom town off Gurteenroe Lane. The site is relatively flat and gently slopes towards the southern boundary. The site is rectangular in shape and bounded to the north by Carechoice Nursing Home, to the south by a sports facility including Macroom GAA, and to the east & west by residential properties.

2.0 Proposed Development

- 2.1. The proposed development includes the construction of five residential houses comprising 1 no. detached house and 4 no. semi-detached houses. The detached house is approximately 212m² and the semi-detached houses are approximately 132.2m² and 111.2m².
- 2.2. The housing mix will constitute 1 no. 4 bedroom detached unit, 2 no. 4 bedroom semi-detached units and 2 no. 3 bedroom semi-detached units
- 2.3. It is also proposed to widen Gurteenroe Lane at the approach to the junction with R618 (Old N22).
- 2.4. The development will also provide for 10 no. car parking spaces and all associated site works.
- 2.5. The applicant has submitted a flood risk assessment report as part of the development.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority (PA) granted permission subject to 19 conditions. The conditions are generally standard in nature, but the following are noted:

- Conditions 8, 9, 10, & 11 relate to the design, operation and maintenance of public lighting within the development.
- Condition 12 requires the applicant to carry out the proposed widening of the access lane adjacent to the R618 prior to any construction of houses.

- Condition 17 requires external rainwater goods to be round in profile and black in colour.
- Condition 18 requires that the development comply with the standards set out in the Recommendations for Site Development Works for Housing Areas.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The PA decision to grant permission is consistent with the Planning Officer's (PO) report. Following the initial assessment of the application, the PO requested further information. The concerns raised are summarised as follows:

- The PO has concerns about water connection and drainage infrastructure for the development and sought a pre-connection enquiry response from Uisce Eireann.
- The PO considered the landscaping proposed to the western boundary unacceptable.
- Details of works proposed to the existing gates at the site.
- Details of who will be responsible for ownership and management of the pumping station and
- Details of the lighting proposal.

The applicant's response to the further information request was considered acceptable by the PA.

3.2.2. Other Technical Reports

- Area Engineer – Report dated 07/11/24 recommended a grant subject to conditions. The area engineer stated in the initial report that given the scale of the development and the use pattern of the private road, they considered the proposal to be acceptable and any further development in this lane will require a full upgrade of the lane to include a 5.0m wide carriageway with a 2m wide footpath.

- Public Lighting – Report dated 07/11/24 stated no objection subject to conditions. The initial assessment requested more information about the design, materials and installation of public lighting within the development.
- Estates – Report dated 11/07/24 recommended refusal because the access to the site is not sufficient enough to accommodate vehicular and pedestrian access and there was no provision for attenuation of surface water drainage from the roads and paved areas.
- Housing – Report dated 05/07/24 stated no objection to the development.

3.3. Prescribed Bodies

Uisce Eireann – no report received on file.

Inland Fisheries Ireland – Report dated 17/06/24 requests that Uisce Eireann/Cork County Council signify that there is sufficient capacity in existence for the proposed development.

Transport Infrastructure Ireland (TII) – Report dated 24/06/24 requests that the planning authority have regard to the official policy for development proposals.

3.4. Third Party Observations

The PA received one submission regarding the development, and the issues raised can be summarised as follows:

- Permission has not been granted to run service pipe through their site
- Wayleave and right of way are incorrect in the site plan.
- Pedestrian safety and increased traffic.

4.0 Planning History

No relevant planning history on the site. I, however, note that there was a recent application for the construction of 8 dwellings on the site, under **PA 22/5555** that was withdrawn.

Adjacent sites

PA 21/4189 – Permission granted for the construction of two detached dwelling houses, two domestic garages and a new entrance road to serve the two dwellings and future sites. The road to include new effluent pipework and pumping station, stormwater drainage, street lighting and all ancillary siteworks.

PA 22/5853 – Permission granted for 96 residential units, a creche and all ancillary site development works.

5.0 Policy Context

5.1. National Policy

The following are considered to be of relevance to the proposed development.

5.1.1. Project Ireland 2040, National Planning Framework First Revision (2025)

Chapter 4 of the National Planning Framework (NPF) is entitled ‘Making Stronger Urban Places’ and it sets out to enhance the experience of people who live, work and visit the urban places of Ireland.

A number of key policy objectives are noted as follows:

National Policy Objective 12 seeks to ‘Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being’.

National Policy Objective 20 provides that ‘In meeting urban development requirements, there be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth’.

National Policy Objective 22 provides that “In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth.”

Chapter 6 of the NPF is entitled ‘People, Homes and Communities’ and it sets out that place is intrinsic to achieving a good quality of life.

A number of key policy objectives are noted as follows:

National Policy Objective 37 seeks to 'Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages'.

National Policy Objective 43 seeks to 'Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location'.

National Policy Objective 45 seeks 'To increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights and more compact forms of development'.

5.1.2. **Section 28 Ministerial Guidelines**

The following is a list of Section 28 - Ministerial Guidelines considered to be relevant to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024)

The creation of sustainable communities also requires a diverse mix of housing and variety in residential densities across settlements. This will require a focus on the delivery of innovative housing types that can facilitate compact growth and provide greater housing choice that responds to the needs of single people, families, older people and people with disabilities, informed by a Housing Needs Demand Assessment (HNDA) where possible.

- The Planning System and Flood Risk Management, Guidelines for Planning Authorities (2009)

The Guidelines introduce comprehensive mechanisms for the incorporation of flood risk identification, assessment and management into the planning process.

5.1.3. **Other National Guidance**

- Traffic Management Guidelines 2003

The purpose of the Traffic Management Guidelines manual is to provide guidance on a variety of issues including traffic planning, traffic calming and management, incorporation of speed restraint measures in new residential designs and the provision of suitably designed facilities for public transport users and for vulnerable road users such as cyclists, motorcyclists and pedestrians.

5.2. **Regional Policy**

5.2.1. **Regional Spatial and Economic Strategy (RSES)**

The Southern Regional Assembly's RSES seeks to achieve balanced regional development and full implementation of the National Planning Framework. The RSES provides a long-term strategic development framework for the future physical, economic and social development of the Southern Region and includes Metropolitan Area Strategic Plans (MASPs) to guide the future development of the region's three main cities and metropolitan areas – Cork, Limerick-Shannon and Waterford.

5.3. **Development Plan**

The Cork County Development Plan 2022 – 2028 is the pertinent statutory plan and the site is zoned MM-X-01 – Special Policy Area with the following specific development objective:

“The redevelopment of this area is largely based on the development of sites behind New Street. The aim is to develop a vibrant mixed-use quarter with attractive high quality residential and office uses.

This area benefits from considerable frontage overlooking the River Sullane which presents an opportunity to optimise integration with the amenity value associated with the river and surrounding open space, which can form an integral element of the distinctive character of this area. Development sites in this area will require the development of linkages (both vehicular and pedestrian) to New Street and to the proposed secondary school to the east of the site. Consideration also needs to be

given to protection and retention of habitats of biodiversity value within and adjoining the site.”

Section 3.5.13 of the development plan seeks “To make the most sustainable use of existing urban land within the built envelope of a settlement, the planning authority will encourage the development of infill housing on suitable sites, subject to adherence to residential amenity standards and avoiding any undue impacts on the established character of an area. The layout and design of infill schemes should respect existing building lines and should generally follow established roof profiles, buildings heights and use of materials within the street”.

5.3.1. The following development plan objectives are of note:

Objective PL 3-3: Delivering Quality and Inclusive Places states

In assessing future development proposals the Plan will implement and promote a series of aims outlined in the Guidelines on Sustainable Residential Development in Urban Areas and accompanying Urban Design Manual and the Design Standards for New Apartments, which seek to create high quality inclusive places including:

- a. To achieve/ reinforce a better sense of place and distinctiveness therefore, strengthening local character.
- b. Prioritise walking, cycling and public transport, and minimise the need to use cars.
- c. Deliver a quality of life which residents and visitors are entitled to expect, in terms of amenity, safety and convenience.
- d. Provide a good range of community and support facilities, where and when they are needed.
- e. Present an attractive, well maintained appearance, with a distinct sense of place and a quality public realm.
- f. Easy to access and navigate through the delivery of a clear urban structure including landmarks and vistas.
- g. Promote the efficient use of land and energy and minimise greenhouse gas emissions.
- h. Provide a mix of land uses (where relevant) to minimise transport demand.

- i. Promote social integration and provide accommodation for a diverse range of household types and age groups; and
- j. Enhance and protect the built and natural heritage.

RP 5-1: Urban Generated Housing

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

Encourage the provision of a mix of house types in towns and villages to provide an alternative to individual housing in the open countryside.

WM 11-15: Flood Risk Assessment

To require flood risk assessments to be undertaken for all new developments within the County in accordance with The Planning System and Flood Risk Management – Guidelines for Planning Authorities (2009) and the requirements of DECLG Circular P12/2014 and the EU Floods Directive.

- For sites within Flood Zone A or B, a site specific Flood Risk Assessment will be required.
- For sites within Flood Zone C, an examination of all potential sources of flooding, and consideration of climate change (flood risk screening assessment), will be required. In limited circumstances where the 'Flood Risk Screening assessment' identifies potential sources of flood risk, a site specific flood risk assessment may also be required.
- All proposed development must consider the impact of surface water flood risks on drainage design through a Drainage Impact Assessment. The drainage design should ensure no increase in flood risk to the site, or the downstream catchment.

5.4. Natural Heritage Designations

Special Area of Conservation: The Gearagh SAC (Site Code 000108) and pNHA – The Gearagh are located approximately 1.4km south of the site.

Special Protection Areas: The Gearagh SPA (Site Code 004109) is located approximately 1.6km south of the site.

6.0 EIA Screening

- 6.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2, in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. 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

This is a Third Party appeal by Gerald Hallinan and the grounds for appeal, as raised in the submission can be summarised as follows:

- There are user safety concerns on Gurteenroe Lane. The lane already supports a large amount of vehicle traffic. There is a narrow section of the lane and this can create traffic issues when events are held in the sport facility.
- Pedestrians using Gurteenroe Lane have to share the carriageway with vehicles. The safety concerns raised in the original submission have not been addressed properly.
- The PA did not seek confirmation that the applicant has “Right of way permission” from the owners of the Lane. The planner’s report stated that a document had been submitted with the application to indicate a right of way over the laneway. The appellant (part owner) did not grant a right of way permission.

- No right of way permission was granted by the appellant (Folio owner CK25048) for the installation of services, and this was stated in the original submission.
- The PA has placed no responsibility on the applicant for the maintenance and upkeep of the lane.
- There is a possibility of a future planning application for the remainder of the site and the PA did not apply any conditions on future development on the site.
- The application did not have the appellant's permission and even though it was stated in the submission, the PA did not address the issue when reviewing and granting permission for the development.

7.2. Applicant Response

- The applicant has the right of way on Gurteenroe Lane and the appellant is incorrect in their submission. The applicant has adequately satisfied all requirements and the development is in accordance with proper and orderly planning.
- There are numerous existing developments using the lane and there has never been any accident on the lane as the vehicles cannot speed due to the lane's restrictions. The increase in traffic as a result of the development will be minuscule.
- Right of way has long been established as the lands owned by the applicant and the appellant's father were used for a number of years as a sandpit that created a large volume of traffic. The appellant's claim that the right of way was only for one house is incorrect.
- The lane will be safer if planning is approved. The applicant has agreed to widen the entrance section of the road. The council has already installed public lighting along the road.
- The applicant does not agree with the appellant's suggestion that they don't have the right of way to lay pipes along the road. The applicant has bought a

wayleave to lay pipes on the opposite side of the lane to the appellant's side and also in agreement with the nursing home to connect to the water supply.

- The maintenance and upkeep of Gurteenroe Lane is the responsibility of the owners of the land on which the lane is located. The estate road that the applicant controls complies with the criteria set out by the council and it will be the responsibility of the owners of the houses as part of their purchase deal to maintain the estate road within the confines of the site.

7.3. Planning Authority Response

The PA commented on the issues raised as follows:

- The area engineer considered the proposal acceptable given the limited scale of the development and the current use pattern of the private road. Any further development in this lane will require a full upgrade of the lane to include a minimum 5.0m wide carriageway with a 2m wide footpath.
- Regarding access right of way, section 34(13) of the Planning Acts states a person is not entitled solely by reason of a permission to carry out any development. Notwithstanding this, legal documents were submitted with the planning application confirming the applicant's right of way over the laneway serving the site.
- The laneway serving the site is private and this is not within the control of the applicant.
- Any future planning application will be assessed having regard to the zoning and planning considerations of the area. The Area Engineer's comments will be considered in any future application at this location.

8.0 Assessment

- 8.1. Having examined the application details and all other documentation on file, including internal planning authority reports and all the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development.
- Right of Way
- Other Issues

8.2. Principle of Development

- 8.2.1. The Cork County Development Plan 2022-2028 zones the site as Special Policy Area MM-X-01, where it is the aim of the plan to develop a vibrant mixed-use quarter with high quality residential and office uses. The proposed development is for 5 houses consisting of 1 no. detached house and 4 no. semi-detached dwelling houses. I consider that the proposed development is consistent with the zoning objective of the site. In addition to the zoning provisions, the proposal is an infill development within Macroom town, and I have outlined in section 5 of this report comprehensive local and national policy which aims to increase housing, particularly on underutilised derelict/brownfield sites in central/accessible locations. The site is easily accessible to a number of employment, social, and commercial services, and residential development should be supported in such locations in accordance with local and national policy.
- 8.2.2. The design of the proposed development is generally in keeping with the immediate area. The proposal will constitute 1 no. 4-bedroom detached unit, 2 no. 4-bedroom semi-detached units and 2 no. 3-bedroom semi-detached units. The development provides for public open space and the proposed houses are provided with private open space ranging between 150m² and 217m². The proposed development is generally consistent with the county development plan.
- 8.2.3. Having regard to the zoning of the site, I consider the residential development proposed to be acceptable at this location and I am satisfied that the development represents an appropriate use of urban lands in the area.

8.3. Traffic issues and Pedestrian Safety

- 8.3.1. Gurteenroe Lane is approximately 320m in length and it serves a nursing home, a sports & amenity facility and four private dwellings. The lane narrows approximately 80m from the junction at the R618 main road. The width of the narrow section is c.4m and other parts of the lane are more than 5m in width. The appellant has raised traffic concerns along the narrow section of the lane particularly when there are

events held at the sports facility. I note that this lane is private, and the traffic being generated is localised. Upon visiting the site, I observed the lane to be relatively quiet in terms of traffic with two vehicles using the lane at the time of inspection. Macroom GAA use part of the sports grounds and I also note that this is not the main ground for the club. The number of properties accessing the lane is limited, and I do not see how there would be any significant volume of traffic in the area. I consider traffic volume along the lane to be generally low and I am satisfied that the additional five houses proposed will not lead to any significant traffic volume in the area.

8.3.2. It is very possible that the use of the sports facility at certain match or peak training times could increase the volume of traffic on the lane. At such times, there would be increased traffic on the lane that can lead to traffic issues at the exit junction. I am of the opinion that traffic volume exiting the lane after such events will do so at reduced speed because of the nature of the lane. I am of the view that the narrowing section of the Gurteenroe Lane provides a pinch point that promotes traffic calming. I note section 6.12.2 of the Traffic Management Guidelines that considers pinch points as an appropriate traffic calming measure. While exiting the lane will not present any significant traffic issue, I have concerns that there can be traffic issues with vehicles trying to access the lane from R618 after match or training events. There is a real possibility that a vehicle trying to access the lane will have to reverse out onto the road leading to a potential traffic hazard. The applicant in their proposal is seeking to address this issue. I refer the Board to Drawing No. PL17 in which it is proposed to revise the lane entrance and provide a 6.5m width along the first 15m. I consider that the proposed modification to the entrance will provide for a two-lane way to allow users access to the lane and stop vehicles reversing out onto the main road. I note that the PA reviewed the proposal and did not express any concerns in this regard. If the Board is minded to grant permission, I recommend that a condition requiring the applicant to widen the lane as proposed before commencement of any works on site be included.

8.3.3. Outside sports event occasions, the level of traffic in the area would be generally low level as highlighted above and as such, I do not consider that there would be any significant pedestrian safety issues. While there are no footpaths, Gurteenroe Lane like many rural roads in County Cork, operates as a shared space where vehicles and pedestrians function safely especially where the traffic is low. Furthermore, if a

sports event were to take place, the configuration of the lane will not allow vehicles to reach significant speed that can create any significant risk to pedestrians. Having regard to the foregoing, I am satisfied that the development proposed will not lead to any significant pedestrian safety issues.

8.4. Legal Interest and Right of Way

- 8.4.1. As stated in section 8.3.1 above, Gurteenroe Lane is a private road. The section of the lane bounding the appeal site to the north and leading to R618 is stated to be owned by three individuals. I note that the appellant is a part owner and has submitted that two owners (appellant inclusive) have not given permission for the proposed development to use the lane. Furthermore, the appellant has not given permission to install services through their land. I also note the response from the applicant stating that there is a right of way in place to use the lane as set out in the deeds and has also bought a wayleave to install pipes on the opposite side of the lane to the appellant's side.
- 8.4.2. Having reviewed the documentation submitted with the file, I note that there is a foul water gravity pipe proposed that will cross the appellant's land to connect to the existing council manhole located on the lane. I refer the Board to Drawing No. PL14 submitted with the application. Regarding the right of way, I again refer the Board to Folio CK25050 submitted which shows that there is a right of way appurtenant associated with the appeal site. I note that the full extent of the right of way as described in the Folio has not been provided by the applicant. Notwithstanding the above, I am satisfied that the applicant has provided sufficient evidence of their legal interest to make an application. Any further legal dispute is considered a civil matter and is outside the scope of the planning appeal. In any case, this is a matter to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act.

8.5. Other Issues

Flooding

8.5.1. The southern part of the site is in flood zone B and a flood risk assessment report was submitted as part of the application. Having regard to the national guidelines of flood risk management, dwelling houses are highly vulnerable developments, and therefore a justification test is required. Having reviewed the justification test contained in section 3 of the report submitted, I note the following.

- The finished floor levels (FFL) of the houses provide protection against flooding. The FFL of the houses is at 71.00OD and provides for a 350mm freeboard to the FFL in the worst case scenario during a flood event (1 in 100 year and 1 in 1000-year flood event).
- In the event of a flood, the playing pitches located south of the site (within the sports facility) act as a flood plain and the millrace adjoining the site to the south also provides a buffer for the proposed development.

Having regard to the foregoing, I concur with the justification testing carried out and consider that the FFL of the proposed houses will protect the houses from flooding and the overall development will have minimal impact during a flood event. I am therefore satisfied that the proposed development is not at risk of flooding, nor will it increase the risk of flooding elsewhere.

Maintenance of Gurteenroe Lane

8.5.2. Regarding the maintenance of the lane, I note that the PA will not take the lane in charge as it is not in accordance with the Site Development Works for Housing Areas 1998. The maintenance of Gurteenroe Lane is therefore the responsibility of the owner(s).

Future Housing

8.5.3. I note that this is an application for the construction of five residential dwellings as described in the file. I am of the view that any future housing on the site shall be subject to a separate application and considered, having regard to the provisions of the county development plan. Furthermore, I note the PA area engineer's report requiring that a full upgrade of the access road leading to the site to a minimum carriage width of 5m would need to be carried out for consideration of any future

application on the site. I consider this to be a matter for the Planning Authority and not for the Board to consider.

Lighting Conditions

- 8.5.4. I refer to Conditions 8, 9, 10, & 11 of the PA grant that relate to the design, operation and maintenance of public lighting within the development. These conditions provide for an orderly development, and if the Board is minded to grant permission, I recommend that these conditions be included in the interest of consistency of design and compatibility for future maintenance of the development.

9.0 AA Screening

- 9.1. I have considered the proposed houses in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located approximately 1.4km north of The Gearagh SAC (Site Code 000108).

The proposed development comprises the construction of 5 houses and all associated site works.

No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows

- Scale and nature of the development
- Distance from nearest European site and lack of connections
- Taking into account screening report by Planning Authority

I conclude, 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.

Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive (WFD)

10.1. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

The reason for this conclusion is as follows:

- Having regard to the small scale and nature of the development.
- Lack of hydrological connections to Sullane River located approximately 140m south of the site.

11.0 Recommendation

11.1. I recommend that permission should be granted subject to conditions as outlined below

12.0 Reasons and Considerations

12.1. Having regard to the nature and scale of the proposed development, within the settlement boundary of Macroom Town and on a site with an 'MM-X-01' zoning objective, it is considered that the proposal would be in accordance with the Cork County Development Plan 2022-2028, and subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1.	<p>The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 31st day of October 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed widening of the access lane serving the site adjacent to R618 as set out in Drawing No. PL17 shall be completed before house construction begins.</p> <p>Reason: In the interest of road safety</p>
3.	<p>Public Lighting in this development shall be designed and constructed in accordance with Cork County Council's Public Lighting Manual and Product Specification 2023; a copy of which is available on Cork County Council's website, www.corkcoco.ie.</p> <p>Reason: In the interest of orderly development</p>
4.	<p>The following conditions as contained in Appendix H, Figure 4, of the Cork County Council Public Lighting Manual and Product Specification 2023 shall apply to this development: - A1, A2, A3, A5, A6, A8, A9, A10, A11, A12, A13, A23, A27, A28.</p> <p>Reason: In the interests of proper design and orderly development.</p>
5.	<p>Prior to the occupation of any houses / residences, within any phase of new development, the public lights shall be switched on in that phase and on any access roads and shall be kept active and maintained by the developer until taken in charge by Cork County Council. Separate phases within a</p>

	<p>development shall be designed to be connected to separate midi-pillar circuits, in so far as practicable.</p> <p>Reason: In the interests of public safety and to facilitate the taking in charge of the public lighting in phases if required.</p>
6.	<p>Public Lighting within this development shall be unmetered tariff and subject to a maximum load on individual midi-pillar connections of 2KW. Lighting shall be dimmed to profile U15, subject to a minimum of 1 Lux maintained. Lanterns shall be LED type, using brands commonly used in, and acceptable to, Cork County Council. If in doubt, the designer should contact the Council's Public Lighting Engineer, (022-30472). Lanterns shall be warm white 2,700k - 3,000k unless located at significant conflict locations such as at roundabouts, or zebra crossings, where neutral white is preferred. Any zebra crossings installed as part of this development shall incorporate auxiliary lighting designed to ILP technical report TR12.</p> <p>Reason: In the interests of proper design.</p>
7.	<p>Final landscape proposals and external lighting arrangements shall be submitted to the planning authority and written agreement received, prior to the commencement of development. All planting shall be native Irish species of Irish provenance and in consultation with the recommendations from the All Ireland Pollinator Plan, Pollinator Friendly planting Code Guidelines. All landscaping and screening shall be carried out within the first growing season following occupation of the development.</p> <p>Reason: In the interests of orderly development, biodiversity and the proper planning and sustainable development of the area.</p>
8.	<p>Details of the materials, boundary treatments, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only.</p> <p>Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.</p>

9.	<p>The construction of development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The plan shall provide details of intended construction practice for the development, including a detailed traffic management plan, hours of working, and noise management measures.</p> <p>Reason: In the interests of public safety and residential amenity</p>
10.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
11.	<p>Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and wastewater collection network.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
12.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) located outside buildings or not attached to buildings shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. Details of the ducting shall be submitted to and agreed in writing by the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
13.	<p>Site development and building works shall be carried out only between the hours of 0700 and 1800 Mondays to Fridays inclusive, between 0800 to 1300</p>

	<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>Reason: In order to safeguard the amenities of properties in the vicinity.</p>
14.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads, including responsibility and repair for any damage to the public road to the satisfaction of the planning authority, during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
15.	<p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>Reason: To prevent flooding and in the interests of sustainable drainage.</p>
16.	<p>Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Management Company. Confirmation that this company has been set up shall be submitted to the planning authority prior to the first occupation of the building.</p> <p>Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.</p>
17.	<p>(a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not</p>

	<p>being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
18.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p>

	<p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
19.	<p>Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility.</p>
20.	<p>Prior to the commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of streets, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part therefore to the satisfactory completion of any part of the development. The form and amount of security shall be as agreed between the planning authority and the developer, or in default of an agreement shall be determined by An Bord Pleanála.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
21.	<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</p>

	<p>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>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
--	---

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.

Oluwatosin Kehinde
Senior Planning Inspector

10th June 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP 321438 -24
Proposed Development Summary	Construction of 5 dwelling houses and all associated site works
Development Address	Gurteenroe, Macroom, Co. Cork
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input checked="" type="checkbox"/> Yes, it is a Class specified in Part 1.	Schedule 5 Part 2 Class 10 (b) (i) construction of more than 500 dwelling units
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
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?	
<input type="checkbox"/> No, 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.	

<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.	<p>Schedule 5 Part 2 Class 10 (b) (i) construction of more than 500 dwelling units</p> <p>Development for five dwellings</p>

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)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Form 2 - EIA Preliminary Examination

Case Reference	
Proposed Development Summary	ABP 321438-24
Development Address	Gurteenroe, Macroom, Co. Cork
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. The development is for five houses in a built up area and comes forward as a standalone project. The development does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. 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.

<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>Briefly comment on the location of the development, having regard to the criteria listed</p> <p>The development is situated in a special policy area where residential development is acceptable. The development is in an urban setting that is removed from sensitive natural habitats and designated sites and landscapes of identified significance in the Cork County Development Plan.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</p> <p>Having regard to the nature of the 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.</p>
<p>Conclusion</p>	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>

Inspector: _____ Date: _____

Appendix 2 – Water Framework Directive Assessment

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	ABP 321438-24	Townland, address	Gurteenroe, Macroom, Co. cork
Description of project		Construction of five dwelling houses and all associated site works.	
Brief site description, relevant to WFD Screening,		the site is relatively flat and slopes towards the southern boundary. There is a watercourse located c.35 meters south west of the site	
Proposed surface water details		Surface water will be drained to soak pits and discharged to groundwater.	
Proposed water supply source & available capacity		Connection to public supply network	
Proposed wastewater treatment system & available capacity, other issues		Connect to public sewer network	

Others?			no			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River waterbody	140m	Sullane_SC_010	High	Not provided	No pressures	Not hydrologically connected to surface watercourse
River waterbody	140m	SULLANE_060	Good	Not provided	No pressures	Not hydrologically connected to surface watercourse
Groundwater Waterbody	Underlying site	Ballinhassig west IE_SW_G_005	No provided	Not at risk	No Pressures	Draining to soak pits and discharge to ground

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Site clearance/Construction	Sullane_SC_010	None	None	None	No	Screened out
2.	Site clearance/Construction	SULLANE_060	None	None	None	No	Screened out
3.	Site clearance/Construction	Ballinhassig west IE_SW_G_005	Drainage from soak pits	none	Standard Construction measures/conditions	No	Screened out
OPERATIONAL PHASE							
4.	Surface run-off	Ballinhassig west	none	none	none	No	Screened out

		IE_SW_G_005					
DECOMMISSIONING PHASE							
5.	NA	NA	NA	NA	NA	NA	NA