



An  
Bord  
Pleanála

## Inspector's Report

### ABP-322228-25

<b>Development</b>	Construction of dwelling, vehicular entrance and associated site works.
<b>Location</b>	Lehenagh More, Togher, Cork
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	2543579
<b>Applicant(s)</b>	John O'Sullivan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	John O'Sullivan
<b>Observer(s)</b>	Breda Martin
<b>Date of Site Inspection</b>	13 <sup>th</sup> June 2025
<b>Inspector</b>	Aisling MacNamara

## **1.0 Site Location and Description**

1.1. The site is located within the rural area of Lehenagh More, Togher, approximately 1km outside of the southern urban edge of Cork city. Access to the site is from L6452 local secondary road. Cork Airport and business park is located c 0.7km to the southeast of the site. The western boundary of the site adjoins two existing residential properties. The southern and eastern boundary is to agricultural lands and the northern boundary abuts the local road and there is a row of detached houses located on the opposite northern side of this road. There is a rural access laneway located outside of the site near the eastern boundary that provides access to agricultural lands. There are a number of disused vehicles located on the shared entrance and along the laneway and lands to the east of the site. The site has an area of 0.28ha and contains mature vegetation particularly along the boundaries and is in an overgrown state. There is evidence of former development on the site including hardcore and small block building. The site is served by an existing gravel access from the public road which is a shared access that serves the laneway to the east of the site and the site and there is an existing metal gate to the site.

## **2.0 Proposed Development**

2.1. Permission is sought for the:

- construction of a new two storey dwelling, new vehicular entrance and site works.
- The proposed dwelling has a floor area of 312sqm.
- Water supply is via existing private well, wastewater management and disposal is to public sewer and surface water disposal is to on site soakpit.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

By order dated 13<sup>th</sup> March 2025, the planning authority decided to refuse permission for the following reasons:

1. *National Policy Objective 19 of the National Planning Framework (2018) seeks to 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 having regard to the viability of smaller towns and rural settlements. It is considered that the applicant does not come within the scope of the local need criteria as set out in the Cork City Development Plan 2022-2028 and the proposed development would not comply with National Policy Objective 19, Development Plan Objective 11.9 and Objective 3.13. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
2. *Objective 10.54 and Sections 10.195 and 10.196 of the Cork City Development Plan 2022-2028, set out the presumption against new housing within the Airport Safeguard Area save for exceptional circumstances associated with those actively involved in farming. The proposed development would, if permitted, materially contravene the objectives of the Cork City Development Plan 2022-2028, which seek to safeguard the sustainable development of the Airport, contrary to the proper planning and sustainable development of the area.*

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

#### **3.2.1. Planning Reports**

- Case Planner – report of the Executive Planner dated 11/03/2025 sets out a recommendation to refuse permission for two reasons.
- Report of the Senior Executive Planner dated 13/03/2025 sets out a recommendation to refuse permission for two reasons.
- Report of the Senior Planner dated 13/03/2025 concurs with the reports of the EP and SEP and recommends refusal of permission for two reasons as per the decision.
- Area Engineer (10/02/2025) – no objection, recommended conditions in relation to surface water management and disposal, protection of road, sightlines and road safety.

- Environment Waste Management & Control (10/02/2025) – no objection, recommended conditions in relation to construction works, waste and noise.
- Contributions report (20/02/2025)– sets out development contributions calculations.
- Rural Water Operations (18/03/2025) – Information in relation to the proposed domestic wastewater treatment system has not been provided. Requested to submit site layout plan outlining proposals in accordance with EPA Code of Practice.

### 3.3. Prescribed Bodies

- Cork Airport (Dublin Airport Authority) – no comment , recommends consultation with IAA and AirNav Ireland (20/02/2025)

### 3.4. Third Party Observations

A number of third party observations were received.

A number of local residents submitted objections raising issues including the following:

- interferes with privacy, overlooking, impact on daylight within properties, obstructs views, adverse impact on character,
- noise and disturbance, including during construction,
- additional traffic,
- disposal of surface water and sewage, potential for contamination of well water supplies,
- lack of justification in relation to rural housing policy, located in greenbelt area, site located within Airport Safeguard Area in CDP,
- inaccurate plans (do not reflect existing boundaries),
- note previous decision incorrectly referenced the site zoning (site zoned city hinterland not airport use),
- impact on wildlife and environment,

- impact on house values,
- precedent for further development.

One submission was received in favour of the proposed development, raising the following:

- Applicant is local person,
- site is brownfield with buildings formerly on the site,
- in cluster of houses,
- reasonable development.

## 4.0 Planning History

PA24/42744 – John O’Sullivan – Refused – permission for the construction of a 4 bed two storey dwelling and attached domestic garage, wastewater treatment system, new vehicular entrance and all associated site works – 6 reasons: (1) residential development materially contravenes zoning ZO21 Cork Airport Infrastructure of Cork CDP 2022, (2) contravenes objective 10.52 and 10.53 for the operations of Cork International Airport, (3) applicant does not qualify under local need criteria of CDP and non compliance with NPO19, CDP11.9 and 3.13, (4) contravenes CDP objective 10.54 of CDP (presumption against new housing in airport Safeguard Area save for exceptional circumstances associated with farming, (5) design not acceptable – injures visual amenities, (6) unacceptable density of development and haphazard sprawl, no public sewer and road network limited.

## 5.0 Policy Context

### 6.0 National policy

Revised National Planning Framework, 2025

#### 6.1. Development Plan

The Cork City Development Plan (CDP) 2022-2028 applies.

**Zoning objective ZP20** City Hinterland To protect and improve rural amenity and provide for the development of agriculture.

Site is part of the Airport Development Safeguard zone

The site is located in the Urban Hinterland

#### **Objective 3.13 Rural Generated Housing**

a. To sustain and renew established rural communities, by facilitating those with a rural generated housing need to live within their rural community (see Objective 11.9 – One-Off Housing: Demonstrable Need to Reside on Landholding);

b. To discourage urban generated housing in the City Hinterland;

c. The City Hinterland is the area under strongest urban generated pressure for rural housing. Therefore, single rural housing applicants must satisfy Cork City Council that their proposal constitutes an exceptional rural generated housing need and satisfies all the requirements of this Plan. Any application for the development of a single rural dwelling must set out a comprehensive and conclusive demonstrable economic or social need to live in a rural area.

#### **Housing in the City Hinterland – Rural Generated Housing is dealt with in sections 3.51-3.54.**

3.51 The City Hinterland is a largely rural area that comes under strong pressure for the construction of urban generated single rural dwellings.

3.52 Cork City Council will seek to accommodate urban generated rural housing within the Urban Towns and Hinterland Settlements (Kerry Pike, Kileens and Upper

Glanmire), which provide the necessary infrastructure and services to support housing.

3.53 National Policy Objective 19 requires that Planning Authorities must set out a rural housing policy that requires applicants to set out “demonstrable economic or social need to live in a rural area.” Rural-generated one-off housing will be considered outside of the designated villages providing:

- The overall objective of maintaining the open character of the lands is maintained;
- The nearest village is more than 1 kilometre from the subject site on a farm / landholding;
- The farm is greater than 30 hectares in size;
- Proposals for new dwellings are supported by a demonstrable case to justify a genuine need to reside on the farm holding; and
- The proposed dwelling ideally utilizes the conservation / conversion of an agricultural built heritage asset (e.g. farmhouse, cottage or historic farm building of built heritage significance).

3.54 The Census 2016 illustrates that farm holdings of greater than 30 hectares are viable as full-time farms (i.e. they have an income of greater than €50,000). Farms of greater than 30 hectares generated 75% of all farm output in Ireland in 2016. Farm holdings with less than 30 hectares are considered to be part-time or “hobby” farms and wouldn’t derive a need to live on the farm holding. Less than 5% of farmers in Ireland are 35 years old, or younger (Census 2016).

### **Objective 10.53 Strategic Development of Cork Airport**

During the lifetime of the Plan, Cork City Council in co-operation with Dublin Airport Authority and in consultation with other relevant stakeholders including Transport Infrastructure Ireland, National Transport Authority and Cork County Council will prepare a framework plan to allow for the co-ordinated and sustainable growth of the Airport to underpin its function as an economic driver for the Southern Region. The relevant area for a new framework plan which will be prepared and adopted during the lifetime of this plan is delineated in Volume 2 Mapped Objectives. The

Framework Plan will provide for a coherent and coordinated land use plan for the Airport and its immediate environs.

#### **Objective 10.54 Airport Safeguard Area**

a. This objective is intended to safeguard the sustainable development of the Airport. All proposed developments within this area will be referred to the Irish Aviation Authority by Cork City Council's Development Management Section to seek their observations as part of the statutory planning process under Article 28 of the Planning and Development Regulations, 2001.

b. In addition, the construction of one-off housing will generally not be permitted save for exceptional circumstances such as those actively engaged in farming. Additional requirements for the construction of dwellings in this area are set out in the Cork Airport section.

#### **Neighbouring Land Uses, Rural Housing and Airport Safeguard Zone**

10.195 To safeguard the future operations of the Airport new housing will not be permitted within the area delineated as Airport Safeguard Area, save in exceptional circumstances where consideration may be given to the development of new housing for those actively involved in farming.

10.196 Site selection must ensure that the rural character of the area is maintained, multiple sites on single landholdings will not be permitted. Planning applications within this area shall be accompanied by a noise assessment report produced by a specialist in noise measurement which shall detail all proposed noise mitigation measures together with a declaration of acceptance by the applicant of the result of a noise acceptance report. Further indemnification of Cork City Council and Cork Airport from any loss of amenity which may arise as a result of Airport Operations shall be agreed at Development Management Stage.

#### **Objective 10.97 Protection of Hinterland**

Maintain the Hinterland for the purposes of retaining the open and rural character of lands between and adjacent to urban areas, maintaining the clear distinction between urban areas and the countryside, to prevent urban sprawl and the coalescence of built up areas, to focus development on lands within settlements which are zoned for



development and provide for appropriate land uses that protect the physical and visual amenity of the area.

**Objective 10.98 Protection of Natural Landscape**

- a. Protect the visual and scenic amenities of the Hinterland's built and natural environment.
- b. Landscape is an important consideration in all development proposals, ensuring that a proactive view of development is undertaken while maintaining respect for 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. Discourage proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments.

**Objective 11.9 One-Off Housing: Demonstrable Need to Reside on Landholding**

With reference to Objective 3.13 – Rural Generated Housing, applicants shall satisfy the Planning Authority that their proposal represents a demonstrable need to reside on the land 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, including 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, 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, 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. Landowners including their sons and daughters who wish to build a first home for their permanent occupation on the landholding associated with their principal family residence for a minimum of seven years prior to the date of the planning application.

## **Objective 11.10 Design and Landscaping of New Dwelling Houses in Rural Areas**

Where permitted, rural dwellings must adhere to the following:

- a. New dwelling house design must respect the character, pattern and tradition of existing places, materials and built forms and must fit appropriately into the landscape;
- b. Be energy efficient in their design, layout and siting;
- c. Incorporate appropriate landscaping and screen planting by using predominantly indigenous species.

### **Rural Dwelling-House Design – sections 11.133 – 11.134**

11.133 Rural house design is important to maintaining the rural character of the City Hinterland. One-off housing in the urban hinterland has traditionally been urban generated and dwellings have been much larger than the housing need would dictate (e.g. +200 sqm average). Dwelling size should be limited to that required on the basis of need and therefore be limited to the applicant's household at the time of application. Dwellings should be designed to be extendable in phases as part of an architectural strategy to anticipate household size growth.

11.134 Any new rural housing development must be of a design, scale and layout that is respectful and sympathetic to traditional rural house designs and layouts. Suburban style dwelling house designs and large-scale developments that are not appropriate to a rural area in terms of character and layout should be discouraged.

## **6.2. Natural Heritage Designations**

There are no natural heritage designated sites in the vicinity of the site. The closest designation is Cork Harbour SPA which is c 4.8km from the site.

## **6.3. EIA Screening**

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**

The grounds of appeal are summarised as follows:

- Disagree with refusal no. 1. Proposed house should not be considered as a single house in the open countryside, rather it should be assessed as an infill proposal on a derelict and abandoned site within a long established residential cluster. Because of its particular character it would not give rise to any undesirable precedent. Granting permission would not prevent NPO19 from being achieved.
- Disagree that the site is visible from the surrounding lands and is detrimental to the open character of the lands. The site is not visually prominent and is not visually exposed. Mature boundaries on the site – this is a visually discrete location for a dwelling. No protected views will be compromised and no scenic amenity issues arise.
- The site forms part of a small long established residential cluster. The area is mapped as ‘city hinterland’ formerly known as metropolitan green belt where the objectives are to preserve open and prominent areas from development. There is longstanding planning practice of permitting infill proposals within residential clusters. This is one such location and the site is the only remaining site within this cluster. The site has been used previously for non agricultural brownfield uses such as car repair and recycling. The site does not fulfil a greenbelt function.
- The site is not a farm. The applicant has not claimed to be engaged in agriculture. The site is not part of agricultural lands.

- Do not agree that the development would result in random sprawl or ribbon development. There are sufficient controls in the CDP to protect against urban sprawl.
- Disagree with refusal no. 2. This refusal is redundant. The airport authorities have not raised any concerns and reference to 'those actively involved in farming' is inappropriate on a site that is not in the open countryside, has no effect on the operation of the airport and is not part of a farm.
- No objection is received from the Council's engineering or environmental staff.
- No objection from the airport authorities. Cork Airport DAA (under 24/42744) recommended noise insulation for the building. This could be addressed by condition.
- Third party issues regarding impact on residential amenity are not plausible.
- Third party has raised mapping error. Applicant does not agree there is a mapping error. Any boundary dispute matters is civil matter.
- SEP raised that design modifications may be considered. Condition can be attached for design modifications as necessary.
- Details provided in relation to the applicants family connections to the site which should be considered.
- The planning authority has not objectively considered the merits of the proposal.
- A similar application was refused under 24/42744 for six reasons. Three reasons relied on erroneous reading of their development plan zoning map as it relates to Airport Infrastructure.
- Site risks dereliction with impacts on residential amenity.
- Will not result in undesirable precedent.

## 7.2. Planning Authority Response

None

### 7.3. Observations

An observation was received on behalf of a number of third parties. The issues raised are summarised as follows:

- The site has been zoned in the Cork City Development Plan 2022-2028 Cork Airport Infrastructure. This area is designated as part of the Airport Safeguard Area.
- This building will interfere with their privacy as the proposed home is directly overlooking several properties.
- Extra traffic including HGVs on the laneway, noise pollution.
- Concern in relation to impact of sewerage on well water supplies, risk of contamination posing public health risk.
- The land is zoned city hinterland and there are strict controls on one off housing. The applicant has not provided justification. The applicant has a dwelling on Togher road and does not have a need for an additional rural dwelling.
- The development will adversely impact on views and natural beauty of the landscape and its character.
- Impact on wildlife.
- Set a precedent for further uncontrolled development in the area.
- Will result in devaluation of their properties.
- Will negatively impact on their local community (many older people).

### 7.4. Further Responses

None

## 8.0 Assessment

- 8.1. Having examined the application details and all other documentation on file, including all submissions received in relation to the appeal, and inspected the site,

and having regard to relevant policies and guidance, I consider that the main issues in the appeal are as follows:

- Principle of development
- Visual impact and design
- Other matters

## **8.2. Principle of development**

8.2.1. Under the Cork City Development Plan 2022-2028 the site is zoned ZO20 City Hinterland 'To protect and improve rural amenity and provide for the development of agriculture'. The CDP states that the primary objective of this zone is to preserve the character of the City Hinterland generally for use as agriculture, rural amenity, open space, recreational uses, green and blue infrastructure and to protect and enhance biodiversity. This zoning maintains a distinction between urban and countryside areas and avoids urban sprawl. Single housing will be facilitated only where the objectives and requirements on rural housing set out in Chapter 3 Delivering Homes and Communities are met.

8.2.2. The site is also within a block of lands designated 'Airport Development Safeguard & Framework Area'. Objective 10.53 of the CDP states that a new Framework Plan for the Airport and surrounding area will be prepared during the lifetime of this plan. This will provide a land use plan for the Airport and its immediate environs to allow for the co-ordinated and sustainable growth of the Airport to underpin its function as an economic driver in the region. Objective 10.54 relates to the Airport Safeguard Area and states that the objective is to safeguard the sustainable development of the Airport. The objective states that within this Airport Safeguard Area, the construction of one off housing will generally not be permitted save for exceptional circumstances such as those actively engaged in farming. All proposed developments within the area are to be referred to the Irish Aviation Authority to seek observations. I note the submission of the DAA (Cork Airport) which states they have no comment. No submission was received from the Irish Aviation Authority. Additional requirements for example in relation to noise around the airport is set out in the CDP. Should permission be considered, it is recommended that a condition be attached to require the preparation of a noise report with measures to protect the house from noise from the airport.

- 8.2.3. As per objective 10.54, any proposal for a one off house within the Airport Safeguard area must therefore satisfy the 'exceptional circumstances' test. Objective 3.13 states that single rural applicants in the City Hinterland area must show that the proposal constitutes an exceptional rural generated housing need and that any applicant must demonstrate an economic or social need to live in the area. Objective 11.9 sets out four categories of housing need based on social and / or economic links to the area. The applicant has confirmed that they are not involved in farming. The site is owned by the applicants nephew and the applicant has a connection to this area having lived with his grandfather, a sheep farmer, in the vicinity at Ballycureen as a child and then at Palmbury Orchard, Togher. The applicant works in Cork city and is a homeowner of a property on Togher Road within the Cork urban area.
- 8.2.4. Based on the information provided, I am satisfied that the applicant does not satisfy any of the four criteria. The applicant is not a farmer, the site is not part of a farm, the applicant is not employed on the lands, in agriculture or other rural dependent occupation, is not the landowner and is already an owner of a dwelling. The applicant does not have a social or economic need to live in this locality. The applicant does not have an exceptional rural generated housing need and the proposal does not comply with objective 10.54 of the CDP and is not acceptable.
- 8.2.5. The applicant has stated that this is a brownfield site, having previously been used for car repair and recycling, located within an existing cluster of residential development and that the site is suitable for residential infill development as proposed. Having reviewed google earth aerial photographs and streetmaps, the site appears to have been used previously for storage of vehicles and some structures were constructed. There is no evidence of a planning history to show that these uses or works had permission or were exempted development. The report of the Senior Executive Planner (13/03/2025) indicates that there does not appear to be any planning history on site for the use of lands as car repair and recycling. Although the site still contains some evidence of its former use, it is now substantially cleared and the site is now overgrown and vegetated. At present, the character of the site is more rural undeveloped than brownfield. The site is not within an urban area, it is not zoned for residential development and the zoning objectives do not allow for residential infill. The zoning objective is to protect and improve rural amenity and to

provide for agriculture. The proposal for non essential residential development on the site is not in accordance with the objective to protect the rural amenity of the area.

8.2.6. The applicant raises concerns that if left undeveloped, there is a risk of dereliction which will adversely impact on the amenities of the area. In this regard, I take the view that the undeveloped natural character of the site is in keeping with the surrounding area and that there is no risk of dereliction that would significantly adversely impact on the visual or residential amenities of the area.

8.2.7. In conclusion, I consider that in principle, the applicant does not qualify for a rural house in this Airport Safeguard Area. The proposal would not be in accordance with objective 10.54 of the CDP and is not in accordance with the zoning objective for the City Hinterland 'to protect and improve rural amenity and provide for the development of agriculture' and refusal is recommended.

### **8.3. Visual impact and design**

8.3.1. Objective 10.97 is to maintain the rural character of hinterland lands. Objective 10.98 is to protect the visual and scenic amenities of the hinterland environment. Objective 11.10 of the CDP states that new dwelling house design in rural areas must respect the character, pattern, material and forms of existing places and fit in the landscape. Section 11.133 states that rural house design is important to maintaining the rural character of the city hinterland. Section 11.134 of the CDP states that rural housing development must be of design, scale and layout that is respectful and sympathetic to traditional rural house designs and layouts and that suburban style dwelling house designs are not appropriate.

8.3.2. The site is not located in a landscape preservation zone or an area of high landscape value in the CDP. The site is on elevated lands and other dwellings in proximity to the site are predominantly single storey or dormer dwellings. The site's boundaries are treated with mature trees and hedge that screens the site.

8.3.3. The proposed house is to be located roughly centrally within the site. The house is a two storey deep plan layout with ground to ridge height of 7.65m and finished in plaster and slate with stone detailing. The front elevation addresses the rear southeastern corner of the site so that the side elevation addresses the entrance and rear elevation is directed at an angle towards the front. This is at odds to the established pattern near the site whereby houses follow the familiar pattern of front



elevation addressing the main entrance or road. Notwithstanding the mature boundaries on the site, I consider that the proposed two storey house on these elevated lands would be prominent and would be injurious to the visual amenity and landscape character of this rural area. The house contains mismatching windows, projecting bay windows and an elaborate porch. The design includes features common to suburban houses. I do not consider that the design is in keeping with traditional rural house design and it is not in keeping with the rural area.

- 8.3.4. In conclusion, I do not consider that the design of the house respects the rural character of this City Hinterland location. The proposed development is not in accordance with objective 11.10, 10.97 and 10.98 of the CDP

#### **8.4. Other matters**

- 8.4.1. Third parties have raised concerns in relation to the impact of the dwelling on the area and their properties including impact of increased traffic and capacity of the road, risk of contamination to well supplies, noise, overlooking, impacts on wildlife and devaluation of their property. Issues have also been raised in relation to site ownership matters. All of these matters are considered below.

##### **8.4.2. Traffic considerations**

- 8.4.3. The L6452 road is a lightly trafficked road of good condition and width. Cars travelling on approach to the site travel at relatively slow speeds due to the proximity of the main junction with the L2455 road, to accommodate other entrances on the road and due to the bend on the road near the site entrance. I note that the Council's Area Engineer has no objection to the proposed development. I am satisfied that the road has capacity to accommodate the additional traffic movements associated with the proposed development of a single house including any movements such as heavy vehicles at construction or operational stage. It is proposed to utilise the existing gateway entrance to the site which is located on a bend. This gateway is set back from the carriageway edge. The roadside boundary along the front of the site is overgrown and this restricts sightlines to the left of cars exiting. Some works would be required to this roadside boundary including removal of some bank and vegetation, however the existing trees and mature hedge along this boundary are set back from the carriageway and I am satisfied that any works for sightlines would not significantly compromise the trees and hedge. Adequate forward stopping sightlines

would be provided for right turning cars. Should permission be granted, it is recommended that a condition be attached for sightlines to require full visibility to be made available for 50m on either side of the entrance from a point 2m back and that the area between the road carriageway and boundary is finished in grass. In conclusion I consider that the proposed development would not result in traffic hazard or obstruction of road users.

8.4.4. Impact on adjoining residential amenity

8.4.5. The house is located towards the centre of the site and its front elevation faces towards the southeastern corner of the site and towards the parking area. There is a distance of 24m between the house and the western boundary which is adjoined by the neighbouring residential properties. There is a distance of 20.5m between the house and the front roadside boundary. Having regard to these separation distances I am satisfied that the proposed house would not result in any significant overlooking of adjoining properties.

8.4.6. Regarding noise, dust and traffic during construction, I am satisfied that subject to standard conditions to manage construction, that there would be no significant adverse impacts on residential amenity.

8.4.7. Drainage

8.4.8. The third parties have raised concerns that the development has potential to contaminate the well water supplies of adjoining properties

8.4.9. It is proposed to connect to the public sewer. No report is received from Uisce Eireann. The report of the Rural Water Operations (Road & Environment) requests further information in relation to the proposed domestic waste water system in accordance with EPA Code of Practice. I note that the development description does not include reference to an on site waste water treatment and disposal system and that the application form and drawings refer to sewer. Should permission be granted, it is recommended that a condition be attached to require the applicant to enter into a connection agreement prior to development. Having regard to the proposal to connect to a public sewer, I am satisfied that there would be no risk of contamination of ground water from on site effluent.

- 8.4.10. It is proposed to drain surface water to on site soakaways. The collection and disposal of surface water to on site soakaway is acceptable. I am satisfied that the collection and disposal of clean uncontaminated surface water would not result in contamination of ground water and would not pose a serious flood risk.
- 8.4.11. In conclusion, I am satisfied that the proposed development would not result in a pollution risk to other properties or lands. The proposed development is acceptable in terms of public health.
- 8.4.12. Biodiversity
- 8.4.13. The site contains existing mature vegetation. Should permission be granted, a condition should be attached for the retention of existing boundary trees and hedgerow. I am satisfied that the proposed development would not have significant adverse impacts on biodiversity.
- 8.4.14. Land ownership
- 8.4.15. I note that third parties had expressed concern that the site boundary does not match the boundaries constructed on the ground and that the western section of the site is currently part of the garden area of adjoining property. The applicant has responded stating that there is no mapping error and that any boundary dispute is a civil issue and that a planning permission does not confer a legal right to carry out development.
- 8.4.16. Should the application be progressed, it is recommended that the Board seek further information under section 131 of the Planning and Development Act in order for the applicant to submit documentary evidence that they have legal permission to execute the proposed development and to provide clarification regarding the existing use and structures on the western part of the site.
- 8.4.17. Devaluation of property
- 8.4.18. I note the concerns raised by third parties in respect of devaluation of neighbouring property. However having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

## 9.0 AA Screening

- 9.1.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.
- 9.1.2. This is a proposal to construct a new dwelling, vehicular entrance and associated works with connection to public foul sewer and water supply and disposal of surface water to ground.
- 9.1.3. The subject site is not located within or directly adjacent to any European site.
- 9.1.4. There are no rivers or streams running through or in proximity to the site.
- 9.1.5. Cork Harbour SPA is c 4.8km to the northeast of the site. There is no hydrological or ecological pathway between the development and Cork Harbour SPA.
- 9.1.6. Great Island Channel SAC is located 11.23km to the northeast of the site. There is no hydrological or ecological pathway between the development and Great Island Channel SAC.
- 9.1.7. Having considered the nature, scale and location of the proposed development, I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European site. The reason for this conclusion is as follows:
- Small and domestic nature of development,
  - The location and distance to Natura 2000 sites and
  - The lack of pathways to a Natura 2000 site.
- 9.1.8. I consider that the proposed development would not be likely to have a significant effect individually or in combination with other plans and projects, on a European site and appropriate assessment is therefore not required.

## 10.0 Water Framework Directive Screening

- 10.1.1. The site is located within the Lee, Cork Harbour and Youghal Bay WFD catchment and the Glasheen[Corkcity]\_SC\_010 sub catchment. The nearest river is the Moneygurney\_010 which is c 200m from the site. The site overlays the Ballinhassig

East ground water body. Ballinhassig East ground water body is a WFD protected area for abstraction of drinking water.

10.1.2. Under the 3<sup>rd</sup> cycle 2022-2027, there is no information in relation to status of the water bodies.

10.1.3. Under the 2<sup>nd</sup> cycle 2016-2021, the Moneygurney\_010 had good status and the Ballinhassig East groundwater body had good status.

10.1.4. The risk status of the Moneygurney\_010 is at review for the 3<sup>rd</sup> and 2<sup>nd</sup> cycle periods. The Ballinhassig East groundwater body is not at risk for the 3<sup>rd</sup> cycle.

10.1.5. 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 and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. 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 surface and / or groundwater water bodies either qualitatively or quantitatively.

10.1.6. The reason for this conclusion is as follows:

- The small scale domestic nature of the development including connection to public sewer and water supply and uncontaminated surface water disposal to ground on site,
- The distance to the nearest surface water bodies,

10.1.7. 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 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.

## 11.0 Recommendation

It is recommended that permission be refused.

## 12.0 Reasons and Considerations

1. The site is located on lands zoned City Hinterland 'To protect and improve rural amenity and provide for the development of agriculture' in the Cork City Development Plan 2022-2028. It is the policy of the planning authority that development within the hinterland area of the city is strictly limited. The site is located within the 'Airport Development Safeguard & Framework Area' within the city hinterland where objective 10.54 applies. Objective 10.54 is to safeguard the sustainable development of the area and to generally not permit the construction of one off housing save for exceptional circumstances such as those actively engaged in farming. The applicant is not engaged in farming and no exceptional circumstances have been demonstrated. The proposed development would conflict with the policies of the Development Plan and would be contrary to the proper planning and sustainable development of the area.
2. Objective 10.97 of the Cork City Development Plan 2022-2028 is to maintain the rural character of the hinterland area. Objective 10.98 is to protect the visual and scenic amenities of the hinterland area and objective 11.10 states that new dwelling design in rural areas must respect the character, pattern, materials and forms of existing places to fit in the landscape. It is considered that, by reason of its suburban design, two storey height and location on an elevated site, that the proposed house would form a discordant feature on the landscape at this location, would militate against the preservation of the rural environment and would set an undesirable precedent for other such development in the vicinity. The proposed development would seriously injure the visual amenities of the area. The proposed development would conflict with the objectives of the Development Plan. The proposed development would therefore be contrary to proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has

influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Aisling Mac Namara  
Planning Inspector

24<sup>th</sup> June 2025

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	322228-25
<b>Proposed Development Summary</b>	Construction of dwelling, vehicular entrance and associated works
<b>Development Address</b>	Lehenagh More, Togher, Cork
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (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.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<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 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	



<p>of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p>Class 10(b)(ii) – 500 dwelling units</p>

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

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

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	<b>322228-28</b>
<b>Proposed Development Summary</b>	Construction of dwelling, vehicular entrance and associated works
<b>Development Address</b>	Lehenagh More, Togher, 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>  (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).	<ul style="list-style-type: none"> <li>- Proposed residential use is compatible with other uses in the area,</li> <li>- Modest size and intensity of development</li> <li>- No significant use of natural resources or production of waste,</li> <li>- No significant risk of pollution or nuisance,</li> <li>- No significant risk of accidents / disasters to human health.</li> </ul>
<b>Location of development</b>  (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).	<ul style="list-style-type: none"> <li>- Rural site</li> <li>- Local ecology only on site</li> <li>- No built heritage</li> <li>- No designated sites at the site</li> </ul>
<b>Types and characteristics of potential impacts</b>  (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>Having regard to the following:</p> <ul style="list-style-type: none"> <li>- Nature and scale of the development,</li> <li>- Lack of significant environmental sensitivities on the site,</li> <li>- Absence of significant in combination effects,</li> </ul> <p>there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>

Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

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

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)