



An  
Coimisiún  
Pleanála

## Inspector's Report ACP-323464-25

<b>Development</b>	Construction of a dwelling and all associated site works.
<b>Location</b>	The rear of The Palms, Lehenaghmore, Togher, Cork.
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	2443432
<b>Applicants</b>	Michael O'Keeffe & Christine Kelleher
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party
<b>Appellants</b>	Bernard & Carol Harris
<b>Observers</b>	John O'Keeffe
<b>Date of Site Inspection</b>	28 <sup>th</sup> of October 2025
<b>Inspector</b>	Siobhan Carroll

## 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. Third Party Observations .....	5
4.0 Planning History.....	5
5.0 Policy Context.....	6
5.1. Project Ireland 2040 - National Planning Framework – First Revision – April 2025	6
5.2. Section 28 Ministerial Guidelines .....	7
5.3. Cork City Development Plan 2022-2028 .....	7
5.4. Natural Heritage Designations .....	8
5.5. EIA Screening .....	8
6.0 The Appeal .....	9
6.1. Grounds of Appeal .....	9
6.2. Applicant Response .....	10
6.3. Planning Authority Response.....	11
6.4. Observations.....	11
7.0 Assessment.....	13
7.1. Design and impact on residential amenity .....	13
7.2. Vehicular access and car parking .....	15
7.3. Sewer pipe .....	16
8.0 AA Screening.....	17

9.0 Water Framework Directive .....	18
10.0 Recommendation .....	19
11.0 Reasons and Considerations.....	20
12.0 Conditions .....	20
Appendix 1 – Form 1: EIA Pre-Screening	
Appendix 2 – Form 2: EIA Preliminary Examination	

## **1.0 Site Location and Description**

- 1.1. The appeal site with a stated area of 0.05 hectare is located at Lehenaghmore, Togher, Cork. It is situated circa 4km to the south of Cork City Centre. Cork Airport is located circa 1.6km to south of the site.
- 1.2. Togher is predominantly a residential area. There is currently new housing being constructed to the south of the appeal site on the eastern side of Togher Road. On inspection of the site, I observed that construction works were being carried out on Togher Road, the road to the west of the appeal site which forms part of the Lehenaghmore Road Improvement Scheme.
- 1.3. The site at 'The rear of The Palms' comprises a large section of the former rear garden of the property 'The Palms' which is a single storey detached dwelling which addresses Togher Road. To the south of this property there is a private road which extends for circa 37m it provides access to two residential properties to the east.
- 1.4. The appeal site adjoins this road to the north. The western site boundary adjoins 'The Palms'. The southern boundary adjoins no. 1 Togher Road which is a semi-detached two-storey dwelling. The eastern site boundary adjoins the property 'Rozalyn' which is the appellant's home. The property 'Rozalyn' is a detached dormer dwelling.

## **2.0 Proposed Development**

- 2.1. Permission is sought for the construction of a new dwelling house, vehicular entrance and all associated site works. The proposed dwelling is two-storey and detached with a floor area of 186.16sq m and a ridge height of 8.44m.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. Cork City Council decided to grant permission by Order dated 30<sup>th</sup> of July 2025. The permission is subject to 16 no. conditions.

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

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

3.2.2. Report of Executive Planner dated 30/1/2025 – Further information recommended.

3.2.3. Report of Senior Executive Planner dated 30/1/2025 – They concurred with the recommendation of the Planning Officer to seek further information.

3.2.4. Further information was requested on the 30/1/2025 in relation to the following issues; (1) Visual impact and impact on residential amenities (2) Landscaping & Boundary Details (3) Private Amenity Space (4) Vehicular access, parking and turning areas (5) Private Sewage pipe and (6) Drainage.

3.2.5. Report of Executive Planner dated 29/7/2025 – Following the submission of a response to the request for further information they considered that the issues raised were satisfactory addressed and grant of permission was recommended.

3.2.6. Report of Acting Senior Executive Planner dated 29/7/2025 – They concurred with the recommendation of the Planning Officer to grant permission.

#### **3.2.7. Other Technical Reports**

3.2.8. Area Engineer: report dated 21/1/2025 – Further information requested in relation to the storm water drainage.

3.2.9. Area Engineer: report dated 26/6/2025 – No objection subject to the attachment of a recommended condition.

3.2.10. Environment – No objection subject to the attachment of a recommended condition.

3.2.11. Planning & Integrated Development – No objection subject to the attachment of a conditions referring to development contributions.

### **3.3. Third Party Observations**

3.3.1. The Planning Authority received one submission/observation in relation to the application. The main issues raised are similar to those set out in the appeal.

## **4.0 Planning History**

4.1.1. None on the site.

### Adjacent sites

- 4.1.2. Reg. Ref. 10/8442 – Permission was granted for the demolition of an existing porch, utility room and car port and construction of a sunroom extension, porch extension and an on-suite extension to the dwelling on the site to the north-east.
- 4.1.3. Reg. Ref. 06/6597 – Permission was granted for the retention of garage and attic conversion and alterations to granny flat on the site to the east.
- 4.1.4. Reg. Ref. 03/6793 – Permission was granted for a conservatory extension to the dwelling on the site to the east.
- 4.1.5. Reg. Ref. 03/32118 – Permission was granted for an extension to a dwelling for use as a granny flat on the site to the north.

## **5.0 Policy Context**

### **5.1. Project Ireland 2040 - National Planning Framework – First Revision – April 2025**

- 5.1.1. The NPF includes a Chapter, No. 6 entitled ‘People, Homes and Communities’. It sets out that place is intrinsic to achieving good quality of life.
- 5.1.2. National Policy Objective 7 seeks to “deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.”
- 5.1.3. National Policy Objective 8 seeks to “deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints and ensure compact and sequential patterns of growth.”
- 5.1.4. 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.”
- 5.1.5. National Policy Objective 45 seeks to “increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.”

## 5.2. Section 28 Ministerial Guidelines

5.2.1. The following is a list of section 28 Ministerial Guidelines considered of relevance 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)
- ‘Design Manual for Urban Roads and Streets’ (DMURS) (2019)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) (2009)

## 5.3. Cork City Development Plan 2022-2028

5.3.1. The site is zoned ‘ZO 1 – Sustainable Residential Neighbourhoods where the objective is to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses. Residential development is a permissible use under this zoning.

5.3.2. The Development Plan supports the concept of infill housing on small sites and Objective 3.4 Compact Growth seeks to ensure that at least 66% of all new homes will be provided within the existing footprint of Cork.

5.3.3. Chapter 11 - Placemaking and Managing Development

- Objective 11.3 – Housing Quality and Standards, addresses matters such as the design, layout, room size, whether a house is single or dual aspect, waste storage, sunlight, daylight and overshadowing.
- Section 11.89 – Developments are required to meet minimum habitable room sizes and provided adequate daylight for residents.

### New Residential Development

- Section 11.66 – ‘Placemaking and Quality Design’ states that ‘when assessing proposals for residential developments a broad range of issues will be assessed, including:

- 10. Impacts on residential amenity of surrounding areas (e.g. overlooking, daylight, sunlight and overshadowing);
- Section 11.145 – Vehicular entrances should not be greater than 3m in width.

#### Separation, Overlooking and Overbearance

- Section 11.100 – Privacy and overlooking are important for quality of life.
- Section 11.101 – All development proposals will be required to demonstrate that they have been designed to avoid overlooking.
- Section 11.105 – Overlooking may be overcome by a multitude of design tools, such as: 1. Building configurations (bulk and massing); 2. Elevational design / window placement; 3. Using oblique windows; 4. Using architectural features; 5. Landscape and boundary treatments.

#### Infill Development

- 5.3.4. Section 11.139 – Infill development will be encouraged within Cork City... shall respect the height and massing of existing residential units... and shall enhance the physical character of the area by employing similar or complementary architectural language and adopting typical features (e.g. boundary walls, pillars, gates / gateways, trees, landscaping, fencing, or railings).
- 5.3.5. Section 11.145 refers to Residential Entrances/Parking in Front Gardens
- 5.3.6. Table 11.13: Maximum Car Parking Standards

#### **5.4. Natural Heritage Designations**

- 5.4.1. Cork Harbour SPA (Site Code 004030) is located circa 4.4km to the east of the appeal site.
- 5.4.2. Great Island Channel SAC (Site Code 001058) is located circa 10.9km to the east of the appeal site.

#### **5.5. EIA Screening**

- 5.5.1. 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.

## **6.0 The Appeal**

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

A third party appeal has been submitted by Bernard and Carol Harris. The issues raised are as follows;

- Concern is raised in relation to the siting of the proposed dwelling and the location of a sewer pipe which runs under the site which serves the appellants property.
- Concern is expressed in relation to the size of the site and its suitability to accommodate the proposed detached dwelling. The proposed dwelling would be constructed in the rear garden of an original council cottage. In relation to the siting of the dwelling the appellants have expressed concern that their front door will face the gable end of the dwelling with a door and window addressing their property.
- The appellants state that the existing driveway was constructed in 1983 and that it is maintained to a width of 3.98m which accommodates their rigid truck. They state that Cork City Council are currently in the process of upgrading the Togher Road to accommodate further developments. This road scheme would result in the reduction of the front garden of the 'The Palms'. Concern is expressed that there would be no parking on this section of road and this would include the loss of car parking for the bungalow adjacent to 'The Palms'. The appellants have concerns that the proposed development along with the upgrade of Togher Road would result in car parking occurring along the driveway which would block their access and exit from their property.
- The appellants state that they have spent a considerable amount of money on the upkeep and maintenance of the driveway over the years and that the

Council did not consider the impacts of the proposed development on the driveway. They request that the applicant access the proposed development from the original cottage's driveway.

- It is stated that the applicant does not have sole ownership or control of the shared driveway. The appellants state that they are a stakeholder in the driveway and that they do not consent to the proposed development.

## **6.2. Applicant Response**

A response to the third party appeal was submitted by the applicants Michael O'Keeffe and Christine Kelleher. The issues raised are as follows:

- In relation to the grounds of appeal it largely mirrors the objections which were submitted to Cork City Council and which were fully addressed in the Planner's Report. The proposed development was deemed in accordance with planning policy and relevant standards by the Planning Authority.
- It was stated in the appeal that the proposed dwelling would be constructed over the existing mains sewer pipe. This is not correct, as indicated on the drawings submitted with the application the sewer will be rerouted within the boundary with additional manhole access points provided. The Council considered this was a satisfactory proposal. The location of the sewer on private lands is a civil matter. The applicants confirm that the cost to move the sewer pipe will be paid by them and that they agree to facilitate any access for maintenance.
- The matter of the site size was raised in the appeal, it is highlighted that the Planning Authority assessed the site's capacity to accommodate the proposed development and that permission was granted based on compliance with Development Plan policies and standards. The site provides for adequate open space, parking and separation distances. Therefore, the proposed development cannot reasonably be described as overdevelopment. The proposal will integrate with established character of development in the area.
- The proposed development will not give rise to undue overlooking of neighbouring properties including the appellants property. This is

demonstrated in the submitted application drawings which show contiguous elevations and ridge levels. The matter of potential overlooking was further addressed by the condition attached by the Planning Authority which specified that first floor windows shall be fitted with opaque glazing.

- The issue of the existing driveway and vehicular access was raised in the appeal. The appellants were granted a right of way to use the shared driveway in the 1980's. The driveway is under the sole ownership of John O'Keeffe, the uncle of Michael O'Keeffe the joint applicant. A right of way was given to the appellants and one other neighbour to use the shared driveway. The appellant's easement does not provide them with a veto to prevent development. It is stated that the proposed development will not interfere with the appellants right of way.
- John O'Keeffe has confirmed that he will grant the applicants a right of way over the driveway in conjunction with the sale of the site. Only the owner of the land can grant this right of way. The driveway issue is a civil matter, however it has been addressed with relevant documentation. A copy of the Land registry folio has been provided with the appeal response.
- The site plans clearly show that adequate parking for two cars has been provided within the site. There is no requirement for parking on the shared driveway as the appellant has suggested.
- The applicants trust that the Commission will consider the points raised in the appeal response along with supporting documentation and make a fair decision on the matter.

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

- None received

### **6.4. Observations**

An observation to the appeal was submitted by John O'Keeffe the issues raised are as follows;

- The observer states that he is the sole owner of the property “The Palms”, Lehenaghmore, Togher, Cork. The application site described as “the rear of The Palms” remains in the ownership of the observer with a transfer currently in progress to the applicants Michael O’Keeffe and Christine Kelleher.
- The observer states that they confirm their full support for the proposed development. It is stated that they have been closely involved with the applicants throughout the design and consultation process and that significant efforts have been made to ensure that the development will have a minimal impact on surrounding property.
- The appeal refers to the proposed development being constructed in the back garden of a council cottage. The cottages along the hill were originally built over 100 years ago with generous landholdings as they were intended to support self-sufficient living. Over time the land was subdivided. Two portions of the original site were gifted to the observer’s brothers and the third was sold to the applicants. The current boundary arrangement is the result of these historical land transfers.
- In relation to the ownership of the shared driveway, the observer states that driveway in question is entirely under their sole ownership. They confirm that appellants have a right of way to access their property via this driveway, they do not own any part driveway. The right of way allows for passage only and it does not confer any ownership.
- The observer states that he will be providing the applicants with full legal access via this driveway and this has been clearly outlined in the planning application. The appellants suggest that the applicants use an alternative entrance. This is not rationale or practical and there is no basis for this.
- The appellants refer to the historical maintenance of the driveway and the lack of contribution from The Palms. The observer confirms this is correct. It was explicitly agreed at the time the right of way was granted as the appellant’s use of a rigid truck raised concerns for the then gravel surface of the driveway. It was understood and accepted that “The Palms” would not be required to contribute to the upkeep of the driveway.

- This arrangement remains unchanged. The observer confirms that the maintenance of the driveway will continue to remain the sole responsibility of the appellants as it has been for the past 40 years. The observer confirms that the applicants are not being given any stake in the ownership of the driveway and they will not be assuming any maintenance obligations unless the parties agree otherwise in the future. Their right to access will be legally provided, but this will not alter or interfere with the current maintenance arrangement.

## **7.0 Assessment**

Having examined the application details and all other documents on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issue in this appeal to be considered is as follows:

- Design and impact on residential amenity
- Vehicular access and car parking
- Sewer pipe

### **7.1. Design and impact on residential amenity**

- 7.1.1. The appellants have raised concern regarding the proximity of the proposed dwelling to their property. The issue of potential overlooking of the property was raised. The suitability of the site to accommodate the proposed dwelling in terms of its size was raised and concerns was expressed that it would be constructed in the rear garden of an original council cottage.
- 7.1.2. Section 11.139 of the Cork City Development Plan 2022-2028 refers to Infill Development. It states that new infill development shall respect the height and massing of existing residential units and that it shall enhance the physical character of the area by employing similar or complementary architectural language and adopting typical features. The proposal constitutes an infill development and as such

the design should align with the provisions of Section 11.139 of the Development Plan.

- 7.1.3. Regarding the suitability of the site to accommodate the proposed dwelling and the reduction in the rear garden of the original council cottage item no. 3 of the further information issued by the Planning Authority required that the applicants provide a block plan indicating private amenity space of “The Palms” in line with the requirements of SPPR 2 of the Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024). Under SPPR 2 the minimum private open space standard for 3-bedroom houses is 40sq m. In response to the matter the applicants confirmed that the existing dwelling “The Palms” has three bedrooms and that a private amenity area of 40sq m is provided. The Drawing titled “Private Amenity” submitted to the Planning Authority on the 10<sup>th</sup> of June 2025 illustrates the location of the proposed private amenity space to serve the new dwelling to the rear of the property and the private amenity space to the rear of “The Palms”. Both proposed areas are 40sq m which is in accordance with the minimum requirement. Having regard to the infill nature of the proposed development, and the provisions of SPPR 2, I consider that the proposed private amenity space is acceptable.
- 7.1.4. Regarding the matter of the siting of the proposed dwelling relative to the appellant’s property ‘Rozalyn’ it would be located 17m to the west of the main dwelling and 9m from the ancillary accommodation. The appeal refers to the front door of their property addressing the gable end of the proposed dwelling. The eastern side elevation of the proposed dwelling includes a small window and door at ground floor level serving the kitchen and WC. A window is proposed at first floor level serving bedroom no. 3. Having regard to the separation distance provided and the siting the appellants property relative to the new dwelling, I do not consider that undue overlooking would occur.
- 7.1.5. In relation to the matter of potential overlooking, I note that the permission granted by the Planning Authority includes a condition which required in relation to the fenestration on the southern (rear) elevation that the three new first floor windows for bathroom, en-suite and robes room shall be finished with opaque glazing. Should the Commission decide to grant permission for the proposed development I would recommend that a similarly worded condition be attached having regard to the fact

that the upper floor rear windows in the southern elevation directly address the rear garden of no. 1 Togher Road.

- 7.1.6. Regarding the design of the proposed dwelling, it is two-storey with a floor area of 186.16sq m and a ridge height of 8.44m. I note that there are a mix of house types in the area including two-storey semi-detached properties on Togher Road to the south-west with single storey and dormer properties to the north, east and west of the site. Given the mix of house types and designs, I consider that the proposed dwelling can be integrated into the area and would respect the height and massing of existing residential units as specified under Section 11.139 of the Development Plan which refers to Infill Development.

## **7.2. Vehicular access and car parking**

- 7.2.1. The grounds of appeal raised concern in relation to the proposed vehicular access arrangements and car parking proposals.
- 7.2.2. A new 3m wide vehicular entrance is proposed onto the private road to the north of the site. The private road which extends for circa 37m it provides access to two residential properties to the east. As detailed in the information submitted with the application, the appeal response and the observation to the appeal, the private road is owned by John O'Keeffe. The appellants Bernard and Carol Harris have a right of way to use the private road along with and another neighbour. The observer John O'Keeffe has confirmed that he will grant the applicants a right of way over the road in conjunction with the sale of the site. I note that a copy of the Land registry folio has been provided with the appeal response. In relation to the appellants arrangement regarding the maintenance of the road, John O'Keeffe confirmed that the maintenance of the driveway will continue to remain the sole responsibility of the appellants as it has been for the past 40 years. Accordingly, having regard to the details provided on file, that the applicants Michael O'Keeffe and Christine Kelleher will receive a right of way to use the private road upon the sale the site to them, I consider the matter has been satisfactory addressed.
- 7.2.3. The proposed vehicular entrance is located at a straight section of private road and 14m from the junction between the road and Togher Road to the west. I note that as detailed in the report of the Planning Officer dated 30/1/2025 that the Area Engineer

had no objections to the proposed 3m wide access onto the private road.

Accordingly, I consider these proposals are acceptable.

7.2.4. As part of the request for further information the applicants were required to provide a block plan showing the existing vehicular arrangements, parking and turning arrangements for the property 'The Palms' in the context of those proposal for the new dwelling. In response to the matter the revised plan titled "Vehicular Access" submitted to the Planning Authority on the 10<sup>th</sup> of June 2025 illustrates the vehicular access to the south of the dwelling 'The Palms' along with the parking and turning area. The revised plan of "Vehicular Access" indicates that two on-site car parking spaces are proposed to the east and west of the new dwelling with vehicular access to the front of the property.

7.2.5. Regarding the matter of the quantum of car parking, the site at Lehenaghmore, Togher, Cork is located within zone 3 as set out in Chapter 11 of the Development Plan and Table 11.13 of the Development Plan refers to Maximum Car Parking Standards. The proposed dwelling contains 3 no. first floor bedrooms. It is required under the Development plan that for a three-bedroom dwelling that a maximum of 2.25 no. car parking space be provided. Therefore, I am satisfied that the car parking proposed is in accordance with the Development Plan standards and that the proposed development and existing property 'The Palms' would not result in the generation of off-site car parking in the surrounding area including on the private road as raised in the appeal.

7.2.6. Accordingly, I consider the proposed development is acceptable in terms of access and parking considerations.

### **7.3. Sewer pipe**

7.3.1. The grounds of appeal refer to the location of an existing sewer pipe on the subject site and concern was expressed that the proposed dwelling would be constructed over this sewer line. In response to the matter the first party stated in their appeal response that it is not proposed to construct the dwelling over the sewer.

7.3.2. They confirm that as indicated on the plans submitted with the application it is proposed to rerouted sewer within the site boundary and that additional manhole access points are also proposed. The applicants confirm that they will pay to move



the sewer pipe as part of the proposed development, and they confirm that they agree to facilitate any access for maintenance. The first party highlighted in the appeal response that the location of the sewer on private lands is a civil matter.

- 7.3.3. The matter was addressed as part of the further information requested. The Planning Authority required that the applicants show on block plan any third party sewer pipes running across the site and how it will be managed. It was required that revised plans indicate existing and proposed sewer pipe connections for the proposed house. It was also required that they confirm wayleave arrangements for access to the sewer for maintenance purposes.
- 7.3.4. In response to the matter the applicants submitted a letter dated 12/6/2025 which stated that they as the new landowners of “The Rear of the Palms, Lehenaghmore” will redirect the sewer pipe at their own financial cost and that the original agreement will stand. Drawing titled “Private Sewer” submitted to the Planning Authority on the 10<sup>th</sup> of June 2025 illustrates the location of the proposed public sewer connection for the new dwelling, the existing and proposed public sewer connection to the neighbouring dwelling and three manholes.
- 7.3.5. The submitted revised site layout indicating the proposed connections, rerouting of the sewer and manholes clearly show that the proposed development will not impact on the operation of the existing sewer subject to it being carried out in accordance with the plans. The applicants have also confirmed that they agree to facilitate any access for maintenance. Therefore, I consider that matter has been satisfactorily addressed.

## **8.0 AA Screening**

- 8.1. I have considered case ABP-323464-25 in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.2. The closest European Sites, part of the Natura 2000 Network, is Cork Harbour SPA (Site Code 004030) which is located circa 4.4km to the east of the appeal site and Great Island Channel SAC (Site Code 001058) which is located circa 10.9km to the east of the appeal site.
- 8.3. The proposed development comprises a residential development of 1 no. house.

- 8.4. No streams/watercourses are identified on site.
- 8.5. 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.
- 8.6. The reason for this conclusion is as follows:
- The nature and scale of the proposed development and the location of the site on developed serviced lands.
  - The absence of any ecological pathway from the development site to the nearest European Site.
  - Location-distance from nearest European site.
- 8.7. 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.
- 8.8. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

## **9.0 Water Framework Directive**

- 9.1. The subject site is located at the rear of “the Palms”, Lehenagh More, Cork. It is situated on the eastern side of Togher Road circa 4km to the south of Cork City Centre. The Moneygurney river (MONEYGURNEY\_10) a tributary of the Douglas River is located 468m to the west of the appeal site. Lough Mahon (IE\_SW\_060\_0750) a transitional waterbody is located 4.38km to the east of the appeal site. The Lee Estuary Upper (IE\_SW0\_060\_0950) transitional waterbody is located to the north of the site. It is situated circa 2.95km from the site at the closest point. The ground waterbody Ballinhassig (Code IE\_SW\_G\_004) underlies the site.
- 9.2. The proposal comprises a residential development of 1 no. house, on a 0.05 hectare site, located on serviced lands within the suburban area of Togher in south Cork City. The grounds of appeal have not raised the matter of the Water Framework Directive.

9.3. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek 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. 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 waterbodies either qualitatively or quantitatively.

9.4. The reason for this conclusion is as follows:

- The nature and small scale of the development.
- The distance to the nearest surface water bodies.

### **Conclusion**

9.5. 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.

## **10.0 Recommendation**

10.1.1. I recommend that permission should be granted subject to the conditions set out below.

## 11.0 Reasons and Considerations

- 11.1. Having regard to the location of the subject site within Cork City and on lands zoned Objective ZO 01, Sustainable Residential Neighbourhoods under the provisions of the Cork City Development Plan 2022-2028, and the design, layout and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, that the proposed development would align with Section 11.139 of the Development Plan which refers to Infill Development and the proposed development would not seriously injure residential or visual amenities, established character or appearance of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 12.0 Conditions

1. The development shall be carried out and completed 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 10th day of June 2025 and the 27<sup>th</sup> of June 2025, 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.

**Reason:** In the interest of clarity.

2. The glazing to the bathroom, en-suite and robes room windows located in the southern elevation shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.

**Reason:** In the interest of residential amenity.

3. A scheme indicating the proposed boundary treatment, boundary planting and landscaping shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development on the site.

**Reason:** In the interest of residential amenity.

4. Details of the materials, 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.

**Reason:** In the interest of visual amenity.

5. 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/or wastewater collection network.

**Reason:** In the interest of public health and to ensure adequate water/wastewater facilities.

6. The attenuation and 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.

**Reason:** In the interest of public health.

7. Site development and building works shall be carried out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

**Reason:** To safeguard the amenity of property in the vicinity.

8. All necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works.

**Reason:** To protect the amenities of the area

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

10. The construction of the 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. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**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.

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.

---

Siobhan Carroll  
Planning Inspector

14<sup>th</sup> of November 2025

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ACP 323464-25
<b>Proposed Development Summary</b>	Dwelling house, vehicular entrance and all associated site works.
<b>Development Address</b>	The rear of the Palms, Lenenagh 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 checked="" 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	



<p>development under Article 8 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)(i) EIA is mandatory for developments comprising over 500 dwelling units or urban development over 10 hectares in size or 2 hectares if the site is regarded as being within a business district.</p> <p>The proposal is significantly below this threshold being 1 no. residential unit and the site has an area of 0.05 hectares which is sub threshold.</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>Yes <input type="checkbox"/></p>	<p><b>Screening Determination required (Complete Form 3)</b></p>
<p>No <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>	ACP 323432
<b>Proposed Development Summary</b>	Dwelling house, vehicular entrance and all associated site works.
<b>Development Address</b>	The rear of the Palms, 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).	The development has a modest footprint, comes forward as a standalone project. It 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.
<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).	The development is removed from sensitive natural habitats, centres of population and designated sites and landscapes of identified significance in the County Development Plan. There are no protected species/habitats on site.
<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).	Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>

There is no real likelihood of significant effects on the environment.	EIA is not required.  Include the following paragraph under EIA Screening (a separate heading) in the Inspectors report.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	<del>Schedule 7A Information required to enable a Screening Determination to be carried out.</del>
There is a real likelihood of significant effects on the environment.	<del>EIAR required.</del>

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

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

(only where Schedule 7A information or EIAR required)