



An
Coimisiún
Pleanála

Inspector's Report PL-500149-CK

Development	Demolition of existing structures and construction of dwelling house.
Location	O'Regans Avenue, Ballinluska, Myrtleville, Co.Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	254916
Applicant(s)	Ronnie Hennessy
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Ronnie Hennessy
Observer(s)	None
Date of Site Inspection	23rd December 2025
Inspector	Bernadette Quinn

1.0 Site Location and Description

- 1.1. The appeal site is located in the coastal village of Myrtleville, approx. 4km by road south of Crosshaven. The overall site area measures an area of 0.143ha and is located on O'Regans Avenue, a cul de sac providing access to the appeal site and adjoining dwellings. The appeal site contains an existing single storey dwelling and mobile home to the northeast of O'Regan's Avenue and an area containing an existing wastewater treatment system and car parking area to the south of O'Regan's Avenue. The existing single storey dwelling on site has a floor area of 62.4 sq.m and a ridge height of approx. 3.9m.
- 1.2. The northeastern section of the site slopes sharply with levels of 27.11m to the rear sloping down to 19.85m to the front on O'Regan's Avenue. The area to the south of O'Regan's Avenue has a more gradual slope with levels falling from 19.5m down to 17m. The southern boundary of this area comprises a post and wire fence and hedgerow beyond which is the coastline and Myrtleville Bay.
- 1.3. The area, including the sites adjoining the appeal site is largely characterised by single storey detached dwellings in a mix of styles. To the southwest of the appeal site on the opposite side of O'Regan's Avenue is a two-storey stone dwelling.

2.0 Proposed Development

- 2.1. It is proposed to demolish an existing dwelling and remove an existing mobile home to the rear of the site and to construct a two-storey split level dwelling with a gross floor area of 234 sq.m. Three bedrooms are proposed located on the ground and first floor and the proposed kitchen, living and dining area are located at first floor. A first-floor terrace is proposed on the front (south) elevation. The proposed dwelling is split level in response to the site levels with a single storey proposed to the rear and two storeys to the front. A flat roof is proposed with a maximum height of 6.75m at the front (south) elevation and 3.3m to the rear single storey (north) elevation.
- 2.2. An existing wastewater treatment system and existing car parking area located on the southern part of the site will serve the proposed dwelling. A soak pit is proposed on the southern part of the site to serve the development.

2.3. Following a request for further information the proposal was revised to omit a ground floor store and reduce the building depth by 1m and increased separation distances from site boundaries ranging from a minimum of 2m to 2.8m.

3.0 **Planning Authority Decision**

3.1. **Decision**

On 29th September 2025 Cork County Council issued notification of decision to grant permission subject to 15 conditions.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The Planning Officer's report dated 08/07/2025 can be summarised as follows:

- The principle of development within the settlement boundary of Crosshaven and the Bays is acceptable.
- Section 5.11.1 of the plan relating to replacement or refurbishment of existing habitable dwellings is considered relevant.
- Existing wastewater treatment and car parking permitted under 21/4333 will serve the proposal.
- In relation to ownership concerns raised by third parties, the arrangement whereby the dwelling curtilage is separated by a private road has been accepted under permission 21/4333.
- The site is located in a High Value Landscape where policy objectives GI 14-9 and GI 14-10 apply.
- Policy CS-GO-08 outlines that new dwelling design must be respectful of the character and pattern of existing dwellings while fitting appropriately into the elevated setting of the area. There are concerns regarding the scale/bulk of the proposal meeting the requirements of this policy and concern the dwelling is oversized, shoe horned into the site and would be overbearing and

incongruous and would set a precedent for similar developments on small plots.

- Having regard to the proposed height there is a requirement for increased distance from site boundaries to soften impact on adjoining properties and allow sufficient space for boundary planting.
- Full details of proposed retaining walls are required.
- A photomontage is required given the sensitivity of the site.

Following a request for further information, the planner's report dated 26/09/2025 can be summarised as follows:

- The red line boundary has been changed in the north east corner where the site area has increased but this is not possible during the course of the application. There are no boundary walls or structures in this 'new area' so revised drawings to correspond with the original drawings submitted on 15/05/2025 can be requested by way of condition.
- Metal cladding should be omitted in the horizontal position between the ground and first floor. This can be addressed by condition.
- It is recommended that permission is granted.

3.2.2. Other Technical Reports

Area Engineer: Request for further information in relation to details of boundary treatments.

3.2.3. Conditions

Condition no. 2: Prior to the commencement of development details shall be submitted for the written agreement of the Planning Authority of the following: a location map and a site layout plan with position of the red line application boundary as it was in drawings submitted on 15/05/2025. Any area of land falling outside of the red line boundary but in your ownership should be outlined in blue. Reason: To clarify the nature of the development permitted.

Condition no. 3: The design of the proposed dwelling shall be amended in the following respects:- (a) all metal cladding proposed on the front/south and side/east elevation shall be omitted entirely, (b) only stone or render shall be used to replace

same in the central part of the house above ground level and below first floor level, (c) only zinc metal cladding shall be used to replace the metal over the living room at roof level on the south and east elevations} and, before any development commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing, revised drawings making provision for the above requirements shall be submitted to and agreed with the Planning Authority. Reason: In the interests of visual amenity.

Condition no. 8: Development described in Classes 1,3 and/or 5 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001-2024 as amended, shall not be carried out within the curtilage of the proposed dwellinghouse without a prior grant of planning permission. Reason: In the interest of residential and visual amenity

Condition no. 9: Within 3 weeks of the construction of the proposed dwelling, the mobile home shall be permanently removed off the site as outlined in red in drawings submitted on 02/09/2025 (and as amended by condition 2). Reason: In the interest of visual and residential amenity.

3.3. Prescribed Bodies

None on file.

3.4. Third Party Observations

Three submissions were received in relation to the planning application. The issues raised are similar to the issues raised in the third-party appeal.

4.0 Planning History

Appeal Site:

21/4333: Permission granted for construction of a wastewater treatment system to serve existing dwelling, and associated site works, and the retention of fencing, alteration of site levels and the construction of a level area for car parking.

Site to East:

23/5645: Permission granted for construction of 2 no. detached, two storey, split level dwellings, with new access roadway, 2 no. new site entrances, 2 no. domestic wastewater treatment systems and all associated site development works.

5.0 Policy Context

5.1. Development Plan

The subject site is within the development boundary of Crosshaven and the Bays and is zoned 'Existing Residential/Mixed Residential and Other Uses'.

Section 18.3.3 states, inter alia, that the objective for this zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities. Infill developments, extensions, and the refurbishment of existing dwellings will be considered where they are appropriate to the character and pattern of development in the area and do not significantly affect the amenities of surrounding properties.

Policy objective ZU 18-9 states that the scale of new residential developments within the Existing Residential/Mixed Residential and Other Uses within the settlement network should normally respect the pattern and grain of existing urban development in the surrounding area.

The site is also located within an area designated a High Value Landscape.

High Value Landscape policy objectives GI 14-9 seeks, inter alia, to ensure that new development meets high standards of siting and design.

Objective GI 14-10 of the Plan states, inter alia, that higher development standards (layout, design, landscaping, materials used) will be required in areas designated as High Value Landscapes.

In Volume 4 South Cork Table 4-1-20 outlines general objectives for Crosshaven and Bays and includes Objective CS-GO-08 which states, inter alia, that new dwelling house design and scale needs to be respectful of the character and pattern of existing dwellings while fitting appropriately into the elevated setting of this coastal area of high value landscape overlooking Cork Harbour.

5.2. Natural Heritage Designations

The appeal site is not located in or immediately adjacent to a European Site, a Natural Heritage Area (NHA) or a proposed NHA (pNHA). The closest European sites are Cork Harbour SPA (Site Code 004030) located approx. 1.2 km southwest and 2.4km north of the site and Great Island Channel SAC (Site code 001058) located approx. 9.5 km north of the site.

5.3. 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.

6.0 The Appeal

6.1. Grounds of Appeal

One no. third party appeal has been received from Michael Twomey. The grounds of appeal can be summarised as follows:

- The PA raised concerns with regard to the scale and bulk of the original proposal submitted and considered it does not meet policy objective CS-GO-08. The revised design submitted in response to further information is the same type design as the initial application with little change.
- The proposal for a mass concrete block is unacceptable by virtue of its bulk, obtrusiveness, overlooking and overshadowing and from the rear will look like a mass concrete bunker.
- The overall site area is 0.143ha, however the location of the proposed dwelling is only 0.05ha (500 sq.m.). Given the site is subdivided by a road the proposed 2 storey dwelling of an approx. 300 sq.m. mass concrete box with

its overall obtrusiveness and bulk is overdevelopment of this sensitive elevated site.

- There are concerns in relation to the extent of excavation proposed and the amount of material to be removed from the site and what assurances the 3 houses to the rear of the site have that their ground will not be undermined and weakened by the proposed works in time.
- There is no objection to the proposed redevelopment of the site with a more sympathetic design in keeping with existing dwellings as set out in the Development Plan general objectives for Crosshaven & Bays, Table 4-1-20.

6.2. Applicant Response

A response received on behalf of the applicant can be summarised as follows:

- The appellant's concerns relate to the perceived impact on the view from his rear garden. The appellant's house is offset from the appeal site and overlooks a neighbouring house and is at a significantly higher elevation than the proposed dwelling.
- The proposed house is not proposed to be finished in concrete.
- Concerns relating to the proposal undermining the appellants house are unfounded given the significant separation distance and minimal excavation proposed.
- The further information response incorporated several design changes which included a reduction in excavation and reduction in building width and depth. The PA found that this revised proposal accords with Objective CS-GO-08 and concluded that the proposal would not be prejudicial to the residential amenities of the area.
- The area presents a highly diverse mix of architectural styles with no overriding architectural character, and the proposed contemporary dwelling is appropriate for the area.
- The design presented responds to the site-specific conditions and includes a flat roof and recessed first floor to break down the massing and ensure its

integration with adjoining dwellings along with high quality materials to ensure an attractive visual appearance.

- The extent of site excavation has been almost eliminated in the revised proposal, with only 1m depth excavation required to the existing dwelling footprint and the front portion of the site as shown on the site section drawing. Concerns regarding excavation and structural stability are therefore unwarranted.
- Having regard to the location of the appellants house relative to the appeal site it is impossible for the proposed dwelling to have any overlooking or overshadowing impacts on the appellants property. Letters of support have been submitted from adjoining property owners.
- It is requested that Condition 3 of the PA's notification of decision relating to omission of metal cladding be omitted. The use of metal cladding is integral to the design and local precedents are referred to where metal cladding / combination of materials were used. The replacement of metal with render as required by the condition defeats the intention of the condition by including an additional material to the most forward portion of the front elevation making it more piecemeal.
- The appeal is frivolous and vexatious and it is requested that the appeal is dismissed.

6.3. Planning Authority Response

Response received states that the PA has no further comment to make.

7.0 Assessment

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

- Impacts on Visual & Residential Amenities

- Other Matters

7.2. This assessment relates to the proposal submitted to the PA in response to further information.

7.3. **Impacts on Visual & Residential Amenities**

- 7.3.1. The appeal raises concerns that the design of the proposed dwelling fails to comply with policy objective CS-GO-08 and that the revised design submitted in response to further information is unchanged from the design submitted with the initial application and does not address the PA's concerns. Concerns are raised in relation to the scale, bulk, obtrusiveness and that the proposal will result in overdevelopment and fails to comply with Table 4-1-20 of the Development Plan. Concerns are also raised in relation to overlooking and overshadowing. The Planning Authority considered the proposal as amended in response to the further information request was acceptable which included a reduction in the building depth and an increase in distance from site boundaries.
- 7.3.2. The appellant's property along with a number of other single storey detached dwellings are located on a cul de sac to the rear of the appeal site where site levels are higher than the appeal site. There are also detached single storey dwellings located to the east and west on sites immediately adjoining the appeal site and which are accessed from the same section of O'Regan's Avenue as the appeal site. These existing dwellings are modest in scale and of varying design and generally with pitched roofs. There is a larger two storey dwelling to the southwest of the appeal site on the coast side of O'Regan's Avenue.
- 7.3.3. The appeal site slopes sharply with levels of 27.11m to the rear sloping down to 19.85m to the front and the proposed dwelling is split level in response to the site levels with a single storey proposed to the rear and two storeys to the front. A flat roof is proposed with a maximum height of 6.75m at the front (south) elevation and 3.3m to the rear (north) elevation. The dwelling is of contemporary design and material finishes include painted smooth render, natural stone and dark grey metal cladding. Windows at first floor serving living areas are proposed on the front (south) elevation overlooking O'Rourke's Avenue, on the west side elevation serving a kitchen and utility and on the east side elevation a corner window serves the living room and a side elevation window serves a bathroom.

Visual Impact

- 7.3.4. Drawings relating to Site Sections and Contextual Elevations show the height and scale of the proposed dwelling in the context of existing dwellings. I note the sloped nature of the site and that dwellings to the rear are positioned at a higher level than the appeal site. The proposed flat roof will be at a level of 27.11m. Adjoining dwellings to the east and west of the appeal site have pitched roofs with levels of 26.29m to the west and 27.14m to the east. Dwellings to the rear have pitched roofs with levels of approx. 32m and the proposed roof level is generally in line with the ground floor level of these dwellings to the rear. The proposed dwelling has an overall width of 13.8m. A depth of 9.3m is proposed at ground floor and 13.1m at first floor and the dwelling is positioned such that it is generally in line with existing dwellings to the east and west. Having regard to the site levels and the design and layout proposed I do not consider the proposed dwelling is of such a scale or design that it will be overbearing or obtrusive and I consider the scale and bulk is acceptable for the site. Whilst I note the scale of the dwelling is larger than existing surrounding dwellings, having regard to the design and layout proposed I am satisfied that the scale is respectful of existing dwellings. I also note that permission has been granted on a site approximately 25m to the east of the appeal site for two dwellings which are of a similar design, scale and massing to the proposed dwelling.
- 7.3.5. The appellant raises concerns that the appearance of the proposed dwelling is unacceptable noting it appears like a concrete bunker and a mass concrete box. I note the material finishes proposed include a mix of render and natural stone and I consider these finishes are appropriate. Having regard to the scale and design and to the combination of material finishes proposed I consider the proposed design is acceptable and I am therefore satisfied that the proposal will not give rise to unacceptable impacts on the visual amenities of surrounding properties. I do not consider it necessary that the design be of a traditional style as suggested by the appellant.
- 7.3.6. The appeal raises concerns that the proposed design is not compliance with Development Plan Table 4-1-20 and Objective CS-GO-08 therein. Table 4-1-20 outlines general objectives for Crosshaven and Bays. Objective CS-GO-08 is relevant to the proposed development and states 'New dwelling house design and scale needs to be respectful of the character and pattern of existing dwellings while

fitting appropriately into the elevated setting of this coastal area of high value landscape overlooking Cork Harbour'. Objectives GI 14-9 and GI 14-10 seek high standards of design in High Value Landscapes. Photomontages of the proposed dwelling were submitted to the PA in response to a further information request in this regard. Following receipt of the photomontages the PA raised no concerns in relation to the visual impact of the proposal. I note the appeal site contains an existing dwelling and is located in an area surrounded by a mix of dwelling types and that the proposed dwelling will be set back approx. 28m from the coastline. I also note that permission has been granted on a site approximately 25m to the east of the appeal site for two dwellings which are of a similar design, scale and massing to the proposed dwelling. Having reviewed the drawings and photomontages submitted and having inspected the site I do not consider the proposal will give rise to an unacceptable impact on the landscape. I am therefore satisfied that the proposal is in accordance with Objective CS-GO-08. Whilst I note the sensitivity of the landscape at this location which is identified as a high value landscape, I do not agree with the appellant that a traditional design is more appropriate for the site.

- 7.3.7. I note the characteristics of the area, with considerable variation in ground levels and with the appeal site located below the level of surrounding properties to the north and northwest. I also note the design of the proposed dwelling and the size of the appeal site and proposed separation from site boundaries, and to the built character of the surrounding area which comprises a mix of varying building styles. Having regard to the foregoing I am satisfied that the scale and design proposed can be accommodated on the site with no significant negative impacts on the visual amenities of the area. I do not consider the proposal will give rise to unacceptable visual impacts or that it will form an overbearing or incongruous feature or that it would negatively impact the character of the landscape.

Overdevelopment

- 7.3.8. I note concerns raised that the proposal relates to overdevelopment of the site having regard to the scale of development proposed and the overall size of the appeal site. Having regard to the scale of development proposed and to the site size and noting that sufficient private amenity space and internal standards are proposed and that adequate separation distances are provided for, I am satisfied that the

proposal will not result in overdevelopment of the site and that the proposal is acceptable in this regard.

Overshadowing

- 7.3.9. In relation to concerns raised regarding overshadowing, having regard to the height of the proposed dwelling, its position on site relevant to adjoining properties to the east and west and to the substantial level differences between the appeal site and dwellings to the rear, I do not consider that adjacent dwellings and amenity spaces will be adversely affected by the proposal in terms of a loss of daylight or sunlight. I do not consider a technical assessment of daylight and sunlight is required to support this finding.

Overlooking

- 7.3.10. In relation to overlooking I note the rear of the proposed dwelling is single storey and the rear elevation is below the existing dwellings to the rear and I am satisfied that no overlooking will occur on dwellings to the rear, including the appellants property. In relation to overlooking into adjoining properties to the east and west, I note a kitchen window faces the side elevation of the existing dwelling to the west which I consider acceptable. On the western side elevation I note a proposed corner window serving a living room on the south and east elevation is located towards the front elevation and that any potential overlooking will be over the front of the adjoining property to the east which I consider is acceptable. A terrace is proposed on the front elevation which is flanked by walls on its east and west such that it will not give rise to unacceptable overlooking into adjoining properties. Having regard to the above I am satisfied that the proposal will not give rise to unacceptable overlooking into neighbouring properties.
- 7.3.11. Having regard to the design and layout of the proposed dwelling, the separation distance from site boundaries, and to the changing site levels in the area, I am satisfied that the proposal will not give rise to unacceptable impacts of overbearing or overlooking on surrounding properties and that the proposal will not give rise to direct overlooking into windows serving habitable rooms.

Conclusion

7.3.12. Having regard to the above I consider the proposal will not result in unacceptable impacts on residential amenities of surrounding properties.

7.4. Other Matters

- 7.4.1. There are concerns in relation to the extent of excavation proposed and the potential impact of this on properties to the rear of the site as a result of the ground being undermined and weakened by the proposed works. I note that a new retaining wall is proposed to be constructed on the western boundary with a timber post and panel fence over. The rear elevation of the proposed dwelling is set back from the rear boundary, and the rear / single storey element requires limited excavation whilst the front / two storey element requires approx. 1m depth of excavation. Having regard to the scale of development proposed and the separation distance from the rear boundary I do not have concerns that the proposal will have undue impacts on properties to the rear. Furthermore, I note that any impacts relating to the concerns raised by the third party in this regard are a matter between the parties concerned.
- 7.4.2. The first party response to the appeal includes a request that condition 3 attached to the PA's decision relating to omission of metal cladding be omitted. I note the condition itself has not been the subject of an appeal by the first party and I therefore do not propose to consider the omission of the condition in my assessment of the third-party appeal and I do not consider it is relevant to the assessment of the appeal. I therefore consider it appropriate that if the Commission decides to grant permission that the PA's Condition No. 3 be attached.
- 7.4.3. The first party response to the appeal states that the appeal is frivolous and vexatious and requests that the appeal is dismissed. I do not consider the matters raised in the appeal are frivolous or vexatious and as such I do not recommend the Commission dismiss the appeal.
- 7.4.4. I note the red line boundary pertaining to the appeal site was amended on drawings submitted in response to the further information request. The PA considered this was not possible during the course of the application and included a condition requiring the site layout plan to correspond with the original drawings submitted on 15/05/2025. If the Commission decides to grant permission, I consider it appropriate that a condition to this effect be attached.

8.0 Water Framework Directive Assessment Screening

- 8.1. The subject site is located approx. 1.5km east of the nearest water body comprising the Minane (Cork)_010 river. The proposed development comprises the demolition of existing structures and construction of dwelling house as outlined in section 2.1 of this report.
- 8.2. No water deterioration concerns were raised in the planning appeal. 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 water bodies either qualitatively or quantitatively.
- 8.3. The reason for this conclusion is as follows:
- The small scale of development and the nature of works
 - The location-distance from nearest Water bodies and lack of hydrological connections
- 8.4. 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.

9.0 AA Screening

9.1. Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in the AA screening (refer to Appendix 3), I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant

effects Cork Harbour SPA (Site Code: 004030) & Great Island Channel SAC (Site Code: 001058) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- standard pollution controls that would be employed regardless of proximity to a European Site and effectiveness of same
- distance from European Sites, and
- the absence of meaningful pathway to any European Site

10.0 Recommendation

10.1. I recommend that planning permission should be granted, subject to conditions.

11.0 Reasons and Considerations

Having regard to the policies and objectives of the Cork County Development Plan 2022-2028, including the existing residential zoning objective, Objectives GI 14-9, GI 14-10 and CS-GO-08 relating to design in High Value Landscapes, to the scale, design and location of the proposed dwelling and the character and pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development provides for an acceptable design and would not seriously injure the residential amenities of property in the vicinity or the visual amenities of the area. The development would, therefore, be in accordance with the provisions of the Cork County Development Plan 2022-2028 and 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 02nd day of September 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 proposed development shall be amended as follows:
 - a) The site boundary shall correspond with the red line boundary on drawings submitted with the planning application on the 15th day of May 2025.
 - b) All metal cladding proposed on the front/south and side/east elevation shall be omitted entirely and only stone or render shall be used to replace same in the central part of the house above ground level and below first floor level.
 - c) Only zinc metal cladding shall be used to replace the metal over the living room at roof level on the south and east elevations

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of clarity and visual amenity.

3. Development described in Classes 1, 3 or 5 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwellinghouse without a prior grant of planning permission.

Reason: In the interest of visual and residential amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: in the interest of visual amenity and to ensure an appropriate high standard of development.

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water which shall also provide for appropriate Sustainable Urban Drainage Systems (SuDS), shall comply with the requirements of the planning authority for such works.

Reason: In the interest of public health.

6. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

7. Site development and building works shall be carried out only between 0800 to 1900 hours Mondays to Fridays inclusive and 0800 to 1400 hours on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

8. The construction of the development shall be managed in accordance with a Construction and Environmental 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 and dust management measures, waste management and recycling of materials, environmental protection measures, welfare facilities, site deliveries, complaints procedure, pest control and traffic management arrangements.

Reason: In the interest of public safety, environmental protection, and residential amenity.

9. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

10. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness, these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times

Reason: in the interest of proper planning and sustainable development.

11. The landscaping scheme shown on drawing number 103, as submitted to the planning authority on the 02nd day of September, 2025 shall be carried out within the first planting season following substantial completion of external construction works.

Reason: In the interest of residential and visual amenity.

12. 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 the 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.

Bernadette Quinn

10th February 2026

Appendix 1 - Form 1

EIA Pre-Screening

Case Reference	PL-500149-CK
Proposed Development Summary	Demolition of existing structures and construction of dwelling house.
Development Address	O'Regans Avenue, Ballinluska, Myrtleville, Co.Cork
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	

<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	State the Class and state the relevant threshold Class 10 (b) (i) Construction of more than 500 dwelling units and Class 10 (b) (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

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

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	PL-500149-CK
Proposed Development Summary	Demolition of existing structures and construction of dwelling house.
Development Address	O'Regans Avenue, Ballinluska, Myrtleville, Co.Cork
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</p> <p>(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).</p>	<p>Briefly comment on the key characteristics of the development, having regard to the criteria listed.</p> <p>The appeal site is located in an area characterised by residential development. The proposed development would therefore not be exceptional in the context of the existing environment in terms of its nature. The development would not result in the production of any significant waste, emissions or pollutants due to the nature of the proposed residential use.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>Briefly comment on the location of the development, having regard to the criteria listed</p> <p>The site is located adjacent to the coast in an area identified as a High Value Landscape and characterised by residential development. The site is serviced by an existing water supply and on-site waste water treatment system. The site is not located within, or immediately adjoining, any protected areas. Having regard to the scale and design proposed and to the existing pattern of development in the area the proposal is considered acceptable in the context of landscape sensitivity. The closest European sites are Cork Harbour SPA (Site Code 004030) located approx. 1.2 km southwest and 2.4km north of the site and Great Island Channel SAC (Site code 001058) located approx. 9.5 km north of the site. It is considered that no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on any European Site. The proposed development would not give rise to waste, pollution or nuisances that differ</p>

	<p>significantly from that arising from other residential developments.</p> <p>Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</p> <p>The development would generally be consistent with the scale of surrounding developments and would not be exceptional in the context of the existing urban environment.</p> <p>There would be no significant cumulative considerations with regards to existing and permitted projects/developments.</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.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3

**Screening for Appropriate Assessment
Test for likely significant effects
PL-500149-CC**

Step 1: Description of the project and local site characteristics

Brief description of project	Demolition of existing structures and construction of dwelling house.
Brief description of development site characteristics and potential impact mechanisms	<p>A detailed description of the proposed development is outlined in Section 2 of this report and details of the area of the proposed development are provided in planning documents provided by the applicant.</p> <p>The subject development would comprise the demolition of existing structures and construction of a split level dwelling house on a site area of 0.143ha.</p> <p>It is proposed to connect to an existing watermain. Foul water will be treated by an existing on site waste water treatment system. A soakpit is proposed to accommodate surface water.</p> <p>The subject site slopes steeply from northeast to southwest. To the north, east and west there are existing detached dwellings. To the south of the appeal site is the coast beyond which is Myrtleville Bay.</p> <p>The closest European sites are Cork Harbour SPA (Site Code 004030) located approx. 1.2 km southwest and 2.4km north of the site and Great Island Channel SAC (Site code 001058) located approx. 9.5 km north of the site.</p>
Screening report	No
Natura Impact Statement	No
Relevant submissions	None

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Cork Harbour SPA (004030)	Little Grebe (Tachybaptus ruficollis) [A004]	c.1.2km	There is a potential pathway via Myrtleville Bay which adjoins the appeals	N

	<p>Great Crested Grebe (Podiceps cristatus) [A005]</p> <p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Grey Heron (Ardea cinerea) [A028]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Teal (Anas crecca) [A052]</p> <p>Pintail (Anas acuta) [A054]</p> <p>Red-breasted Merganser (Mergus serrator) [A069]</p> <p>Oystercatcher (Haematopus ostralegus) [A130]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Lapwing (Vanellus vanellus) [A142]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Black-tailed Godwit (Limosa limosa) [A156]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p> <p>Curlew (Numenius arquata) [A160]</p> <p>Redshank (Tringa totanus) [A162]</p>		<p>site's southeastern boundary. This is a weak hydrological pathway to downstream sites. Cork Harbour SPA is located at a distance 1.2 km from the appeal site boundary. Over this distance the dilution and settlement process combined with tidal influence means this connection is very weak. Given the nature of the development which does not propose any works in close proximity to the coast and where the site of the proposed dwelling is separated from the coast by an existing access road serving the site, the potential for water quality contamination is very low. The site does not provide suitable habitat for the Qualifying Interests of Cork Harbour SPA. Any disturbance to the Qualifying Interest would be unlikely.</p>	
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	<p>Black-headed Gull (Chroicocephalus ridibundus) [A179]</p> <p>Common Gull (Larus canus) [A182]</p> <p>Lesser Black-backed Gull (Larus fuscus) [A183]</p> <p>Common Tern (Sterna hirundo) [A193]</p> <p>Wigeon (Mareca penelope) [A855]</p> <p>Shoveler (Spatula clypeata) [A857]</p> <p>Wetland and Waterbirds [A999]</p>			
Great Island Channel SAC (001058)	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Atlantic salt meadows (GlaucoPuccinellietalia maritimae) [1330]</p>	9.5 km	<p>As above. Myrtleville Bay which adjoins the appeals site's southeastern boundary provides a weak hydrological pathway and the potential for water quality contamination is very low. The Qualifying Interests are habitats not species and exsitu disturbance impacts are not relevant.</p>	N

¹ Summary description / **cross reference to NPWS website** is acceptable at this stage in the report

² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

³if no connections: N

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

From the AA Screening Report or the Inspector's own assessment if no Screening Report submitted, complete the following table where European sites need further consideration taking

the following into account:

(a) Identify potential direct or indirect impacts (if any) arising from the project alone that could have an effect on the European Site(s) taking into account the size and scale of the proposed development and all relevant stages of the project (See Appendix 9 in Advice note 1A).

(b) Are there any design or standard practice measures proposed that would reduce the risk of impacts on surface water, wastewater etc. that would be implemented regardless of proximity to a European Site?

(c) Identify possible significant effects on the European sites in view of the conservation objectives (alone or in combination with other plans and projects)

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: Cork Harbour SPA (004030) For QI see above	None	None
	Likelihood of significant effects from proposed development (alone): N	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Impacts	
Site 2: Great Island Channel SAC (001058) For QI see above	None	None
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	

Step 4 Conclude if the proposed development could result in likely significant effects on a European site

I conclude that the proposed development (alone) would not result in likely significant effects on Cork Harbour SPA (Site Code: 004030) & Great Island Channel SAC (Site Code: 001058). The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project]. No mitigation measures are required to come to these conclusions.

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects Cork Harbour SPA (Site Code: 004030) & Great Island Channel SAC (Site Code: 001058) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- standard pollution controls that would be employed regardless of proximity to a European Site and effectiveness of same
- distance from European Sites, and
- the absence of meaningful pathway to any European Site.