



An
Coimisiún
Pleanála

Inspector's Report PL-500180-CK

Development	Construction of 16 two storey houses.
Location	Harbour Heights, Ardmore, Passage West, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	255617
Applicant(s)	O'Brien and O'Flynn
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	O'Brien and O'Flynn
Observer(s)	Cllr Eoghan Fahy
Date of Site Inspection	29 th January 2026
Inspector	Irené McCormack

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1.0 Site Location and Description

- 1.1. The appeal site is located on the northeastern periphery of Passage West on the townlands of Pembroke, 1.3kms northwest of the town centre.
- 1.2. The site is a greenfield site adjacent to the built up area, characterised predominantly by suburban housing. There is an active farmyard and farm access roads located to the rear of the site. The site is 0.3537ha. in area.

2.0 Proposed Development

- 2.1. In summary, the proposed development will comprise:

Permission to construct 16 no. two storey dwelling houses which includes 2 no. 3 bedroom semi-detached houses, 3 no. 3 bedroom terrace houses, 9 no. 2 bedroom terrace houses and 2 no. 2 bedroom houses and all associated site works.
- 2.2. An Engineering Report, Public Lighting Layout and Report and a Drainage Impact Assessment accompanying the application.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 28th August 2024, Cork County Council issued notification of a decision to REFUSE permission for the proposed development for three no. reason.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The report provides a summary of the proposed development and the planning history of the site. The report reviews the characteristics of the site and the proposed development and various policies and provisions of the Development Plan.
- The subject site includes lands which have been reserved for use as a nursing home. A key aspect of the Harbour Heights development is that the Planning Authority and An Bord Pleanála have consistently attempted to ensure the provision of community facilities to support the quantum of housing development involved.

- PL 04.208058 & 03/4501 and the later 16/7217 (extended by 22/4692) permission included conditions expressly relating to the issue of community facilities. Under compliance with Condition 2 of 16/7217, a Section 47 agreement was signed relating to the provision of community facilities (creche and nursing home). CCC 22/4692 is still in effect.
- The current proposal to build housing on these lands contravenes condition 2 of 16/7217 as extended by 22/4692 and is therefore contrary to the proper planning and sustainable development of the area. A housing development of this size should provide some community facilities and therefore given that this appears to be the only remaining part of the landholding undeveloped, it should be used to provide these facilities.
- Refusal recommended

3.2.2. The Senior Executive Planner and Senior Planner's reports reflect the recommendation of the Planning Officer. The Planner's report recommend refusal for the following reason:

3.2.3. Refusal recommended for the following reasons:

1. The proposed development would materially contravene Condition No. 2 of Planning Permission Register No. 16/7217 as extended by 22/4692 which states that a planning application for a nursing home on the reserved site shall be made within 12 months of the decommissioning of the temporary treatment plant . A section 47 legal agreement has been entered into to this effect and as such it is considered that the subject site should be reserved for a nursing home and that the proposed development would be contrary to these requirements, contrary to the stated condition and would therefore be contrary to the proper planning and sustainable development of the area.
2. The proposed development would materially contravene Condition No. 4 of Planning Permission Register No. 03/4501 (PI.04.208058) as extended by 10/4602 and 12/4583 which governs the development of the overall lands of which the site forms part and which states that when the Cork Harbour Main Drainage Scheme becomes available, the wastewater treatment plant shall be decommissioned and that area of ground shall be developed as part of the nursing home together with the adjoining reserved land. It is therefore

considered that the subject site should be reserved for a nursing home and that the proposed development would be contrary to these requirements, contrary to the stated condition and would therefore be contrary to the proper planning and sustainable development of the area.

3. Part of the subject site is located in the 'Cork Metropolitan Green' rural area as identified in the Cork County Development Plan 2022-2028 where policy objective RP 5-3 applies. It is considered that the proposed development represents an encroachment into un-zoned rural lands, would represent piecemeal and haphazard development, would create an undesirable precedent for future similar developments, would be contrary to policy objectives ZU 18-2 and ZU 18-3 of the aforementioned Plan (which seeks to locate new development within the development boundary) and would therefore be contrary to the proper planning and sustainable development of the area.

3.2.4. Other Technical Reports

Estates Engineer (9/9/2025): No objection but requirement to request confirmation from the developer's representative that sufficient capacity is available within the existing or already approved storm water system (including storm water attenuation).

Public Lighting Engineer (5/9/2025): No objection subject to conditions.

Part V Officer (emailed dated 14/8/2025): Application can be validated.

Area Engineer: No report received.

Architects Dept: No report received.

Water Services Dept: No report received.

Housing Officer: No report received.

3.3. Prescribed Bodies

Inland Fisheries Ireland (2/9/2025): No objection subject to confirmation that there is sufficient capacity to dispose of effluent.

3.4. Third Party Observations

- 3.4.1. The PA note one third party submission from Cllr Fahy. The issues raised include:

- This section of land was previously reserved for and approved for a nursing home

and 2 no. creches as approved under 12/4583.

- If this permission is granted, it will result in the largest estate in Passage West (approx. 500 units) with no added facilities to the community.
- There are no shops, nursing home, community facilities etc.

4.0 Planning History

Relevant recent Planning History

CCC 22/4692 - Extension of Duration to Permission granted under Planning Ref. No. (16/7217). O'Brien & O'Flynn were granted planning permission for construction of 244 no. dwellinghouses, 4 no. residential serviced sites and all associated ancillary development works including a roundabout onto the Rochestown Road (R610) at the entrance to the site, footpaths, foul and storm water drainage (including the provision of surface water attenuation and water storage tanks), landscaping and amenity areas (including a viewing area on the southern portion of the site). This permission would cease to have effect on 29/01/2028.

CCC 16/7217 - O'Brien & O'Flynn were granted planning permission for construction of 244 no. dwellinghouses, 4 no. residential serviced sites and all associated ancillary development works including a roundabout onto the Rochestown Road (R610) at the entrance to the site, footpaths, foul and storm water drainage (including the provision of surface water attenuation and water storage tanks), landscaping and amenity areas (including a viewing area on the southern portion of the site).

Condition no. 2 stipulated: *'Prior to the commencement of any development, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing the developer shall enter into a legal agreement with the Planning Authority under the provisions of section 47 of the Planning and Development Act, 2000, as amended in which an undertaking is given that: (a) the permitted crèche under 15/6508 will be constructed and completed within 12 months of the decommissioning of the temporary treatment plant, (b) a planning application for a nursing home on the reserved site shall be made within 12 months of the decommissioning of the temporary treatment plant.'*

Reason: In order to ensure consistency with the zoning objective and to ensure the proper planning and sustainable development of the area.'

CCC 15/6508 -Permission granted to G Maloney and P O Connell Joint Statutory Receivers Poinsetta Properties Ltd to **decommission the existing temporary waste water treatment plant and construct a two storey crèche with all associated site works and services in accordance with condition 2(a) of An Bord Pleanála decision reference PL04.208058**. This permission has not been implemented to date.

CCC 12/4583 -Extension of duration permission granted to O'Brien & O'Flynn Ltd. for the completion of construction of 347 no. dwelling houses and 249 no. apartments/duplex apartments, roundabout and reserved sites for a nursing home and 2 no. crèches, extension of duration to permission granted under An Bord Pleanála ref. no. PL04.208058 (CCC 03/4501) and previously extended under planning reg. no. 10/4602.

CCC 10/4602 -Extension of duration permission granted for completion of construction of 347no. dwellinghouses & 249 apartments/duplex apartments, roundabout & reserved sites for a nursing home & 2no. creches, granted under planning ref. no. 03/4501 (which expired on the 23/03/2013).

ABP PL 04.208058 / CCC 03/4501 -Permission granted on appeal to O'Brien & O'Flynn Ltd. for construction of 10 number four/five bedroom detached houses, 20 number four/five bedroom semidetached houses, 317 number two/three/four bedroom terraced houses, 216 number two/three bedroom duplex units and 33 number two bedroom apartments in a two/three-storey development. Provision of a new roundabout on Rochestown Road to facilitate access to the development. Two number reserved sites for crèches are included and a reserved site for a future nursing home all on an 18.27 hectares (45.15 acres) site. Permission was granted for a period of 10 years on the 24/03/05.

Condition no. 4 of PL.04.208058 stipulated: *'When the Cork Harbour Main Drainage Scheme becomes available the wastewater treatment plant shall be decommissioned and that area of ground shall be developed as part of the nursing home together with the adjoining reserved lands. Reason: In the interest of orderly development.'*

NOTE: The subject site was included in the application site boundary of the original permission PL 04.208058 & 03/4501.

5.0 Policy Context

5.1. Cork County Development Plan 2022-2028

Zoning

The subject site is zoned 'ER' - Existing Residential/Mixed Residential and Other Uses.

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. The strengthening of community facilities and local services will be facilitated subject to the design, scale, and use of the building or development being appropriate for its location.*

County Development Plan Objective

ZU 18-9: Existing Residential/Mixed Residential and Other Uses *

The scale of new residential and mixed 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. Overall increased densities are encouraged within the settlement network and in particular, within high quality public transport corridors, sites adjoining Town Centres Zonings and in Special Policy Areas identified in the Development Plan unless otherwise specified, subject to compliance with appropriate design/amenity standards and protecting the residential amenity of the area.

Other uses/non-residential uses should protect and/or improve residential amenity and uses that do not support, or threatens the vitality or integrity of, the primary use of these existing residential/mixed residential and other uses areas will not be encouraged.

*Note: This is based on Existing Residential/Mixed Residential and Other Uses applying to main towns and to key villages with a population of over 1500 or a population expected to grow over to 1500 in the lifetime of the Plan.

Appropriate Uses in Existing Residential/Mixed Residential and Other Uses Areas

Residential development, residential care, sheltered housing, specialised housing, small scale retail, local centres/ neighbourhood centres, small scale commercial, community facilities, childcare facilities, education facilities, places of worship, civic uses, small scale offices, local medical /healthcare services, marine facilities, sports facilities, recreation and amenity facilities, bed and breakfast/guesthouses/hotels.

A small portion of the site lies outside of the development boundary and is zoned 'Metropolitan Greenbelt'.

County Development Plan Objective

RP 5-12: Purpose of Greenbelt

- (a) Maintain a Green Belt for Metropolitan Cork with the purposes of retaining the open and rural character of lands between and adjacent to urban areas, maintaining the clear distinction between urban areas and the countryside, to prevent urban sprawl and the coalescence of built-up areas, to focus attention on lands within settlements which are zoned for development and provide for appropriate land uses that protect the physical and visual amenity of the area.
- (b) Recognise that in order to strengthen existing rural communities' provision can be made within the objectives of this Plan to meet exceptional individual housing needs within areas where controls on rural housing apply.

**County Development Plan Objective
RP 5-13: Land Uses within the County Metropolitan Greenbelt**

Preserve the character of the Metropolitan Greenbelt as established in this Plan and to reserve generally for use as agriculture, open space, recreation uses and protection / enhancement of biodiversity of those lands that lie within it.

- **Objective ZU 18-2: Development and Land Use Zoning** -Ensure that development, during the lifetime of this Plan, proceeds in accordance with the general land use objectives and any specific zoning objectives that apply to particular areas as set out in this Plan.
- **Objective ZU 18-3: Development Boundaries** -For any settlement, it is a general objective to locate new development within the development boundary, identified in this Plan that defines the extent to which the settlement may grow during the lifetime of the Plan.

Other relevant 'Greenbelt' objectives:

**County Development Plan Objective
RP 5-3: County Metropolitan Cork Strategic Planning Area**

Objective RP 5-3 should be read in conjunction with **Chapter 14 Green Infrastructure and Recreation** and the section relating to 'Prominent and Strategic Metropolitan Cork Greenbelt Areas' including Objective GI 14-16 and Figure 14-3.

The Metropolitan Cork Greenbelt is the area under strongest urban pressure for rural housing. Therefore, applicants shall satisfy the Planning Authority that their proposal constitutes an exceptional rural generated housing need based on their social and / or economic links to a particular local rural area, and in this regard, must demonstrate that they comply with one of the following categories of housing need:

- (a) Farmers, including their sons and daughters who wish to build a first home for their permanent occupation on the family farm.
- (b) Persons taking over the ownership and running of a farm on a full-time basis, who wish to build a first home on the farm for their permanent occupation, where no existing dwelling is available for their own use. The proposed dwelling must be associated with the working and active management of the farm.
- (c) Other persons working full-time in farming, forestry, inland waterway, or marine related occupations, for a period of over seven years, in the local rural area where they work and in which they propose to build a first home for their permanent occupation.
- (d) Landowners including their sons and daughters who wish to build a first home for their permanent occupation on the landholding associated with their principal family residence for a minimum of seven years prior to the date of the planning application.

In circumstances, where a family land holding is unsuitable for the construction of a house, consideration may be given to a nearby landholding where this would not conflict with Objective GI 8-1 and other policies and objectives in the Plan. In this context a 'nearby landholding' may be construed to mean adjoining landholdings but not normally more than 1.5km from the prospective applicant's family residence. Proposals exceeding the 1.5km distance may be considered in exceptional circumstances on a case-by-case basis.

The total number of houses within the Metropolitan Greenbelt, for which planning permission has been granted since 15th January 2015 on a family farm or any single landholding within the rural area, will not normally exceed two.

**County Development Plan Objective
RP 5-21: Greenbelts around Main Towns GB 1-2**

In some parts of the greenbelts around the towns it will be possible to accommodate limited numbers of individual houses in an appropriate rural setting providing;

- The character of the area as a whole will remain predominantly rural and open
- Proposals will not cause linear roadside frontage development (ribbon development); and,
- The development is consistent with the proper planning and sustainable development of the area

The site is located in a High Value Landscape where policy objectives GI 14-9 and GI 14-10.

County Development Plan Objective GI 14-9: Landscape
a) Protect the visual and scenic amenities of County Cork's built and natural environment.
b) Landscape issues will be an important factor in all land-use proposals, ensuring that a pro-active view of development is undertaken while protecting the environment and heritage generally in line with the principle of sustainability.
c) Ensure that new development meets high standards of siting and design.
d) Protect skylines and ridgelines from development.
e) Discourage proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments.
County Development Plan Objective GI 14-10: Draft Landscape Strategy
Ensure that the management of development throughout the County will have regard for the value of the landscape, its character, distinctiveness and sensitivity as recognised in the Cork County Draft Landscape Strategy and its recommendations, in order to minimize the visual and environmental impact of development, particularly in areas designated as High Value Landscapes where higher development standards (layout, design, landscaping, materials used) will be required.

Chapter 3 - Settlements and Placemaking

Objective PL 3-2: Encouraging Sustainable and Resilient Places

As part of the Council's commitment to deliver compact growth and resilient places, the Plan supports:

- b. The development of brownfield, infill and under-utilised lands within the built envelope of the existing settlement network;*
- e. The establishment of a database of brownfield, opportunity and regeneration-sites in order to manage and coordinate active land management priorities across multiple stakeholders on an ongoing basis.*
- f. Supports the re-use and revitalisation of brownfield sites and heritage buildings in both urban and rural.*

Chapter 4 Housing

Objective HOU 4-6: Housing Mix

- a) Secure the development of a mix of house types and sizes throughout the County as a whole to meet the needs of the likely future population across all age groups in accordance with the guidance set out in the Joint Housing Strategy and the Guidelines on Sustainable Residential Development in Urban Areas.*

b) Require the submission of a Statement of Housing Mix with all applications for multi-unit residential development in order to facilitate the proper evaluation of the proposal relative to this objective. The Statement of Housing Mix should include proposals for the provision of suitable housing for older people and the disabled in the area.

Other Relevant Policies/Objectives

- HE 16-21 Design and Landscaping of New Buildings

a) Encourage new buildings that respect the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape.

b) Promote sustainable approaches to housing development by encouraging new building projects to be energy efficient in their design and layout.

c) Foster an innovative approach to design that acknowledges the diversity of suitable design solutions in most cases, safeguards the potential for exceptional innovative design in appropriate locations and promotes the added economic, amenity and environmental value of good design.

d) Require the appropriate landscaping and screen planting of proposed developments by using predominantly indigenous/local species and groupings and protecting existing hedgerows and historic boundaries in rural areas. Protection of historical/commemorative trees will also be provided for.

- GI 14-9 which seeks to protect the landscape, the built and natural environment by ensuring that developments meet high quality design standards.

- WM 11-9 which requires that development in all settlements connect to public wastewater treatment facilities subject to sufficient capacity being available which does not interfere with Council's ability to meet the requirements of the Water Framework Directive and the Habitats Directive.

Section 15.12.23 - Construction and Demolition Waste (C&D).

- Regard was also had for Section 18.3 of the plan which deals with 'Existing Residential/Mixed Residential and Other Uses', the zoning which pertains to the lands in question.

Volume 4 of the CDP relates to South Cork

Section 1.5 relates to Passage West/Glenbrook/Monkstown.

General Objective include:

PW-GO-01 Population and Housing Secure the development of 379 new dwellings in Passage West/Glenbrook/Monkstown between 2022 and 2028 in order to facilitate the sustainable growth of the town's population from 5,843 to 6,835 people over the same period.

PW-GO-03 - Development Boundary All new development will be located within the development boundary of the town established by this plan, and which defines the extent to which Passage West/Glenbrook/Monkstown may grow during the lifetime of the plan.

5.2. **National**

5.2.1. Climate Action Plan, 2025

- The approved Climate Action Plan 2025 is the third statutory update to the plan since the Climate Action and Low Carbon Development (Amendment) Act 2021. This plan builds upon the 2024 plan and outlines how Ireland will accelerate climate action to meet its goals of reducing greenhouse gas emissions by 51% by 2030 and achieving climate neutrality by 2050.
- The Plan acknowledges investment in emissions reduction is growing as the urgent need to act is increasingly being recognised and as the benefits of the transition to a low carbon society become clearer.

5.3. **Natural Heritage Designations**

The proposed development is not located within or immediately adjacent to any European Site. The closest Natura 2000 sites is the Cork Harbour SPA (004030) located c.0.75kms to the north of the site, the Great Island Channel SAC (001058) is located c. 1.4km to the northeast.

5.4. **Environmental Impact Assessment (EIA) Screening**

The proposed development has been subject to preliminary examination for environmental impact assessment, please refer to Appendix 1: Form 1 and Form 2 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 – First Party

A first-party appeal has been lodged only against the decision of Cork County Council decision to refuse planning permission for the proposed development. The grounds of appeal as summarised as follows:

- It is argued that the Council has misinterpreted the effect of the section 47 agreement and condition no. 2 of 16/7517 (as extended by 22/4692). The condition requires a planning application to be made within 12 months of the decommissioning of the temporary treatment plant, and the treatment plant has not yet been decommissioned. It is further argued that neither the condition nor the legal agreement restricts the applicant from lodging an application for an alternative form of development.
- The first party contend that the Council has materially contravened condition no. 4 of ABP Ref. PL.04.208058 as they granted permission for a creche on the site of the existing treatment plant on land originally reserved for a future nursing home. The remaining 0.33ha. is not of sufficient size to accommodate a viable nursing home. The rationale for refusing the proposed development for a potential nursing home no longer stands.
- It is set out that part of the site does not lie within the 'Cork Metropolitan Green' area. A review of the Cork County Development Plan zoning and green infrastructure mapping overlaid on the OS base map sets out that the red line application boundary is entirely within the built-up area of passage west. It is stated that 'the mapped boundary does not align with the physical hedgerow that defines the true edge of the developed lands, with a variation of less than 7 metres between the two. The proposed boundary aligns with this hedgerow, which is consistent with previous planning permission boundaries..' The site does not encroach on rural unzoned lands.

6.2. Planning Authority Response

None

6.3. Observations

None

7.0 Assessment

7.1.1. Having inspected the site and examined the application details and all other documentation on file, including all the submissions received in relation to the appeal, and having regard to relevant local/national policies and guidance, I consider that the main issues in this appeal can be addressed as follows:

- Principle of Development
- Planning History – Established Planning Conditions

7.2. Principle of Development

Proposed Development

7.2.1. The proposed development seeks permission to construct 16 no. two storey dwelling houses, consisting of:

- 2 no. 3 bedroom semi-detached houses;
- 3 no. 3 bedroom terrace houses;
- 9 no. 2 bedroom terrace houses;
- 2 no. 2 bedroom houses,

and all associated site works.

7.2.2. I draw the commission attention to the FFL of the proposed houses which is c. 7m below the duplex units to the southwest. There is an established landscape buffer between the site and a separation distance of c.30 between the opposing elevations. I am satisfied that this is acceptable in the context of this suburban site.

7.2.3. The houses are aligned perpendicular to the access road (east of site) and arranged in two rows to face each other. The proposed house designs reflect the general character of the surrounding two storey houses, and I note the PA raised not concerns in this regard. I would agree.

7.2.4. The PA note the omission of some floor plan and elevation drawings. In this regard, I note a complete set of drawings for units 1 -3 as identified on the site layout plan (drawing no. 0909-P4-01) have not been submitted. However, I am satisfied that this

can be addressed by way of condition should the Commission be minded to grant planning permission in so far as the design concept reflects the other units proposed and the general character of the area. Similarly, concerns raised about boundary treatment can be addressed by way of condition should the Commission consider this appropriate.

Zoning

- 7.2.5. The Commission will note that the subject site is zoned 'ER' - *Existing Residential/Mixed Residential and Other Uses* in the Cork County Development Plan 2022-2028 (CCDP). 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. The strengthening of community facilities and local services will be facilitated subject to the design, scale, and use of the building or development being appropriate for its location. Residential is a permissible use within this zoning.
- 7.2.6. Refusal reason no. 3 states that 'part of the subject site is located in the 'Cork Metropolitan Green' rural area as identified in the Cork County Development Plan 2022-2028 where policy objective RP 5-3 applies. It is considered that the proposed development represents an encroachment into un-zoned rural lands, would represent piecemeal and haphazard development, would create an undesirable precedent for future similar developments, would be contrary to policy objectives ZU 18-2 and ZU 18-3 of the aforementioned Plan (which seeks to locate new development within the development boundary) and would therefore be contrary to the proper planning and sustainable development of the area.'
- 7.2.7. This appears to relate to a small section of the western part of the site. The applicant contends that part of the site does not lie within the 'Cork Metropolitan Green' area and sets out that having reviewed the Cork County Development Plan zoning and green infrastructure mapping overlaid on the OS base map the red line application boundary is entirely within the built-up area of passage west and that 'the mapped boundary does not align with the physical hedgerow that defines the true edge of the developed lands, with a variation of less than 7 metres between the two. The proposed

boundary aligns with this hedgerow, which is consistent with previous planning permission boundaries..' and as such the site does not encroach on rural unzoned lands.

7.2.8. Having reviewed the maps and planning history and having visited that site, I am satisfied that the site boundaries align with the existing hedgerow boundaries and the site boundaries are consistent with previous applications on the site. Furthermore, I note that Objective RP 5-21: *Greenbelts around Main Towns GB 1-2* states that ‘ *In some parts of the greenbelts around the towns it will be possible to accommodate limited numbers of individual houses in an appropriate rural setting providing;*

- *The character of the area as a whole will remain predominantly rural and open*
- *Proposals will not cause linear roadside frontage development (ribbon development); and,*
- *The development is consistent with the proper planning and sustainable development of the area.’*

7.2.9. I consider this to be one such site. I am satisfied that the principle of development on the site is consistent with the adjoining pattern of development and would therefore not detract from the character of the area nor encroach beyond established hedgerow boundaries into the adjacent rural area or create ribbon development. While I accept that there is a discrepancy in the zoning and established field boundaries at this location and as a result the development maybe contrary to objectives ZU 18-2 and ZU 18-3 as regards land use zoning and development boundaries, having regard to the Objective RP 5-21: *Greenbelts around Main Towns GB 1-2*, I do not consider the development to materially contravene these objectives.

7.2.10. Therefore, having regard to the site context and the established boundaries, I am satisfied that the site does not represent piecemeal and haphazard development or create an undesirable precedent for future similar developments. Consistent with Objective RP 5-21, I am satisfied that the development is acceptable.

Conclusion

7.2.11. In summary, the site of the proposed development is on serviceable lands, within the built up area of Passage West. Overall, It is considered that the proposed development would be consistent with the objectives of the of the Development Plan and the

National Planning Framework which aims to achieve compact growth through effective density and consolidation rather than more sprawl of urban development.

7.3. Planning History - Established Planning Conditions

7.3.1. I have set out below for ease of reference reason for refusal no. 1 and refusal reason no. 2 of the CCC notification to refuse. The Commission will note that there is an overlap in the reasons for refusal as regards decommissioning of the wastewater treatment plant (WWTP) on site.

7.3.2. Refusal reason no. 1 set out:

'The proposed development would materially contravene Condition No. 2 of Planning Permission Register No. 16/7217 as extended by 22/4692 which states that a planning application for a nursing home on the reserved site shall be made within 12 months of the decommissioning of the temporary treatment plant. A section 47 legal agreement has been entered into to this effect and as such it is considered that the subject site should be reserved for a nursing home and that the proposed development would be contrary to these requirements, contrary to the stated condition and would therefore be contrary to the proper planning and sustainable development of the area.'

7.3.3. By way of context Condition no. 2 of CCC 16/7217 as extended by CCC 22/4692 stipulated:

'Prior to the commencement of any development, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing the developer shall enter into a legal agreement with the Planning Authority under the provisions of section 47 of the Planning and Development Act, 2000, as amended in which an undertaking is given that:

(a) the permitted crèche under 15/6508 will be constructed and completed within 12 months of the decommissioning of the temporary treatment plant,

(b) a planning application for a nursing home on the reserved site shall be made within 12 months of the decommissioning of the temporary treatment plant.

Reason: In order to ensure consistency with the zoning objective and to ensure the proper planning and sustainable development of the area.'

7.3.4. Refusal reason no. 2 sets out:

'The proposed development would materially contravene Condition No. 4 of Planning Permission Register No. 03/4501 (PL.04.208058) as extended by 10/4602 and 12/4583 which governs the development of the overall lands of which the site forms part and which states that when the Cork Harbour Main Drainage Scheme becomes available, the wastewater treatment plant shall be decommissioned and that area of ground shall be developed as part of the nursing home together with the adjoining reserved land. It is therefore considered that the subject site should be reserved for a nursing home and that the proposed development would be contrary to these requirements, contrary to the stated condition and would therefore be contrary to the proper planning and sustainable development of the area.'

7.3.5. Again, by way of context for the Commission Condition no. 4 of ABP Ref. PL.04.208058 stipulated:

'When the Cork Harbour Main Drainage Scheme becomes available the wastewater treatment plant shall be decommissioned and that area of ground shall be developed as part of the nursing home together with the adjoining.'

Reason: In the interest of orderly development.'

7.3.6. As regards refusal reason no. 1, the applicant argues that the Council has misinterpreted the effect of the section 47 agreement and condition no. 2 of CCC 16/7217 (as extended by CCC22/4692). It is argued that the condition requires a planning application to be made within 12 months of the decommissioning of the temporary treatment plant, and the treatment plant has not yet been decommissioned.

7.3.7. In this regard, I note that the Lower Cork Harbour Main Drainage Scheme is operational and serves Passage West. However, the applicant sets out that the WWTP within Harbour Heights has not been decommissioned due to delays around connection agreements outside of the applicants control and as such is still operational.

7.3.8. It is further argued that neither the condition nor the legal agreement restricts the applicant from lodging an application for an alternative form of development. I would agree. However, the Commission will note that CCC 16/7217 as extended by CCC 22/4692 is still a valid permission until the 29/01/2028 and the WWTP has not been decommissioned. The conditions pertaining to CCC 16/7217 as extended by CCC 22/4692 therefore, remain valid.

- 7.3.9. Similarly, as regards refusal reason no. 2, the PA contend that the subject site was included in the application site boundary of the original permission PL 04.208058 (03/4501) and while the PA note that permission PL 04.208058 (03/4501) expired on 23/03/2013 and seven years from same would have been 23/03/2020, section 157(4)(b) of the Planning and Development Act 2000 (as amended) states that notwithstanding this that 'proceedings may be commenced at any time in respect of any condition concerning the use of the land to which the permission is subject.'. On this basis the PA was satisfied that the subject site is reserved for use as a nursing home and therefore the proposed development is contrary to the conditions of ABP Ref. PL04.208058 (03/4501). Having regard to the provision of section 157(4)(b) of the Planning and Development Act 2000 (as amended), I would agree.
- 7.3.10. While I note the applicant's argument as regards the passage of time since the original application was made and the limited site area (0.33ha) now available to accommodate an appropriately scaled and designed nursing home. I do not agree with the premise of the argument that the Council materially contravened condition no. 4 of ABP Ref. PL.04.208058 when they granted permission for a creche on the site of the existing treatment plant on land originally reserved for a future nursing home under CCC 15/6508. Contrary to the current application CCC 15/6508 sought permission to decommission the existing temporary wastewater treatment plant and construct a two storey crèche with all associated site works and services in accordance with condition 2(a) of An Bord Pleanála decision reference PL04.208058.
- 7.3.11. It is also relevance that the current application does not seek to amend CCC 16/7217 as extended by CCC 22/4692 or condition no. 4 of ABP Ref PL 04.208058 (CCC 03/4501) to provide for the proposed 16 no. houses but rather seeks permission for 16 no. houses. In my opinion, a permission to amend CCC 16/7217 (as extended by CCC 22/4692) and condition no. 4 of ABP Ref. PL 04.208058/CCC 03/4501 would have provided greater flexibility to address compliance with outstanding conditions. The site is intrinsically linked with the planning history of the area and the need to ensure adequate supporting infrastructure to accommodate permitted housing and the decommissioning of the WWTP which as per condition no. 2 of CCC 16/7217 (as extended by 22/4692) and Condition no. 4 of ABP Ref. PL.04.208058 restricts the future development of these lands. Any proposed development cannot disassociate from the interlinked planning history of the site.

- 7.3.12. Regarding the Section 47 agreement, I refer the Commission to the report prepared by the PA which refers to correspondence submitted to the PA c. 2022 relating to the Section 47 agreement and notes that from this correspondence, it 'would appear that the applicant signed the Section 47 agreement.'. There is no evidence of any Section 47 agreement on file and while I note the applicant in their appeal do not dispute the Section 47 agreement, in the absence of evidence the Commission cannot be satisfied that the Section 47 agreement has been entered into, nor can the wording of any Section 47 be confirmed.
- 7.3.13. Having regard to the above. I am of the view that the proposed development would be contrary to Condition No. 2 of Planning Permission Register No. CCC 16/7217 (as extended by CCC 22/4692) including the requirement to enter into a Section 47 agreement and Condition no. 4 of ABP Ref. PL.04.208058 relating to the use of the site as being reserved for a nursing home and the decommissioning of the existing wastewater treatment plant on site.
- 7.3.14. With respect to the applicant's argument that the adjoining PW-R-02 zoning includes the requirement for a medical centre, nursing home and creche' and as such contend that the site would be better utilised for new homes. This is not the application presented to the Commission and the development of a medical centre, nursing home and creche on the adjoining PW-R-02 zoning does currently not exist and therefore any arguments to this end are mute at present and not a determining factor in the application currently before the Commission.

Conclusion

- 7.3.15. In summary, I am not satisfied that the proposed development would not be contrary to the provisions of condition no. 2 of CCC 16/7217 as extended by 22/4692 and Condition no. 4 of ABP Ref. PL.04.208058. Permission should be refused for these reasons.

8.0 Appropriate Assessment

- 8.1.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.1.2. The subject site is located approximately approx. The proposed development is not located within or immediately adjacent to any European Site. The closest Natura 2000

sites is the Cork Harbour SPA (004030) located c.0.75kms to the north of the site, the Great Island Channel SAC (001058) is located c. 1.4km to the northeast.

8.1.3. The proposed development comprises permission for 16 no. houses and all associated site works. There are no watercourse on site, and it is proposed to connect to existing public water and public sewer. Stormwater will be attenuation on site to greenfield runoff rates and will discharge to the existing stormwater network. The site is currently served by existing connections to the public water, sewer and surface water network.

8.1.4. No nature conservation concerns relating to the Cork Harbour SPA (004030) or the Great Island Channel SAC (001058) or their qualifying interests were raised in the planning appeal.

8.1.5. Having considered the nature, scale and location of the project including the established suburban context, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:

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

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

9.0 Water Framework Directive (WFD) Screening

9.1.1. Please refer to Appendix 2 of this report. The Lough Mahon transitional waterbody (IE_SW_060_0750) is located c. c750m north and east of the site (moderate water body status) and the groundwater body is IE_SW_G_004- Ballinhassig Groundwater body (good water body status).

9.1.2. No water deterioration concerns were raised in the planning appeal.

9.1.3. It appears that based on the information available to me that there is sufficient capacity

within the Cork Lower Harbour WWTP serving Passage West and subject to a condition precluding the commencement of development until a full connection agreement has been secured from Uisce Éireann, the proposed development would not result in a deterioration in water quality or aquatic habitats degradation arising from an overall increase in biological loading from treated effluent discharges. The Commission will note that the Cork Lower Harbour Main Drainage Project was complete in 2021 and wastewater from the agglomerations of Ringaskiddy-Crosshaven-Carrigaline, Ringaskiddy village, Passage-Monkstown and Cobh town no longer discharges untreated to Cork harbour. Instead, it is collected and fully treated before its safe discharge to sea.

9.1.4. 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.

9.1.5. The reason for this conclusion is as follows:

- Nature of the development including the connection to public water supply, public sewer and storm sewer, and
- lack of hydrological connections.

9.1.6. 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

It is recommended that the proposed development is refused for the reasons and considerations as set out below.

11.0 Reasons and Considerations

1 (a) Having regard to the planning history on the site which the application has not sought to amend, it is considered that the proposed development would be contrary to Condition No. 2 of Planning Permission Register No. CCC 16/7217 (as extended by CCC 22/4692) and Condition No. 4 of ABP Ref. PL.04.208058 (and the provisions of section 157(4)(b) of the Planning and Development Act 2000, as amended) as they relate to the decommissioning of the existing wastewater treatment plant on site and the use of the site being reserved for a nursing home.

(b) Furthermore, in accordance with Condition No. 2 of Planning Permission Register No. CCC 16/7217 (as extended by CCC 22/4692), the Commission is not satisfied on the basis of the evidence on file that the Section 47 agreement required under Condition No. 2 of Planning Permission Register No. CCC 16/7217 (as extended by CCC 22/4692) has been entered into.

The planning history on the site dictates that the subject site should be reserved for a nursing home, the proposed development would be contrary to these requirements and contrary to the stated conditions as set out above and the relevant planning history pertaining to the site and would therefore be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Irené McCormack
Senior Planning Inspector

4th February 2026

Appendix 1 - EIA Pre-Screening

Form 1 - EIA Pre-Screening

Case Reference	PL-500180-CK
Proposed Development Summary	The development will consist of the construction of 16 no. houses and all associated site works
Development Address	Harbour Heights, Ardmore, Passage West, 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.	
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2,	

<p>Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Class 10 (b) (i) >500 dwellings</p>

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

Form 2 - EIA Preliminary Examination

Case Reference	PL-500180-CK
Proposed Development Summary	The development will consist of the construction of 16 no. houses and all associated site works
Development Address	Harbour Heights, Ardmore, Passage West, 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>The proposal is for residential units in a built up urban area. The increased height and scale are not considered to result in significant environmental effects.</p> <p>No demolition works proposed and whilst some excavation would be required, this would not be significant in the context of the environment. Construction materials and activities would be typical for an urban residential development of this nature and scale.</p> <p>The use of fuels and materials would be typical for construction sites. Construction impacts would be local and temporary in nature and could be suitably managed through a Construction Environmental Management Plan.</p> <p>In terms of accidents, no significant risk is anticipated having regard to the nature and scale of the development. Any risk arising from demolition and construction will be localised and temporary in nature.</p> <p>No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project.</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>The area is mixed use in nature with residential being a significant use. The development would conform to the residential nature of the locality. There would be no significant impact on any protected areas, protected views, built or natural heritage or European Sites.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature</p>	<p>All development has the potential for some impacts/disturbance during the construction phase such as noise, vibration, dust, air quality and traffic. However, these</p>

<p>of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>impacts would be short term and temporary and can be appropriately managed and mitigated by way of conditions and the implementation of a detailed Construction Environmental Management Plan.</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. It is noted that the site is not designated for the protection of the landscape or natural heritage and is not within an Architectural Conservation Area.</p>
<p>Conclusion</p>	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>

Appendix 2 - Water Framework Directive Screening Determination

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	PL-500180-CK	Townland, address	Harbour Heights, Ardmore, Passage West, Co. Cork
Description of project		The development will consist of the construction of 16 no. houses and all associated site works.	
Brief site description, relevant to WFD Screening,		The application site is located in Passage West town. There are no watercourses on site. Lough Mahon transitional waterbody is located 750m north and east of the site.	
Proposed surface water details		Application form identified connection to the public network.	
Proposed water supply source & available capacity		Application form identified connection to the public network. The Commission will note that a review of the Uisce Eireann Capacity website on 21/01/2026 indicated capacity available - Level of service (LoS) improvement required. (Leakage reduction and/or capital investment will be required to maintain/improve levels of service as demand increases. These proposals will be developed & prioritised through the National Water Resources Plan and investment planning process).	

Proposed wastewater treatment system & available capacity, other issues		Application form identified connection to the public network. A review of the Uisce Eireann Capacity website on 21/01/2026 indicated 'spare capacity available' in the Cork Lower Harbour WWTP.				
Others?		N/A				
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body.	Pathway linkage to water feature (e.g., surface run-off, drainage, groundwater)
Transitional	The Lough Mahon transitional waterbody is located c. c750m	(IE_SW_060_0750)	Moderate	At risk	Urban Wastewater	No pathway linkage exists. The Commission will note that the Cork Lower Harbour Main Drainage Project was complete in 2021 and

		north and east of the site						wastewater from Passage-Monkstown no longer discharges untreated to Cork harbour. Instead, it is collected and fully treated before its safe discharge to sea.
	Groundwater waterbody	Underlying Site	IE_SW_G_004 - Ballinhassig Groundwater body	Good	Not at risk	No pressures		No discharge to ground proposed.
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.								
CONSTRUCTION PHASE								
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure *	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.	

1.	Surface	(IE_SW_060_0750)	No pathway exists	None	None	No	Screened out
2.	Ground	IE_SW_G_004-Ballinhassig Groundwater body	Drainage	Hydrocarbon Spillages	standard Construction Measures / Condition	No	Screened out
OPERATIONAL PHASE							
3.	Surface water run-off	(IE_SW_060_0750)	None	None	None	No	Screened out
4.	Discharges to ground	IE_SW_G_004-Ballinhassig Groundwater body	None	None	None	No	Screened out
DECOMMISSIONING PHASE							
5.	NA	NA	NA	NA	NA	NA	NA