



An
Coimisiún
Pleanála

Inspector's Report PL-500562-CK-26

Development	Construction of dwelling, commercial beauty salon and associated works
Location	Gortnahomna More, Castlemartyr, County Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	25/5370
Applicants	James and Emer Murphy
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellants	Brian Rattray & Elaine Flynn
Observer	Department of Housing, Local Government and Heritage
Date of Site Inspection	20 th February 2026
Inspector	Gary Farrelly

1.0 Site Location and Description

The subject site has a stated area of 0.386 hectares and is located within the village of Castlemartyr, County Cork, in the townland of Gortnahomna More. The site is located south of the village centre and opposite the entrance to Castlemartyr Resort Hotel. Access to the site is off the regional road R-632. The site represents an undeveloped greenfield site and is bounded by residential properties to the north, south and east. The site is located outside the Castlemartyr Architectural Conservation Area (ACA).

2.0 Proposed Development

- 2.1. Permission is sought to construct a part single storey and part storey and a half detached dwelling, as well as a detached single storey domestic garage and wastewater treatment unit. Permission is also sought to construct a single storey home office and a commercial beauty salon which will be linked to the main dwelling via a single storey link.
- 2.2. The beauty salon is proposed to the front of the site and will comprise of two treatment rooms, a reception area, bathroom and home office. The design is proposed to be single storey to a height of 5.5 metres with a single ply low pitch roof design. Signage is proposed on its south elevation. The floor area of the commercial unit will amount to 55sqm.
- 2.3. The layout of the proposed dwelling will comprise of an open plan living, dining and kitchen area, sitting room, gym and laundry room on the ground floor and 2 no. bedrooms and 3 no. bathrooms on the first floor. A flat roof design is proposed, and the overall height of the dwelling will measure 6.25 metres from ground level. External finishes of the building will comprise of part white plaster finish and part cut stone cladding and vertical timber cladding to the walls. The floor area of the dwelling will measure 422sqm (including the home office).
- 2.4. The detached garage is proposed to the rear of the site and will measure 5.78 metres in height. This is proposed to be externally finished in corrugated metal cladding in grey colour. The floor area of the garage will measure 72sqm.

3.0 Planning Authority Decision

3.1. Decision

The planning authority (PA) decided to grant permission by Order dated 1st December 2025, subject to 13 no. conditions.

3.2. Planning Authority Reports

Planning Reports

There are 2 no. Area Planner (AP) reports on file which assessed the proposed development in terms of its principle, design and layout, impact on neighbouring amenity, servicing and access. The first report recommended further information regarding further investigations of the impact of the development on the northern boundary and to consider relocation further south, details of the boundary wall, a suggestion to modify the design due to the proximity to the ACA and a request to engage with Uisce Éireann to explore a public wastewater connection. After submission of the further information, the second AP report noted the arguments put forward by the applicant and recommended a grant of permission subject to conditions.

Other Technical Reports

Conservation Officer (*reports dated 28/08/25 and 19/11/25*) – This report recommended the refusal of the application due to its close proximity to the ACA and negative impact on the established building form and character of the setting. It considered that the form, massing and design would be out of keeping with its surroundings, would constitute a visually discordant feature that would be detrimental to the distinctive architectural and historic character of the area.

Architects Department – This section acknowledged the concerns of the Conservation Officer, however, considered the design would not undermine the visual and character setting of the area. There was no objection to the principle of the design.

Environment (*reports dated 15/08/25 and 28/11/25*) – This section had no objection subject to conditions.

Area Engineer (*reports dated 14/08/25 and 12/11/25*) – This section recommended a grant of permission subject to conditions.

Conditions

Condition Number 3 required the submission of revised drawings showing the relocation of the proposed development footprint a further 2 metres from the northern boundary in order to protect the northern boundary tree line and the residential amenity of the neighbouring property.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

There was 1 no. third party observation submitted to the PA from the residents of the adjoining dwelling to the north. This observation outlined concerns regarding the impact on residential amenity, the design and scale of the development, wastewater treatment and the location of the entrance.

4.0 Relevant Planning History

PA ref. 17/6087

Outline permission was granted for the construction of 3 no. dwellings and associated site works.

PA ref. 93/1188

Outline permission was granted for 2 no. dwellings.

5.0 Policy Context

5.1. Cork County Development Plan 2022-2028

The subject site is located within the settlement boundary of Castlemartyr on lands zoned 'Existing Residential/Mixed Residential and Other Uses (ER)' where the objective 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.

Other uses within this category include small scale retail, small scale commercial, community facilities, places of worship, offices, doctors' surgeries, beauty and healthcare facilities. These uses and the extension to existing facilities within this zoning are acceptable subject to proper planning and development criteria and protecting the residential amenity of the area.

Objective BE 15-6 (Biodiversity and New Development)

b) Encouraging the retention and integration of existing trees, hedgerows and other features of high natural value within new developments;

Objective HE 16-18 (Architectural Conservation Areas)

Conserve and enhance the special character of the Architectural Conservation Areas included in this Plan.

c) Ensure new development within or adjacent to an ACA respect the established character of the area and contributes positively in terms of design, scale, setting and material finishes to the ACA.

5.2. **Natural Heritage Designations**

The subject site is not located within any designated site. The subject site is approximately 780 metres west of Clasharinka Pond proposed Natural Heritage Area (pNHA) and approximately 2.1km east of Loughs Aderry and Ballybutler pNHA. The nearest designated European site is Ballycotton Bay Special Protection Area (SPA) (Site Code 004022) which is located 6.7km south of the subject site.

5.3. **Environmental Impact Assessment (EIA) Preliminary Examination**

The development subject to this application has been subject to preliminary examination for environmental impact assessment. I refer the Commission to Appendix 1 in this regard. Having regard to the characteristics and location of the 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 development, therefore, does not trigger a requirement for environmental impact assessment screening and an Environmental Impact Assessment Report (EIAR) is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A third-party appeal was lodged to the Commission on 6th January 2026 by Brian Rattray and Elaine Flynn, the residents of the neighbouring property adjoining the northern boundary of the site. The grounds of appeal are summarised as follows:

- It is requested that the Commission overturns the PA's grant of permission and refuses permission, or at the very least ensures applicable standards of design are applied.

Residential Amenity

- There are concerns regarding the proximity of the proposed dwelling in terms of overbearance, overshadowing and loss of daylight of both internal and external spaces. There was no assessment of overshadowing or overbearance despite a request from the PA as part of item 1 of its further information request.
- The drawings submitted at further information stage misrepresented the separation distances between the proposed development and adjoining property to the north. This materially understated the impact of overbearance, overshadowing and loss of daylight.
- Whilst Condition no. 4 of the PA's grant required the development to be repositioned 4 metres from the northern boundary, this is not sufficient distance to alleviate the impact on residential amenity.

Biodiversity / Loss of Privacy

- The recommendations of the submitted arboricultural report risk harm to established hedgerows and trees and will result in loss of privacy and further impact on residential amenity. A further arboricultural assessment has been undertaken and submitted on behalf of the appellant. It recommends a distance

of 6 metres from trees and hedgerow and the proposed development. Therefore, Condition no. 3 should be amended to account for this. The photographs submitted as part of the report are not of sufficient quality.

- It is unclear what the proposed boundary treatment will be along the northern boundary. There is concerns that any proposed boundary wall would damage the well established trees and hedgerow. It is requested that a panel fence with individual concrete posts which requires minimal excavations should be provided.

Wastewater

- The wastewater treatment system is 4 metres from the location of the appellant's existing treatment system and therefore does not comply with the minimum 10 metre separation distance as specified by the 2021 EPA Code of Practice. The treatment system should be relocated to the southwest corner.
- The capacity of the wastewater treatment unit should be designed to accommodate the commercial element of the development, in addition to the domestic requirements.
- The layout of the proposed wastewater infrastructure does not provide possibility of future connections to the public wastewater mains.

Design and Siting

- The development does not integrate with the surrounding development which is primarily residential in nature in terms of roof profile or building massing. The location of a commercial premises in advance of the general building line is inappropriate and will have a negative visual impact.
- Due to its siting, scale, massing and design, the development will be visually dominant, overly bulky and out of keeping with the established character of the area. It has not been demonstrated how the development would preserve or enhance the setting of the ACA which is contrary to objective HE 16-18 of the Cork County Development Plan 2022-2028. It is highlighted that the conservation officer recommended refusal of the application for these reasons.

Traffic Safety

- The proposed entrance should be located at the northwest boundary of the site as approved under planning application refs. 93/1188 and 17/06087. This will maximise sight distances for vehicles exiting the site.

Commercial Property

- The commercial use should be located within the village centre where there are numerous derelict units and previously commercial buildings repurposed for residential at ground level. If the Commission deem it appropriate, the commercial element of the building should be relocated to the southeast corner of the site and detached from the residential dwelling.

6.2. Applicant Response

The applicant issued a response to the grounds of appeal on 4th February 2026 which is summarised as follows:

- The dimensions outlined on the drawings are accurate following surveys from a reputable survey company.
- Items in the further information request are suggestions and recommendations and are not required to be complied with. Arguments were made against the Council's suggestions, and it was the right of the Council to accept or reject these.
- There was no request for information on the northern boundary aside from an arborist report. It is proposed to retain the existing northern hedge which will act as the boundary, and it is not proposed to construct a wall.
- The conservation officer was satisfied with the contemporary design and whilst concerns were raised regarding the roof form and massing, the applicant argued the case for the low pitch which was accepted by the Council's architect's department and by the area planner.
- The concerns over the loss of light are noted and relate to an internal window under a garage roof. The submitted photograph was taken at 10.33am on 25th

December, and light does not currently enter this window after this morning sun has risen and has travelled south.

- The proposed development does not extend back on the site sufficiently to block this light. The majority of the eastern section of the house is single storey which would have no effect on this window due to the separation distance and height of the existing boundary hedge.
- An extensive arborist report was submitted at further information stage which suggested a safe separation distance of 1.5 metres from the hedge. The applicant proposed a 2-metre separation distance which has been increased by a further 2 metres by Condition 3 which the applicant accepts.
- A connection to the public wastewater mains was explored with Uisce Éireann and the Council but it was outlined by UÉ that a connection was not available or feasible. Following that, a new private wastewater treatment system was proposed which is in compliance with EPA code of practice standards including 3 metre minimum separation distances to boundaries.
- The proposed location of the entrance has been sited to maximise sightlines and the Council consider the entrance and sightlines to be appropriate.

6.3. Planning Authority Response

The PA issued a response to the grounds of appeal on 26th January 2026 outlining that all relevant issues were covered in the technical reports already forwarded to the Commission. It had no further comment to make.

6.4. Observations

An observation was submitted to the Commission by the Development Applications Unit (DAU) of the Department of Heritage, Local Government and Heritage. It considered that the development, subject to conditions, would not incur a negative impact on the adjoining ACA.

7.0 **Assessment**

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

- Zoning
- Design and Layout
- Residential Amenity
- Wastewater Treatment
- Traffic Safety

Zoning

7.2. The subject site is located within the settlement boundary of Castlemartyr on lands zoned 'Existing Residential/Mixed Residential and Other Uses (ER)'. The objective of this zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities. I note that as part of this zoning objective infill developments 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. Additionally, other uses such as small-scale commercial uses are considered acceptable subject to proper planning and development criteria and protecting the residential amenity of the area. I note that the proposed beauty salon will accommodate 2 no. treatment rooms and will have a floor area of 55sqm which I consider to represent a small scale commercial use. Therefore, subject to my assessment below, I consider the proposed development acceptable in principle.

Design and Layout

7.3. The Commission should note that the subject site adjoins the Castlemartyr Architectural Conservation Area (ACA). The appellant has raised concerns with the proposed design and layout of the development in terms of its massing, scale and roof form being out of keeping with the character of the area and being contrary to objective

HE 16-18 (Architectural Conservation Areas) of the Cork County Development Plan 2022-2028 in terms of not preserving the setting of the ACA. Concerns are also raised regarding the location of the commercial unit forward of the existing building line. I note that these concerns are similar to the concerns of the PA's conservation officer (CO) who recommended refusal of the application due to its form, massing and design being detrimental to the distinctive architectural and historic character of the area in such close proximity to the ACA.

- 7.4. However, I note that the Area Planner (AP) did not accept the CO's recommendation and considered a refusal to be difficult to justify due to the setting of the site within the development boundary and planning history associated with same. The AP sought advice from the architect's section of the PA who considered the design contemporary and of its time that would not undermine the visual and character setting of the area. Furthermore, I note the observation from the DAU which considers that there would be no significant visual inter-relationship with the ACA due to the setback distance.
- 7.5. Firstly, with regards to the building line concerns I note that the proposed front elevation of the building will be approximately 19 metres from the edge of the public road. I note that the front elevation of the adjoining property to the north is approximately 35 metres from same and the adjoining property to the south is approximately 15 metres. These disparities are due to the horizontal alignment of the road as well as the configuration of the sites. In light of this, I note that there is no established building line and I have no significant concerns with the siting as proposed.
- 7.6. With regards to the proposed design, having reviewed the submitted drawings, I am in agreement with the architect of the PA and consider that it represents a contemporary approach with a variety of building form, roof form and external finishes. I note that the 2009 Urban Design Manual, A Best Practice Guide, recommends that whilst new development should respond to local character and identity, they should not copy surrounding development forms and detail. Whilst I acknowledge the concerns of the appellant and the PA's CO, it is my view that the proposed contemporary design would offer a variety and positive influence to the existing built form and character of the area. Accordingly, I consider that the development would be in compliance with Objective HE 16-18(c) (Architectural Conservation Areas) of the Cork County Development Plan 2022-2028. Furthermore, the Commission should

note that the site is located within the settlement boundary of Castlemartyr and will bring a vacant site back into productive use.

Residential Amenity

- 7.7. I note the appellant's concerns regarding the impact of the proposed development on their residential amenity in terms of overbearance, overshadowing and loss of daylight. It is contended that the separation distance from the northern boundary is not sufficient and will compromise the established hedgerow/trees resulting in a loss of privacy.

Separation Distance

- 7.8. Firstly, the appellant contends that the separation distance between their property and the proposed development is 8 metres and not the 18.7, 19.5 and 22 metre separation distances as specified on the site layout plan. I note that the applicant's response describes this part of the appellant's property as a garage with an overhanging roof, however, states that the measurements are to particular facades and are correct to millimetre accuracy.
- 7.9. I note the discrepancy on the submitted site layout plan which did not show the footprint of the appellant's property, however, the PA did validate the application. Notwithstanding this, having regard to the totality of information on file, I am satisfied that an accurate assessment of the impact on adjoining residential amenity can be undertaken. The Commission should note that the appellant's concerns regarding loss of daylight to internal rooms relates to an existing window on their southern façade and I note such façade location is depicted on the 'west elevation – dwelling' drawing (Drawing no. 2154-PL3001).

Loss of Daylight

- 7.10. The Commission should note that the appellant's submitted photograph (ref. Diagram 1.3) shows the position of this window, which serves a stated kitchen and living area, within shade under an overhanging roof. I have had regard to the 2021 BRE Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice, and in particular Section 2.2 (Light from the Sky: Existing Buildings) with regards to this matter.
- 7.11. Taking the approximate location of the centre of the subject window from the 'west elevation – dwelling' drawing (Drawing no. 2154-PL3001), I note that the angle of the new development will sit well below 25° to the horizontal. Having regard to this, and to

the location of the window under an existing overhanging roof, I am satisfied that the proposed development would not adversely affect daylight to the existing property.

Overshadowing / Loss of Sunlight

- 7.12. Again, the Commission should note that I have had regard to the 2021 BRE Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice, and in particular Section 3.2 (Sunlighting: Existing Buildings) and Section 3.3 (Sunlighting: Gardens and Open Spaces) in this matter.
- 7.13. In terms of loss of sunlight to the existing windows serving the kitchen and living area on the southern façade of the appellant's dwelling, which I note are located within 90° of due south, having measured the angle from the centre of the subject windows to the new development I note that the angle is well below 25° to the horizontal. Therefore, having regard to this, and to the location of one of the windows under an existing overhanging roof, I am satisfied that the sunlight to the existing dwelling will not be adversely affected.
- 7.14. Furthermore, the Commission should note that Section 3.3 of the Guide recommends that for a garden to appear adequately sunlit through the year, at least half of the space should receive at least two hours of sunlight on the 21st day of March. Having regard to the layout and extent of the appellant's existing garden, to the established hedgerow and trees along the party boundary, to the separation distance to the proposed development and to the maximum height of the proposed development being 6.25 metres from ground level, I am satisfied that the appellant's garden and amenity space will not be adversely affected in terms of overshadowing/loss of sunlight.

Overbearance

- 7.15. I note the overbearance concerns raised by the appellant, however, having regard to the 6.25 metre height of the proposed development, separation distance from the party boundary and the existing established hedgerow and trees along the party boundary, I consider that the proposed development would not result in a significant overbearing impact on the appellant's property.

Privacy / Biodiversity

- 7.16. The Commission should note that there are no first-floor windows proposed on the northern elevation of the proposed building and therefore I have no significant concerns regarding overlooking of the appellant's property in this regard.
- 7.17. Notwithstanding this, the appellant has raised concerns regarding the separation distance of the development to the party boundary in terms of compromising the established trees and hedgerow. I note that the appellant has submitted their own arboricultural site assessment (ASA) in response to the applicant's arboricultural report (AR) submitted to the PA at further information stage. I also acknowledge the appellant's comments regarding the quality of the photographs within the AR which I note are of poor quality. I note that the submitted site layout plan does not illustrate the extent of the existing hedgerow/trees along the northern boundary.
- 7.18. I note that the applicant's AR recommended a separation distance of 1.5 metres due to the small stem diameters and mixed composition of the hedge making it unlikely (*my emphasis*) that root systems extend beyond the fence line. In contrast, I note that the appellant's ASA recommended a separation distance of 6 metres from the boundary in order to ensure a minimum 4.8 metre root protection area to safeguard the Leyland and Lawsons Cypress trees. This 6 metres would take into account the additional area required for construction activity.
- 7.19. I acknowledge that the PA conditioned for the proposed development to be relocated a further 2 metres and, therefore, an overall 4 metres from the northern boundary, which has been accepted by the applicant. However, having regard to the information submitted by the appellant, to the available space within the subject site, and taking a precautionary approach in order to protect biodiversity in accordance with Objective BE 15-6(b) (Biodiversity and New Development) of the Cork County Development Plan 2022-2028, it is my view that if the Commission is minded to grant permission, that a condition is attached for the proposed siting of the development to be relocated 6 metres from the northern boundary. This would require the redesign of the internal road, however, I consider it would not materially alter the proposed development.

Wastewater Treatment

- 7.20. The appellants have raised concerns regarding the location of the proposed wastewater treatment system approximately 3 metres from the northern boundary of

the site. It is contended that their existing septic tank system sits along their southern boundary and is approximately 4 metres from the proposed treatment system. A diagram has been submitted illustrating the location of same. However, I note that no photographic evidence or technical details have been submitted confirming same.

Suitability of site for wastewater treatment

- 7.21. The site is underlain by a regionally important aquifer which is karstified and has a moderate vulnerability level as per the Geological Survey Ireland (GSI) data maps¹. The application was accompanied by a site characterisation form (SCF). The trial hole depth was to 3 metres with the SCF outlining that bedrock was encountered at a depth of 3 metres. There was no water encountered within the trial hole after 48 hours. The soil conditions encountered comprised of gravel type soil throughout. The maximum number of bedrooms is outlined as two and the maximum number of residents is outlined as 6 which I note takes account of 2 no. treatment rooms within the proposed beauty salon.
- 7.22. The percolation test results of the SCF recorded a subsurface percolation value of 18.78min/25mm indicating that the site is suitable for a secondary treatment system. It is proposed to install a packaged wastewater treatment system and polishing filter. I note that Table E1 of the Environmental Protection Agency's (EPA) 2021 Code of Practice for Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10) outlines that the site has an extreme vulnerability rating due to the depth to bedrock of 3 metres and moderate vulnerability of the aquifer. This results in a ground protection response of R2² which indicates that a wastewater treatment system is acceptable subject to normal good practice and additional conditions such as a minimum thickness of 0.3 metres unsaturated soil/subsoil beneath the invert of the polishing filter, in addition to a minimum depth of 0.9m for the polishing filter itself. I am satisfied that this can be achieved on the basis of the results of the SCF.

Minimum Separation Distances

- 7.23. I note that Table 6.2 of the 2021 EPA Code of Practice requires a minimum separation distance of 3 metres to the boundary and 10 metres to adjacent septic tanks and percolation areas. I note that the PA conditioned for the proposed treatment unit and

¹ <https://gsi.geodata.gov.ie/portal/apps/webappviewer/index.html?id=d333a8a9b6ab44378411fc0d973db4ef>
(Accessed 21/04/26)

percolation area to be installed in accordance with EPA requirements which I note would include adherence with minimum separation distances. Therefore, if the Commission is minded to grant permission I recommend that a similar condition is attached to ensure compliance.

Public Wastewater Infrastructure

- 7.24. The Commission should also note that the PA requested the applicant to engage with Uisce Éireann (UÉ) to explore the possibility of connecting to the public wastewater mains. However, I note that the applicant included correspondence from UÉ as part of its further information response to the PA which outlined that UÉ considered a wastewater connection not feasible due to the length of the rising main that would be required. It itself recommended a private wastewater treatment solution.

Overall Conclusion

- 7.25. On the basis of the information on file, including the results of the submitted SCF, I am satisfied that the proposed development would be acceptable in terms of wastewater treatment and public health.

Traffic Safety

- 7.26. The appellants have also raised traffic safety concerns in relation to the location of the proposed entrance to the site. The applicant states that the location has been chosen in order to maximise sightlines. I note that the PA's Area Engineer had no concerns with the location of the entrance subject to driveway specifications. I note that the entrance has been sited approximately 13 metres from the northern boundary of the site and sightlines of 80 metres to the north and 77 metres to the south are outlined as achievable.
- 7.27. Having inspected the site, I note that the public road within the vicinity of the site is within the 50kph zone. Having regard to this and to Table 9.1 of Transport Infrastructure Ireland's (TII) publication DN-GEO-03031 which specifies a desirable minimum stopping distance of 70 metres within a 50kph zone, I have no significant concerns with the location of the access in terms of traffic safety. If the Commission is minded to grant permission I recommend that a condition is attached for the final specification details of the works to the access to be agreed with the PA prior to commencement of the development.

8.0 Appropriate Assessment (AA) Screening

- 8.1. I have considered the project in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. The subject site is located approximately 6.7km north of Ballycotton Bay Special Protection Area (SPA) (Site Code 004022), approximately 7.4km west of Ballymacoda (Clonpriest And Pillmore) Special Area of Conservation (SAC) (Site Code 000077) and approximately 8.2km west of Ballymacoda Bay SPA (Side Code 004023). No nature conservation concerns in relation to European sites were raised in the planning application and appeal.
- 8.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:
- The nature and scale of the development within an urban area.
 - The separation distance and intervening lands from the nearest European sites and lack of hydrological connection.
 - Taking into account the screening assessment determination of the PA.
- 8.3. 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. The site is underlain by the Midleton groundwater waterbody (Site Code IE_SW_G_058) which is classed as good status, and its status under review, for the 2019-2024 monitoring period.² There are no watercourses within the boundary of the site. No water deterioration concerns were raised in the planning application or appeal.
- 9.2. I have assessed the project and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore

² https://www.catchments.ie/data/#/waterbody/IE_SW_G_058?k=4lycem (Accessed 21/04/26)

surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

- 9.3. 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 my recommendation to the Commission that permission is **Granted**, subject to conditions, for the reasons and considerations set out below.

11.0 Reasons and Considerations

Having regard to the provisions of the Cork County Development Plan 2022-2028 and to the location of the proposed development within the settlement boundary of Castlemartyr on lands zoned 'Existing Residential/Mixed Residential and Other Uses (ER)', to the nature, design and layout of the proposed development and to the pattern of development within the vicinity of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not have an adverse impact on the residential amenity of property in the vicinity, would not result in an adverse impact on the visual amenity of the area or the character of the adjoining Castlemartyr Architectural Conservation Area, would be acceptable in terms of public health and traffic safety and convenience. It is, therefore, considered that the proposed development would be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1.	<p>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 3rd day of November 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) The proposed dwelling and commercial unit shall be relocated in order to maintain a 6 metre separation distance from the northern boundary.</p> <p>(b) The layout of the internal road shall be modified in order to accommodate the requirements of 2(a) above.</p> <p>Revised drawings showing compliance with these requirements, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of biodiversity and visual amenity.</p>
3.	<p>The entrance design shall comply with the detailed requirements of the planning authority and such details shall be agreed in writing with the planning authority prior to commencement of development.</p> <p>Reason: In the interest of traffic safety.</p>
4.	<p>Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the commercial unit shall be restricted to that of a</p>

	<p>beauty salon (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission.</p> <p>Reason: To protect the amenities of property in the vicinity.</p>
5.	<p>(a) Details of the materials, colours and textures of all the external finishes to the proposed buildings and boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>(b) Details of the signage associated with the proposed beauty salon shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>(c) No other advertisement or advertisement structure (other than what is agreed within 5(b) above) shall be erected or displayed on the building or within the curtilage of the site, unless authorised by a further grant of planning permission.</p> <p>Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.</p>
6.	<p>(a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.</p> <p>(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.</p> <p>Reason: In the interest of traffic safety.</p>
7.	<p>(a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application and shall be in accordance with the standards set out in the document entitled "Code of</p>

	<p>Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) ” – Environmental Protection Agency, 2021.</p> <p>(b) Treated effluent from the wastewater treatment system shall be discharged to a percolation area/polishing filter which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.</p> <p>(c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.</p> <p>Reason: In the interest of public health and to prevent water pollution.</p>
8.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
9.	<p>The domestic garage shall be used solely for non-habitable ancillary domestic and private purposes only.</p> <p>Reason: In the interest of clarity.</p>
10.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to</p>

<p>commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

Declaration

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.

Gary Farrelly
Planning Inspector
21st April 2026

Appendix 1: EIA Preliminary Examination

Form 1 - EIA Pre-Screening

Case Reference	PL-500562-CK-26
Proposed Development Summary	Construction of dwelling, commercial beauty salon and associated works
Development Address	Gortnahomna More, Castlemartyr, County 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.	
<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.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.	

<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.	Part 2, Class 10(b)(i): Construction of more than 500 dwelling units.

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Form 2 - EIA Preliminary Examination

This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of 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 development site measures 0.3866 hectares. The size of the development is not exceptional in the context of the existing environment. Localised construction impacts are expected, soil removal etc.</p> <p>There is no real likelihood of significant cumulative effects with existing and permitted projects in the area.</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</p>	<p>The site is located approximately 6.7km north of Ballycotton Bay SPA, approximately 7.4km west of Ballymacoda (Clonpriest And Pillmore) SAC and approximately 8.2km west of Ballymacoda Bay SPA. My appropriate assessment screening above concludes that the development would not likely result in a significant effect on any designated site.</p> <p>The site is located outside Flood Zones A and B for coastal or fluvial flooding. There are no known archaeological or cultural constraints associated with the site. The site is located outside the Castlemartyr Architectural Conservation Area.</p>

historic, cultural or archaeological significance).	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the scale of the proposed development and limited nature of construction works associated with the development, to its location removed from any environmentally sensitive sites, to the absence of any cumulative effects with existing or permitted projects in the area, there is no potential for significant effects on the environment.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____
Gary Farrelly

Date: 21st April 2026