



An
Coimisiún
Pleanála

Inspector's Report PL-500727-CK-26

Development	Permission for construction of stables for domestic use with ancillary storage, and construction of new entrance.
Location	Gogganshill, Ballinhassig, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	256397
Applicant(s)	Pat Whyte
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	David & Suzanne Cullinane
Observer(s)	None
Date of Site Inspection	1 st April 2026
Inspector	Jennifer McQuaid

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports.....	4
3.3. Prescribed Bodies.....	6
3.4. Third Party Observations.....	6
4.0 Planning History.....	6
5.0 Policy Context	7
5.1. Development Plan	7
5.2. National and Regional Policy	11
5.3. Natural Heritage Designations	11
5.4. EIA Screening.....	12
6.0 The Appeal.....	12
6.1. Grounds of Appeal.....	12
6.2. Applicant Response.....	13
6.3. Planning Authority Response.....	14
6.4. Observations.....	14
6.5. Further Responses	14
7.0 Assessment	14
8.0 AA Screening	20
9.0 Water Framework Directive.....	20
10.0 Recommendation	21

11.0 Reasons and Considerations.....21
Appendix A: Form 1 - EIA Pre-Screening23

1.0 Site Location and Description

1.1. The subject site is located in the townland Gogganshill, Ballinhassig, Co. Cork approximately 0.7km to the north-west of Ballinhassig and the N71. The subject site is part of an agricultural field and adjacent to a private dwelling house. The site levels fall from southwest to northeast towards a stream which runs along the northern site boundary. The subject site is open with views towards Rearour Bridge to the west.

2.0 Proposed Development

- 2.1. The proposed development consists of:
- Construction of stables for domestic use
 - Ancillary storage
 - construction of new entrance.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to 8 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The proposal is located in part of a large agricultural field which appears to be in the applicant's ownership. The stables are located sufficient distance from the nearest third-party dwellings and the nearby stream.
- It is noted that the site slopes steeply towards a near vertical drop on the northeast boundary of the site. A tributary of the Owenboy River flows southeast at approximately 25metres from the northeast boundary. A piped drain crosses the site before discharging down the embankment to the stream.

- The site is located within the Zone of Archaeological Potential for Rearour Bridge, a Recorded Monument CO085-115, but the proposed development is outside the footprint. The monument and setting should be protected in accordance with HE16-2 of the CDP and this can be dealt with by way of a condition.

3.2.2. Other Technical Reports

- Environment: Effluent will be stored within an effluent storage tank to the front of the manure store. Effluent seepage from the manure store and wash water & seepage from the stables will be discharged to the effluent tank. The applicant has confirmed that works will be compliant with the relevant DAFM specifications, that is S156, S108 & S123. The water supply will be provided from the existing borewell located approx. 100m to the northeast of the development and close to the applicant's dwelling. The proposed stables will be located approximately 52metres from the existing stream which is a tributary of the Owenboy River. DAFM specifications recommend a minimum separation distance of 50m between a storage facility and any waterbody for new farmyards. No objection subject to conditions.
- Archaeologist: The proposal lies within the Zone of Archaeological Potential around Recorded Archaeological Monument Bridge CO085-115. The proposal is removed from the site however it is important to protect the monument and its setting in accordance with HE16-2 of the CDP. A condition shall be applied stating no groundworks, storage of material or construction works shall take place within the Zone of Archaeological Potential around Recorded Monument CO085-115 as shown on the Historic Environment Viewer (www.archaeology.ie).
- Area Engineer: The application is similar to previous refusal 24/6331, adequate sight distance has been provided at the entrance. No objection subject to conditions.

3.2.3. Conditions

Condition 2: No groundworks, storage of material or construction works shall take place within the Zone of Archaeological Potential around Recorded Monument CO085-115 as shown on the Historic Environment Viewer (www.archaeology.ie).

Reason: To ensure the continued preservation of places, caves, sites, features or other objects of archaeological interest.

3.3. Prescribed Bodies

- Inland Fisheries Ireland (IFI): Should permission be granted it is required that there is no interference with bridging, draining, or culverting of the adjacent stream or any watercourse, their banks, bed or bankside vegetation to facilitate this development without the prior approval of the IFI.

3.4. Third Party Observations

One number submission was received; the following concerns were raised:

- Path of the existing stream & potential impacts.
- Reference to previous refusal by An Bord Pleanála.
- Public health.
- Visual impact given the slope of the site.
- Height and scale of stables.
- Layout of the proposed entrance.

4.0 Planning History

ACP Ref. No. PL04.246733 (PA Reg: 155876): Permission refused for dwelling for the following reasons:

1. The subject site is located in the open countryside, in an area which would correspond to the rural area type “Area under Strong Urban Influence”, as set out in the Sustainable Rural Housing Guidelines for Planning Authorities, issued by the Department of the Environment, Heritage and Local Government in April 2005, wherein it is indicated that it is policy to distinguish between rural-generated housing need and urban-generated housing need. It is also located within an area similarly designated in the current development plan for the area, where it is the policy of the planning authority to discourage urban generated housing and to seek to locate such housing in the larger

urban centres or in the towns, villages and other settlements identified in the Settlement Network. On the basis of the documentation submitted with the application and appeal, it is considered that the applicant has not demonstrated that he comes within the scope of the rural-generated housing need criteria for a house in this rural location. The proposed development would contravene the provisions of the Development Plan and would be contrary to these Ministerial Guidelines and would further erode the rural character of this area and lead to demands for the provision of public services and community facilities. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the rural location of the site and to its configuration and sloping character and to the level of engineering works required to accommodate the proposed development, including the significant level of fill required to facilitate the construction of the house and entrance, it is considered that the proposed development would comprise a visually intrusive feature in the landscape which would seriously injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.
3. Having regard to the location of the site adjoining a stream and to the existing concentration of private effluent treatment systems in the vicinity of the site, it is considered that the proposed development would lead to an excessive concentration of private effluent treatment systems in the area. Therefore, it is considered that the proposed development would be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Development Plan

Cork County Development Plan 2022-2028 (CDP)

The subject site is located within the “Metropolitan Green Belt”. The landscape character area is described as Broad Fertile Lowland Valleys. This landscape is

described as having a high landscape value and sensitivity with a county level importance.

Chapter 5 refers to Rural; section 5.5 refers to Greenbelts.

RP5-11: County Metropolitan Cork Greenbelt

Maintain the County Metropolitan Cork Greenbelt (as shown on Figure 5.1) which encompasses Metropolitan Towns, Strategic Employment Locations, Villages and Countryside of Metropolitan Cork.

RP5-12: 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.

RP5-13: 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.

RP5-14: Sustainability of Exceptions to Greenbelt Policies

Recognise that by reason of the number of people currently living within Greenbelt areas, the granting of regular exceptions to overall policy is likely to give rise over the years to incremental erosion of much of the Greenbelt.

RP5-15: Active Uses of Greenbelt Lands

Facilitate active uses of the County Metropolitan and Town Greenbelts generally and to encourage proposals which would involve the development of parks, countryside walks or other recreational uses within the Greenbelt. Any built development

associated with such uses should not compromise the specific function and character of the greenbelt in the particular area.

In relation to Greenbelts around Other Towns, section 5.5.12 states land is generally reserved for agriculture, open space or recreation uses (RP5-19).

RP5-19: Greenbelts around Settlements

- (a) Retain the identity of towns, to prevent sprawl and to ensure a distinction in character between built up areas and the open countryside by maintaining a Greenbelt around all individual towns.
- (b) Reserve generally for use as agriculture, open space or recreation uses those lands that lie in the immediate surroundings of towns. Where Natura 2000 sites, Natural Heritage Areas, proposed Natural Heritage Areas and other areas of biodiversity value occur within Greenbelts, these shall be reserved for uses compatible with their nature conservation designation and biodiversity value.
- (c) Prevent linear roadside frontage development on the roads leading out of towns and villages.

Chapter 8 refers to Economic Development.

Section 8.16 refers to Agriculture and Farm Diversification

Objective EC: 8-15 Agriculture and Farm Diversification

- (a) Encourage the development of sustainable agriculture and related infrastructure including farm buildings.
- (b) Prioritising the development of sustainable rural housing to support working farmers and their employees (see Chapter 5 Rural).
- (c) Encouraging farm diversification through the development of other sustainable business initiatives appropriate to the rural area (see Chapter 5 Rural); and
- (d) Supporting appropriate proposals for sustainable tourism development. (see Chapter 5 Rural and Chapter 10 Tourism).

Chapter 14 relates to Green Infrastructure and Recreation

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.

Objective GI14-16 relates to Prominent and Strategic Metropolitan Greenbelt Map

Protect those prominent open hilltops, valley sides and ridges that define the character of the Metropolitan Cork Greenbelt and those areas which form strategic, largely undeveloped gaps between the main Greenbelt settlements. These areas are shown on the Prominent and Strategic Metropolitan Greenbelt (Figure 14-3), and it is an objective to preserve them from development.

Chapter 16 refers to Built and Cultural Heritage.

Objective HE16-2: Protection of Archaeological Sites and Monuments.

Secure the preservation (i.e. Preservation in situ or in exceptional cases preservation by record) of all archaeological monuments and their setting included in the Sites and Monuments Record (SMR) (see www.archaeology.ie) and the Record of Monuments and Places (RMP) and of sites, features and objects of archaeological and historical interest generally.

In securing such preservation, the Planning Authority will have regard to the advice and recommendations of the Development Applications Unit of the Department of Housing, Local Government and Heritage as outlined in the Framework and Principles for the Protection of the Archaeological Heritage policy document or any changes to the policy within the lifetime of the Plan.

Objective HE16-5: Zones of Archaeological Potential.

Protect the Zones of Archaeological Potential (ZAPs) located within historic towns, urban areas and around archaeological monuments generally. Any development within the ZAPs will need to take cognisance of the upstanding and potential for subsurface archaeology, through appropriate archaeological assessment.

5.2. National and Regional Policy

- National Planning Framework – Project 2040 (NPF):
- Southern Regional Assembly Spatial and Economic Strategy (RSES):
- Climate Action Plan 2024:
- National Biodiversity Action Plan 2023-2030:
- Department of Agriculture, Food & Marine (DAFM) – Farm Building and Structures Specifications.

5.3. Natural Heritage Designations

The subject site is not located within a designated site. The nearest designated sites are:

- Ballincollig Cava pNHA (site code: 001249) is located approximately 8km north of the subject site.
- Cork Lough pNHA (site code: 001081) is located approximately 9km northeast of the subject site.
- Douglas River Estuary pNHA (site code: 001046) is located approximately 10km northeast of the subject site.
- Lee Valley pNHA (site code: 000094) is located approximately 10km north of the subject site.
- Bandon Valley Above Innishannon pNHA (site code: 001740) is located approximately 10km southwest of the subject site.
- Owenboy River pNHA (site code: 001990) is located approximately 10.5km east of the subject site.
- Cork Harbour SPA (site code: 004030) is located approximately 11 km east of the subject site.
- Minane Bridge March pNHA (site code: 001966) is located approximately 12.2km southeast of the subject site.

5.4. EIA Screening

- 5.4.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix A of report.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal have been received from an adjacent resident. The concerns raised are:

- Landowner issues: The existing stream shown on the drawing is not the current pathway. The stream has re-aligned its course naturally and runs in a straighter path than the “dog-led” as shown on the applicant’s site layout plan. It is considered that the applicant’s site does not touch this watercourse and as such will not be able to pipe storm water to the stream without going through the appellant’s property. It is considered that this is contrary to the EPA guidelines.
- Effluent disposal: Previous refusal under planning reference PL04.246733, point 3 states “having regard to the location of the site adjoining a stream and to the existing concentration of private effluent treatment systems in the vicinity of the site, it is considered that the proposed development would lead to an excessive concentration of private effluent treatment systems in the area. Therefore, it is considered that the proposed development would be prejudicial to public health and contrary to the proper planning and sustainable development of the area”. Is it reasonable and considerate to erect a large stable with a dungstead/effluent within proximity and a high gradient level above the stream?
- Surface water: The site is saturated during the winter months and is at the top of an embankment overlooking a tributary of the Owenboy river. It is noted

that the swale around the concrete apron to allow for natural soakage is right next to an existing drainpipe leading towards the river in already saturated site.

- Design & Visual impact: The proposed stables is excessive in height at 6.3m and bulky in appearance for its intended use of 2 ponies. The site section indicates a building siting on a level which will require excessive digging and filling to create the level area for the shed. The northeastern side of the shed will be siting on what appears to be roughly one metre of filling and this in conjunction with the overall shed height will look massive and bulky.
- Use: The use is queried as the applicant has stated he is renting the land since 2000, and it is the appellant's understanding that the 2 ponies have been housed to the rear of the main residence in Briar Hill.
- Traffic Safety: The proposed entrance drawing consists of a "half-moon" shaped area inside the gate to be created by raising the field level using rock armour and filing. A laneway will then provide access to the field from this point. It is the opinion of the appellant that this area will not facilitate the entrance or exit of a vehicle or a vehicle and horse box as it is not deep enough. There is no drawing showing the level difference between the road, the entrance, the area inside the entrance and the field level and what height of fill will be required to make this area/entrance.

The difference in levels on the site is approximately 1.8m, how will a vehicle or a horsebox overcome this difference in levels over such a small distance? A ramp will exceed 45 degrees.

6.2. Applicant Response

- The "dog-leg" still exists in the stream, aerial photograph submitted. The subject site touches the watercourse, land registry map submitted.
- Planning reference 03/3762 relates to the construction of a dwelling belonging to the appellant, the driveway is not as per drawing submitted. A bridge was constructed over the watercourse without planning permission and

contamination observed of the watercourse. A septic tank and irritation area are not part of the proposed development.

- Proposed to plant evergreen hedging to soften the visual impact of any proposed fill.
- The stables at Ballynagrumbolia were constructed in 2000, at the same time commenced renting the land at Gogganshill. The dwelling residence is c.0.3ha, allowing no space to graze or exercise ponies.

6.3. Planning Authority Response

- The Planning Authority is of the opinion that all the relevant issues have been covered in the technical reports already forwarded to the Coimisiún as part of the appeal documentation. The Planning Authority has no further comment to make in this matter.

6.4. Observations

- None

6.5. Further Responses

- None

7.0 Assessment

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

- Wastewater
- Design & Site Levels
- Surface Water
- Traffic Safety

- Other issues (landowner and use)

7.2. Design & Visual Impact

The proposed development consists of the construction of a stables to accommodate two ponies. The building will have an overall height of 6.3 metres, length of 18.6 metres, width of 8.7 metres and a total floor area of 157.4sqm. The overall finish will be green corrugated industrial cladding to roof and to the side elevations. The building will consist of 2 no. stables, feed storage, tac room, hay/straw storage and trailer storage with dungstead and soiled water tank underneath part of the stables. The subject site is located within the "Metropolitan Green Belt". The landscape character area is described as Broad Fertile Lowland Valleys. This landscape is described as having a high landscape value and sensitivity with a county level importance.

7.3. The grounds of appeal state the proposed stables is excessive in height at 6.3m and bulky in appearance for its intended use of 2 ponies. The site section indicates a building siting on a level which will require excessive digging and filling to create the level area for the shed. The northeastern side of the shed will be sitting on approximately one metre of filling and this in conjunction with the overall shed height will look massive and bulky.

7.4. I have carried out a site visit, and I acknowledge the site is extremely steep sloping down from the public road towards the stream (southwest to northeast). The applicant proposes to position the stables approximately 6.5 metres from the hedgerow boundary to the southwest (roadside) and at a finished floor level (FFL) of 94.5 metres. This will require cutting into the site at the southwestern section and filling the ground level to the northeast. The application includes one section through the site and from this one drawing it indicates that approximately 0.5 metre of cut is required to the southwestern section and a fill of approximately 1 metre or more is required to the northwestern section. The submitted site layout plan does not include contours of the subject site, and I cannot determine the required cut and fill for the overall building is required in order to site the proposed stables. I further recognise that a concrete apron is proposed along the southeastern elevation and no details have been provided in relation to the cut and fill to provide this concrete apron.

Therefore, I have concerns regarding the actual cut and fill required to accommodate the proposed development.

- 7.5. I note that due to the location of the public road above the subject site, the proposed stables roof will be visible from the public road, however, I further note that the site and surrounding area is designated as a high value landscape and a metropolitan greenbelt and I have serious concerns regarding the potential visual impact of the proposed development given the topography of the site which will require substantial cut and fill in order to construct the proposed stables. In this regard objective GI 14-9 seeks to protect the visual and scenic amenities of County Cork's built and natural environment, ensure that new development meets high standards of siting and design and to protect skylines and ridgelines from development. I consider that the proposed development will negatively impact the visual and scenic amenity of County Cork's natural environment as the proposed development is not designed or sited appropriately in order to protect the ridgeline of the subject site, therefore, it is my opinion that the proposed development will contravene objective GI14-9 of the CDP.
- 7.6. I have further assessed the development in relation to objective GI14-16 Prominent and Strategic Metropolitan Greenbelt, which seeks to protect prominent open hilltops, valley sides and ridges that define the character of the Metropolitan Cork Greenbelt and to preserve these areas from development. In this regard, I consider that the proposed development located on an open valley side will detrimentally impact the character of the Metropolitan Cork Greenbelt. As stated above, the proposal will require substantial cut and fill into the side of a steep slope along a public road with extensive open views from the bridge crossing to the northwest along the Barrett's Hill Road known as Rearour Bridge which is a Recorded Monument.
- 7.7. Having regard to the location of the proposed development along a steep slope within a high value landscape and the metropolitan greenbelt, it is my opinion that the proposed development which will require substantial cut and fill will contravene objective GI14-9 and objective GI14-16 of the CDP as the proposal will negatively impact the visual and scenic amenity of County Cork's natural environment and negatively impact the character of the Metropolitan Greenbelt which seeks to preserve prominent open valleys and therefore permission shall be refused.

7.8. **Services - surface water & effluent**

- 7.9. The proposed development of stables will connect to a soakpit for surface water with discharge via underground pipes to the adjacent stream to the northeast. A dungstead will be provided for solid waste and a soiled water tank will be provided to the front of the stables.
- 7.10. The grounds of appeal state that the planning reference PL04.246733 was refused due to the location of the site adjoining a stream and to the existing concentration of private effluent treatment systems in the vicinity of the site. Therefore, the proposed large stable with a dungstead/effluent within proximity of the stream will negatively impact the stream.
- 7.11. The appellant also raised concerns in relation to the generation of additional surface water on a saturated site and that the swale around the concrete apron is next to an existing drainpipe.
- 7.12. In relation to the proposed effluent on site, I note that solid waste will be contained within a dungstead and soiled water will be stored in an underground tank with a depth of 1.5m. The applicant has stated that these works will be compliant with the relevant DAFM specifications, (S156, S108 & S123). DAFM specifications recommend a minimum separation distance of 50m between a storage facility and any waterbody for new farmyards. The drawings submitted indicate that a separation distance of 52 metres can be achieved. The Environment section of CCC have not raised any concerns in relation to the proposed effluent storage. As the proposed effluent will be compliant with the DAFM specifications, I have no concerns in relation to the storage of waste, and I consider it is sufficiently separated from the nearby stream. I acknowledge that the appellant states the development is similar to a domestic wastewater treatment system, however, the systems are different and the proposed waste from the stables will not be treated on the subject site.
- 7.13. In relation to surface water disposal, I note the applicant proposes soak pits designed to BRE 365 specification. A soak pit should be designed taking account of the annual rainfalls, soil infiltration rates, areas of filled land, preferential underground seepage routes, variations in the level of groundwater and any geotechnical and geological factors that are likely to affect the long-term percolation and stability of the area surrounding the soakaway. Therefore, I consider the

proposed disposal of surface will be adequately addressed with the use of soakaways on site in accordance with BRE Specifications. In the event of a grant of permission, a condition shall be attached, requesting the applicant to agree surface water disposal details prior to construction in order to prevent flooding or surface water runoff to the stream to the northeastern boundary.

7.14. Having regard to the proposed methods for the storage of effluent and soiled water which will be in accordance with DAFM Specifications. In addition to the proposed soakaways on site to deal with surface water runoff in accordance with BRE 365 specifications, it is my opinion that the proposed effluent and surface water will be adequately addressed on site and will not negatively impact the adjacent stream to the northeastern boundary.

7.15. Entrance

7.16. There is an existing entrance to the subject site and a passageway running parallel to the public road.

7.17. The grounds of appeal state that the proposed entrance will be raised to field level using rock armour and filing. A laneway will then provide access to the field from this point. It is the opinion of the appellant that this area will not facilitate the entrance or exit of a vehicle or a vehicle and horse box as it is not deep enough. There is no drawing showing the level difference between the road, the entrance, the area inside the entrance and the field level and what height of fill will be required to make this area/entrance.

7.18. I have assessed the site layout submitted outlining the existing entrance point will be raised using rock armour or similar and a cattle grid will be provided. The drawing does not mention the use of a gate at the entrance. I note the cattle grid is located 3 metres from the edge of the road and the laneway provides a semi-circle driveway in order to allow vehicles to turn onto the existing passageway to enter the subject site. The applicant has not provided any details in relation to the ground levels or the amount of infill required to increase the entrance level. The applicant has not demonstrated whether a horse trailer can adequately turn into the site without impacting on traffic safety on the adjacent local road nor is the entrance appropriately sited to allow a large vehicle to turn into the site without crossing onto the other side of the public road. No dimensions have been provided, and it is my

opinion that the proposed entrance and turn into the existing lane is insufficient to allow a large vehicle to safely turn onto the existing lane/passageway. In addition, I have concerns regarding the location of the passageway parallel to the public roadway. Any oncoming traffic along the public road may be impacted by lights from vehicles travelling along the passageway and impact traffic safety.

7.19. Having regard to the layout the proposed entrance and the insufficient details in relation to the depth of the entrance, the width of the access/passageway road and the existing passageway which runs parallel to the public road, I have serious concerns in relation to the proposed entrance and the negative impact on traffic safety particularly on the adjacent public road. Therefore, in my opinion a refusal is warranted on traffic safety grounds.

7.20. **Other issues**

7.21. Access to watercourse

7.22. The appellant has outlined that access to the stream is not possible as proposed as the stream does not bound the applicant's landholding. The applicant has responded and states the "dog-leg" still exists in the stream, aerial photograph submitted. The subject site touches the watercourse, land registry map submitted.

7.23. This is a civil matter, but should the Coimisiún be minded to grant permission for the proposed development, this is an issue which should be clearly addressed in the first instance. That said, the plans submitted do show that a small section of the site does bound the stream.

7.24. Use of structure

7.25. The use is queried as the applicant has stated he is renting the land since 2000, and it is the appellant's understanding that the 2 ponies have been housed to the rear of the main residence in Briar Hill.

7.26. The applicant has stated the stables at Ballynagrumbolia were constructed in 2000, at the same time he commenced renting the land at Gogganshill. The dwelling residence is c.0.3ha, allowing no space to graze or exercise ponies. I consider the design of the stables is consistent with that to accommodate ponies/horses.

8.0 AA Screening

8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is not located within a designated site. Cork Harbour SPA (site code: 004030) is located approximately 11 km east of the subject site.

The proposal consists of permission for stables and all associated site works. No nature conservation concerns were raised by the appellant.

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:

- Scale and size of the development
- Distance to the nearest European site
- The lack of connections to the SPA & SAC.

I conclude, on the basis of objective information, that the proposed & retention 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

9.1. The subject site is located within a rural townland of Gogganshill, Ballinahassig, Co. Cork approximately 0.7km to the north-west of Ballinahassig and the N71. The proposal consists of permission for stables and all associated site works.

The appellant raised concerns in relation to surface water and potential runoff into the adjacent stream and it is outlined the stream is a tributary of the Owenboy river which is a pNHA located approximately 10.5km east of the subject site.

I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and,

where necessary, restore surface & 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. The reason for this conclusion is as follows.

- Scale and size of the development
- Distance to the nearest waterbody
- The lack of connections to the waterbody
- Disposal of surface water via a soakaway in accordance with BRE 365 Guidelines.

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

10.0 Recommendation

10.1. I recommend that planning permission should be refused for the reasons and considerations as set out below.

11.0 Reasons and Considerations

1. The subject site is located within Metropolitan Greenbelt and within Landscape Character Area “Broad Fertile Lowland Valleys” which is described as having a high landscape value and sensitivity with a county level importance as set out in the Cork County Development Plan 2022-2028 for the area, where emphasis is placed on the importance of protecting the visual and scenic amenity of Cork’s natural environment and preserving the character of the Metropolitan Greenbelt as set out in objective GI14-9 and GI14-16 of the Cork County Development Plan 2022-2028. Having regard to

the topography of the site, the elevated positioning of the proposed development, together with the extensive cut and fill required and the overall height of the proposed stables, it is considered that the proposed development would form a discordant and obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area, would fail to be adequately absorbed and integrated into the landscape, would militate against the preservation of the Metropolitan Greenbelt and therefore, contravene objectives GI14-9 and GI14-16 of the Cork County Development Plan 2022-2028 and would set an undesirable precedent for other such prominently located development in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that the traffic turning movements generated by the proposed development would tend to create serious traffic safety concerns as the proposed entrance is not adequately designed to accommodate large vehicles. The proposed development 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.

Jennifer McQuaid
Planning Inspector
28th April 2026

Appendix A: Form 1 - EIA Pre-Screening

Case Reference	PL-500727-CK-26
Proposed Development Summary	Permission for construction of stables for domestic use with ancillary storage, and construction of new entrance.
Development Address	Gogganshill, Ballinhassig, Co. Cork
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>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 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>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>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ Date: _____