



Inspector's Report

PL-500744-CK-26

Development	One detached dwelling and three two storey terraced dwellings, parking, public open space and all associated site works.
Location	Upper Aghada, Midleton, Co. Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	255958
Applicant(s)	Brosnan Property Solutions Ltd
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	John Cooper
Observer(s)	Farad and Fiona Raissa
Date of Site Inspection	1 st April 2026
Inspector	Jennifer McQuaid

Table of Contents

1.0	Site Location and Description	3
2.0	Proposed Development.....	3
3.0	Planning Authority Decision	3
4.0	Planning History.....	8
5.0	Policy Context.....	9
6.0	EIA Screening.....	13
7.0	The Appeal	13
8.0	Assessment	18
9.0	AA Screening.....	32
10.0	Water Framework Directive.....	33
11.0	Recommendation.....	34
12.0	Reasons and Considerations	34
	Appendix 1: Form 1 EIA Pre-Screening	35
	Appendix 1: Form 2 - EIA Preliminary Examination	37

1.0 Site Location and Description

- 1.1. The subject site (0.26ha) is located within the village of Aghada Upper, Co. Cork, located approximately 10km south of Midleton town. The subject site is located to the rear of a derelict dwelling and habitable dwelling (in separate ownership). There are four existing terrace dwellings located to the rear of the site (part of an unfinished estate, currently under construction). The site levels vary from west (55.5m) to east (52.7m). The site is accessed off Upper Aghada local road. There are existing dwellings fronting onto a minor road to the north and west. Curragh Glen housing estate is located to the south.
- 1.2. The proposed development is located within the Zone of Archaeological Potential for St Erasmus Catholic Church CO088-119, a Recorded Archaeological Monument.

2.0 Proposed Development

- 2.1. The proposed development consists of:
 - One semi-detached two storey dwelling
 - Three two storey terraced dwellings
 - Street parking, public open space
 - All associated site works.

3.0 Planning Authority Decision

3.1. Decision

Grant subject to 9 no. conditions.

3.2. Conditions

Condition 3: Before development commences on foot of this permission, applicant to submit full details of all boundary fencing proposed for the written agreement of the Planning Authority. Please note any boundary fence which faces a public area shall be constructed of concrete and plastered/rendered accordingly.

Reason: In order to clarify the details of the development being permitted and in the interest of proper planning and sustainable development.

Condition 4: The proposed first floor rear elevation window on the western end of proposed dwelling no. 7 (serving a bedroom) shall be omitted and replaced with masonry wall to match proposed, unless otherwise agreed in writing with the Planning Authority.

Reason: In order to mitigate overlooking of neighbouring property.

Condition 5: The tree/hedgerow protection measures set out in the Arboricultural report submitted on the 8/12/2025 shall be applied during the construction phase of development.

Reason: In order to clarify the details of the development being permitted and in the interest of proper planning and sustainable development.

3.3. Planning Authority Reports

- The subject site is part of an unfinished estate and the provision of completing the estate and adding more housing is welcomed. The proposal is within the growth figures for Aghada/Whitegate village.
- The density of the overall site with the constructed 4no. dwellings gives approximately 24 units per ha, and this is in compliance with the medium b density (20-35 units/ha) for Aghada/Whitegate village.
- In terms of layout no active supervision of the open space between dwellings 4 & 5 and this should be redesigned. Further concerns raised in relation to the design of Unit 8 along the street front.
- The Planner is satisfied that the works to the existing 4 dwellings on site, were carried out in accordance with section 40 of the Act.
- Potential overlooking of Unit 7 onto the rear garden of the dwelling to the south at Curagh Glen estate. And further mitigation measures should be implemented.
- Noise will be managed under a CEMP.
- In regard to the southern boundary, the applicant shall demonstrate how the tree line (and existing sod and stone ditch) can be protected and supplemented as part of construction. In addition, the garden lengths are short at 5m where it adjoins the existing mature tree belt. This is close and

will result in loss of light for the proposed dwellings. The private amenity space is below the standards of SPPR 2 and should be reconsidered.

- The entrance is not ideal and was discussed with A/E, sightlines to the north are not ideal but the existing entrance has been in place since the mid 2000's. ABP conditioned "the proposed entrance shall be narrowed and the access road into the site shall be of a mews court design with a width of 4.5 metres approximately, with a joint surface to reflect pedestrian priority. The proposed entrance is 5.6m in width and includes a footpath on the northern side. The road is not finished, and the footpath is not linked across the part of the passing area, this should be reviewed.
- Applicant to provide 2 car parking spaces for Unit 8.
- The proposal is in close proximity to RPS ID 590 bell tower of former Catholic Church, no overall concerns raised as the likelihood of intervisibility is low. However, the Conservation Officer raised concerns in respect of dwelling (no. 8) at the entrance and that it should be designed better to connect with the streetscape/heritage.

Further information Report

- In order to reduce overlooking of the dwelling to the south. A 2m high post and panel fence has been proposed to the west and south of unit no. 7. While this will enhance ground floor privacy, it does not in itself mitigate the potential lateral overlooking from first floor, in particular the proposed bedroom. It is noted that this bedroom is served by a second window on the western gable thus the omission of the potentially overlooking window can be addressed by condition.
- In respect of the proposed 2 metre boundary fence, it is unclear how this fenceline will interact with the rear boundaries of units 6 and 7. There is a concrete wall currently running along this boundary. Presumably the new timber fence will sit inside same as the treeline/hedgerow softens to the rear of dwelling no. 7. Final details in respect of same should be addressed via condition. It is also noted the west side of this fence now fronts an area of public open space close to the car parking court. As is standard practice, any

such public facing fences should be of robust rendered concrete finish. This will need to be addressed by condition.

- The area of open space between dwellings no's 4 & 5 has now been incorporated into the private open space associated with these dwellings. This results in larger garden areas for dwelling no's 4 and 5 which also helps address previous concerns regarding the minimal sizing in terms of private open space. Presumably these areas will be demarcated by timber fencing however same is not wholly clear. While the central terrace unit (no. 6) still retains the smallest level of open space, this unit does directly front the main public green amenity on its northern side. Overall, the amenity concerns have been addressed.
- The applicant has submitted an Arboricultural report in respect of tree/hedgerow boundary. The report outlines mitigation measures to ensure the boundary hedgerow will not be damaged during construction. It is stated that the protective fence shown is only required on a temporary basis during construction. As such the permanent use of the gardens will not be impeded by the fence line. The report also outlines that the boundary to the rear of proposed terrace dwellings 5-7 could grow to 8-10m high (Hawthorne) if left unpruned. While this height would shade the rear garden areas, it would not impede light from reaching the proposed dwellings.
- The layout does not lend itself to be taken in charge, therefore the site should remain private in perpetuity.
- Unit 8 has been redesigned to reflect the original design and adjacent property.
- Parking for unit 8 has been provided to the east along the main access route into the site.
- Revised and improved road access proposal has been submitted. This includes a raised element across the proposed entrance to link the unconnected footpaths.

3.3.1. Other Technical Reports

- **Archaeologist:** The proposed development is located within the zone of Archaeological Potential for St. Erasmus Catholic Church CO088-119, a Recorded Archaeological Monument. The site appears from aerial imagery to be largely devoid of topsoil and somewhat disturbed, in particular the western extent. The site may not be suitable for invasive archaeological excavations, therefore. There are modern houses in the intervening area between the proposed development site and the Recorded Monument and therefore impacts to setting are not anticipated. Direct impacts to the monument are not anticipated. No archaeological intervention required.
- **Public Lighting:** The applicant has submitted details for a column to light the proposed footpath to unit 1-4 but they have not included the lighting class for this area within their public lighting report. No objection, the applicant shall be conditioned to demonstrate the lighting class P4 for this area within a Grid in the Report.
- **Estates:** The layout of the site does not lend itself to being suitable for taking in charge, therefore the applicant shall agree to the estate remaining private in perpetuity.
- **Area Engineer:** No report on file, requested from Cork County Council, no response.
- **Conservation officer:** Planner's report notes further information request, however, no report on file. Requested from Cork County Council, no response.

3.4. **Prescribed Bodies**

- None

3.5. **Third Party Observations**

4 no. submissions were received from local residents. The concerns raised are:

- Overlooking from one of the rear facing windows onto rear garden.
- Newspaper is not local.
- Noise from construction and traffic.
- Construction hours are excessive.

- Planning permission expired for previous permission over 20 years ago and yet work have recommenced.
- Loss of light – units 5-7 will block morning sunlight and unit 8 will block evening sunlight.
- Road safety issues & pedestrian safety – no footpath
- Lack of social infrastructure and services.
- No alterative vehicular exit/entrance for emergency vehicles.
- No EV charging points.
- Health and safety concerns
- Neighbouring properties are not included in the drawing and unclear as to exact position.
- Overdevelopment
- Ownership status
- The proposed layout contravenes conditions of original grant under planning reference PL04.216585
- Separation distance below standards. Open space quality is poor.
- No landscaping plan or boundary treatment details.
- Disconnect between the use of tree pits and the attenuation tank for SuDs measures and its identification as part of the proposed site layout drawing.

4.0 Planning History

PA Reg. No: 077189: Permission granted for 2no. dwelling houses.

PA Reg. No: 0611870: Permission refused for 3no. terraced townhouses.

ACP: PL04.216585: (PA Reg. No. 05/5331) Permission granted to demolish dwelling and construct 10 townhouses and associated site works. Conditions omitted 4 no. dwellings.

The following conditions are of interest:

Condition 2: The proposed four houses along the southern boundary shall be omitted. (This area may be the subject of a future application for permission subject to normal development standards and the protection of the tree boundary).

Reason: In the interest of visual and residential amenity having regard to the tree boundary at this location and the substandard nature of the proposed gardens.

Condition 3: The proposed four houses along the eastern boundary shall be moved in a westerly direction to that no house is closer than 10 metres from the eastern boundary.

Reason: In the interest of orderly development and residential amenity.

Condition 4: The rear garden area of the terrace of two units facing onto the public road shall be increased by the relocation of the rear garden wall of these properties two metres to the south (This will also necessitate the relocation of the parking spaces proposed at this location).

Reason: In the interest of orderly development and residential amenity.

Condition 6: The proposed entrance shall be narrowed and the access road into the site shall be of a mews court design with a width of 4.5 metres approximately, with a joint surface to reflect pedestrian priority.

Reason: To avoid a suburban type entrance at this predominantly solid frontage location in the village.

PA Reg. No: 033564: Outline permission granted to extend and remodel an existing shop and construct 3 dwellings.

5.0 Policy Context

5.1. Development Plan

Cork County Development Plan 2022-2028 (CDP)

The subject site is located in Aghada Village. Volume 4 South Cork groups Aghada Village with Whitegate Village as they are located adjacent to each other.

The site is zoned as Existing Residential

ZU18-9: 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.

The overall strategic aim for Whitegate and Aghada is to promote its role as a location for the storage and processing of strategic energy resources, consolidating its industrial and harbour related roles within this sensitive coastal setting and with limited expansion of residential uses. Whitegate has been designated as a Strategic Employment Location in this plan suitable for large scale employment development, i.e., large stand-alone uses which require significant amounts of land.

The plan makes provision for the population of the key village to grow to 2,341. In order to accommodate this level of population growth, an additional 60 housing units will need to be delivered up to 2028, subject to servicing constraints being resolved.

It is considered that the bulk of the required housing will be provided around the existing housing and community facilities available at Aghada.

Development Boundary Objectives for Whitegate and Aghada

WG-DB-01: Within the development boundary of Whitegate and Aghada encourage the development of up to 60 houses during the plan period.

WG-DB-02: Appropriate and sustainable water and waste-water infrastructure, that secures the objectives of the Water Framework Directive and the Great Island Channel Cork Harbour Special Area of Conservation, and Cork Harbour Special Protection Area, must be provided and be operational in advance of the commencement of any discharges from development. Wastewater infrastructure

must be capable of treating discharges to ensure that water quality in the receiving water does not fall below legally required levels.

WG-DB-03: All proposals for development within areas identified as being at risk of flooding will need to comply with relevant objectives in Chapter 11 “Water Management”.

WG-DB-04: The green infrastructure assets of Whitegate and Aghada include its marine and coastal and wetland habitats as well as mature trees and areas of woodland and coastal grass and heathland.

Much of the shoreline and marine area forms part of the Cork Harbour SPA and are also included within the proposed Natural Heritage Areas. The area is an important over wintering site for significant numbers of a range of wetland bird species.

New development should be sensitively designed and planned to provide for the protection of these features and will only be permitted where it is shown that it is compatible with the requirements of nature conservation directives and with environmental, biodiversity and landscape protection policies as set out in Volume One Main Policy Material and Volume Two Heritage and Amenity.

Chapter 2 refers to Core Strategy.

Chapter 3 refers to Settlements and Placemaking.

Chapter 4 refers to Housing.

HOU 4-7 Refers to Housing Density on Residentially Zoned Land.

Table 4.1 refers to Settlement Density Location Guide.

Chapter 14 refers 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.

Chapter 16 refers to Built and Cultural Heritage

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.

5.2. National or Regional Policy

- Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024)
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023)
- National Planning Framework (NPF) 2040
- Regional Spatial and Economic Strategy for the Southern Region (RSES) 2018.
- Design Manual for Urban Roads and Streets (May 2019) (DMURS)

5.3. Natural Heritage Designations

The subject site is not located within a Natura 2000 site. The nearest sites are:

- Cork Harbour SPA (site code: 004030) is located approximately 750 metres to the north of the subject site.
- Rostellan Lough, Aghada Shore and Poul nabibe Inlet pNHA (site code: 001076) is located approximately 750 metres to the north of the subject site.
- Whitegate Bay pNHA (site code: 001084) is located approximately 1.75 metres north of the subject site.
- Carrigacrump Caves pNHA (site code: 001408) is located approximately 4.35km east of the subject site.
- Cuskinny Marsh pNHA (site code: 001987) is located approximately 4.46km north of the subject site.
- Great Island Channel pNHA & SAC (site code: 001058) is located approximately 4.60 km north of the subject site.

6.0 EIA Screening

- 6.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

The grounds of appeal have been received from a local resident. The concerns raised are:

- Planning History & Procedural Defects: planning history PL04.216585 (PA. Reg. 05/5351) permission for 10no. dwellings. Conditions relevant as follows:

- Omission of 4no. houses along the southern boundary (condition 2) it was indicated that this area may be the subject of a later application subject to design and protection of the tree boundary.
- Repositioning of the 4no. houses at the eastern boundary to ensure no house is closer than 10 metres from the eastern boundary (condition 3).
- The estate entrance, proposed on the western boundary at the mews court design at 4.5m (condition 6)
- Prior to commencement of development revised drawings showing compliance with conditions were to be submitted for agreement to the planning authority. (condition 7)
- In addition to condition 7 a number of other “prior to commencement” conditions were to be addressed by the developer and agreed with the planning authority these encompassed conditions 9, 11, 13, 14 & 15.
- Arrangements for compliance with “Part 5” obligations was also required under condition 8.

Works on the eastern terrace of houses (3,4,5,6) were commenced but not completed and ceased in 2008 and was abandoned. The works recommenced in June 2025. It is submitted that a number of aspects of the permission by the Board are not in accordance with planning codes.

- Expire of previous planning: Permission for PL04.216585 expired on 3rd August 2011. Cork County Council have stated the works carried out were legitimate under section 40(2)(a)(i)-(iv) of the Planning and Development Act 2000. This section does not allow a developer to restart works after 17 years, the works are substantial. The applicant should have applied for “retention and completion”.
- Non-compliance: Conditions 7,9,11,13 & 14 of PL04.216585 required prior to commencement details and these have not been submitted to Cork County Council. It appears that the location of four unfinished house units does not comply with Condition No. 3 of the planning permission. Based on the layout, unit 4 (referred to as Unit 6 in the 2005 application) appears to be located less than 10 metres from the eastern boundary.

- **Boundary:** The proposed private open space for unit 5 is outside the red line boundary and lies between two planning applications. While separate planning permission are allowable, planning law requires that they are “severable”, in this instance due to overlaps of development items, they are not.
- **Road Safety:** The entrance is at the junction with the L3651 and L3448, approximately 10m from a blind bend. The entrance differs from that permitted in 2006 under PL04.216585. Area Engineer had serious concerns regarding road safety for the use of this location for a housing estate entrance and recommended refusal. It is also set out that the revised arrangements create a risk of vehicles queuing while waiting to turn left into the estate, potentially resulting in stationary vehicles, including waste collection trucks, waiting at the site entrance, thereby creating a traffic hazard. The entrance should be the subject of a road safety audit or engineering assessment. The proposed traffic calming measures along the L3651 and L3448 can improve safe access and egress, but it is unclear how these measures will improve the entrance. The sight line of 10.6m is unacceptable and below the standards of 45m and 23m for junctions on roads with speeds limits of 50kph and 30kph respectively.
- **Protection of tree lines and shared historic boundary:** Condition 2 of PL04.216585 stated: The proposed four houses along the southern boundary shall be omitted. (this area maybe the subject of a future application for permission subject to normal development standards and the protection of the tree boundary). The proposed development does not provide protection of the Tree Boundary, nor does it overcome the issue of “the substandard nature of the proposed gardens”. The proposal only provides protection during construction not during operation. A planning condition shall be attached to protect the mud & stone boundary in the rear gardens of units 5, 6 & 7. The previous planning application confirmed the boundary is shared under paragraphs 9.2, 10.7 and 10.8 of the PL04.216585.
- **Overdevelopment:** Public and private open space falls below the recommended standards. House no. 8 only has 24.6sqm of private open space. Significant portions of the proposed open space appear to be incorporated into the private garden areas of units 7, 5 and 4. The open

spaces are unusable. Also to note the site will not be taken in charge by the council due to the standard.

- Devalue property: The status of the detached dwelling beside the proposed unit 8 will be changed to semi-detached and increase noise between the properties, loss of separation space and side access.
- Design of Unit 8: the design and scale are inappropriate and visually overbearing.
- Overlooking & Privacy impact: Unit 8 is located approximately 1 metre from the rear boundary wall of the affected properties private garden area, the first-floor window will directly overlook and severely encroach on the privacy and use of the affected properties rear garden and family home.
- Structural Stability and Boundary Works: the proposed construction of Unit 8 could impact the structural stability of the existing dwelling and boundary walls. There is a lack of detailed engineering and structural methodology to demonstrate how the affected property and the existing boundary wall will be protected during construction phase, including protection from water ingress and subsidence.

7.2. Applicant Response

The applicant has submitted the following response:

- Planning History: Units 3-6 were constructed to roofed condition and externally enclosed. Porches, external doors and windows were installed. Google images have been submitted as evidence. The recent works were limited to resealing and weatherproofing the external envelope in order to protect the existing structures from deterioration. There were no new foundations, no relocation of structures, no increase in footprint and no internal fit-out works carried out. The suggestion that extensive new construction occurred is incorrect. The Planning Authority determined that the continued works comply with Planning and Development Act.
- Alleged non-compliance with Conditions: this assertion is based on absence of documentation on the public file rather than evidence of non-compliance. The current application was assessed with full awareness of the planning history.

- **Separation Distance:** it should be noted that soil was previously banked along the boundary by the earlier developer, which affects how the boundary appears on the ground. Visual assessments from current ground levels may not accurately reflect the true boundary position. The buildings retain their original separating distance and no changes to separation distances arose from the recent external repair works.
- **Road Safety and Entrance:** The entrance has not been widened, the 4-metre stone wall remains untouched and unaltered. The speed limit in the village is closer to 30km/hr rather than 50km/hr due to the residential setting, junction proximity and local traffic conditions. The Roads Authority did not raise any concerns. The applicant is willing to provide a measured visibility survey and supporting assessment prepared by a suitably qualified traffic or civil engineer.
- **Protection of Tree line and shared boundary:** A Tree Protection Strategy was submitted and sets out measures to protect retained trees during the construction works. There is no proposal to remove the historic stone boundary or tree line. no works of excavation, removal or undermining have been undertaken along that boundary as part of the works.
- **Residential Amenity and overdevelopment:** The proposal is a small-scale development within a village settlement. The overall scheme was assessed by the Planning Authority in the context of the CDP and national guidance. The fact that the site may not be taking in charge by the Council does not render the development substandard or non-compliant from a planning perspective. The proposal does not represent an excessive density relative to the settlement context.
- **Adjoining Property to Unit 8:** The proposal does not affect the status of the existing dwelling. The overall height, design and massing was assessed by the Planning Authority and considered acceptable. There is no evidence that the proposal will give rise to an unacceptable level of overlooking beyond what would normally be associated with residential development in a village setting.
- **Structural stability:** No evidence submitted to substantiate risk to stability, standard construction practice, building regulations compliance and appropriate engineering oversight will apply.

7.3. **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.

7.4. **Observations**

An observation was received from a resident directly beside the proposed unit 8. The concerns raised are:

- **Traffic Hazard:** the proposed entrance is located on a dangerous bend; there is poor visibility of the new entrance. The construction of Unit 8 will constrain the entry/exit of the subject site. This means a car intending to turn left into the development would have to stop at the dangerous bend to allow for an exiting car, creating a significant hazard where visibility is poor.
- **Engineering Hazard:** the revised site entrance layout includes a “raised tarmac ramp” right at the junction, this will impact sightlines and create a hazard for both drivers and families walking in the village.
- **Structural Risk:** The developer rendered the chimney and gable end in December 2025. The proposed Unit 8 will be directly attached to the existing 100-year-old dwelling. Unit 8 will be higher than the existing dwelling. The construction of unit 8 could lead to “differential settlement” or vibrations leading to structural damage. No plans to protect the existing dwelling.
- **Impact on Village character and privacy:** the design is an artificial imitation of the existing dwelling and compromises the genuine character of the adjacent historic dwelling. A proposed footpath will encourage people to gather and create noise and impact privacy and security.

8.0 **Assessment**

- 8.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant

local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Planning History
- Road Safety
- Boundary Treatment
- Overdevelopment & Layout
- Unit 8 – Design, Overlooking, Overbearance & Structural Stability.
- Other issues – Devalue Property, Non-compliance, Red Line Boundary, Landownership
- Water Framework Directive
- Appropriate Assessment

8.2. **Planning History**

8.3. Previously, permission was granted on the subject site for 6 no. dwelling under planning reference PL04.216585 (PA. Reg. 05/5351). Due to the economic downturn, the units were not completed and remained vacant. Under section 40(2)(a)(i)-(iv) of the Planning and Development Act 2000, the remaining works were carried out. During my site visit, I note the existing dwellings are not yet complete and remain vacant however, substantial works have been carried out.

8.4. The grounds of appeal state that a number of conditions from the previous grant of permission under planning reference PL04.216585 (PA. Reg. 05/5351) were not complied with and some of which will impact the proposed development.

8.5. I have reviewed the previous planning conditions, and I note the conditions relevant to the subject development are condition 2 and condition 6.

8.6. Condition 2: The proposed four houses along the southern boundary shall be omitted. (This area may be subject of a future application for permission subject to normal development standards and the protection of the tree boundary).

This condition was applied as the applicant proposed to construct a 2.2m timber screen within the applicant's site in front of the treeline along the southern boundary. The inspector stated that this would effectively deny access to the tree

belt as an amenity feature and for maintenance etc. and the tree belt would be sandwiched between the two fence lines. Therefore, the Commission refused permission for the proposed 4no. units along the southern boundary. Although, it is noted the condition also states a future application may be considered subject to normal development standards and the protection of tree boundary. The applicant has submitted a revised application and has included the treeline along the southern boundary within their application, please refer to section 8.15 below for details in relation to the protection of the treeline. In my opinion, the applicant has observed the previous condition of planning reference PL04.216585 (PA. Reg. 05/5351) and has revised the proposed layout to take this into account.

- 8.7. Condition 6 relates to the proposed entrance and states this shall be narrowed and the access road into the site shall be of a mews court design with a width of 4.5 metres approximately, with a joint surface to reflect pedestrian priority. The applicant has narrowed the proposed entrance from that previously proposed under planning reference PL04.216585 (PA. Reg. 05/5351) and has revised the proposed site entrance, however, I have concerns regarding the proposed entrance, which I have outlined in section 8.9 below.
- 8.8. Having regard to the previous planning application under planning reference PL04.216585 (PA. Reg. 05/5351) and the conditions attached by the Commission, I consider the applicant has taking into account the previous advice of the inspector and Commission and the revised planning application and revised site layout has attempted to address the previous concerns raised.
- 8.9. **Road Safety**
- 8.10. The applicant is proposing to use an existing permitted entrance off the Upper Aghada local road. The previous planning application under planning reference PL04.216585 (PA. Reg. 05/5351) stated the access road into the development should be more of a mews court design, with a joint surface to reflect pedestrian priority. The inspector stated the road width should be reduced to 4.5m and the turning head at the end should be reassessed as a turning area that would work. A minimum 6m radius should be provided.
- 8.11. The grounds of appeal state that the entrance is at the junction with the L3651 and L3448, approximately 10m from a blind bend. The entrance differs from that

permitted under PL04.216585. Area Engineer at that time had serious concerns regarding road safety for the use of this location for a housing estate entrance and recommended refusal. It is also set out that the revised arrangements create a risk of vehicles queuing while waiting to turn left into the estate, potentially resulting in stationary vehicles, including waste collection trucks, waiting at the site entrance, thereby creating a traffic hazard. The entrance should be the subject to a road safety audit or engineering assessment. The proposed traffic calming measures along the L3651 and L3448 can improve safe access and egress, but it is unclear how these measures will improve the entrance. The sight line of 10.6m is unacceptable and below the standards of 45m and 23m for junctions on roads with speeds limits of 50kph and 30kph respectively.

- 8.12. The applicant has stated the entrance has not been widened, the 4-metre stone wall remains untouched and unaltered. The speed limit in the village is closer to 30km/hr rather than 50km/hr due to the residential setting, junction proximity and local traffic conditions. The Roads Authority did not raise any concerns. The applicant is willing to provide a measured visibility survey and supporting assessment prepared by a suitably qualified traffic or civil engineer.
- 8.13. I have reviewed the site layout plan submitted for the proposed entrance and I have carried out a site visit. The proposed entrance was originally granted under planning reference PL04.216585 (PA. Reg. 05/5351), however, the applicant was conditioned to provide a 4.5metre width entrance, although no final details of the permitted entrance were submitted with the application or outlined by the Area Engineer of CCC. The previous application did not include unit 8 and this has further restricted the proposed entrance. I also note during my site visit that there is no footpath to the front of the site. The site layout plan submitted indicates a 3.499 metre width entrance with a 1.5 metre footpath to the north and a 0.6 metre concrete strip to the south along the boundary with unit 8. A raised tarmac ramp with road markings for pedestrian link between footpaths is proposed. I have serious concerns regarding the proposed entrance located on a bend and it is located within a village setting where speed limits of 50kmp/h are applicable and sightlines of 45 metres in both directions should be achieved. No sightlines are indicated on the site layout submitted, I have assessed the site layout plan, and I

note sightlines are below the recommended distance of 45 metres, therefore I have concerns the inadequate sightlines will seriously impact traffic safety.

- 8.14. In addition, the entrance is narrow and can only allow one car in or out at a time, this may lead to vehicles queuing on the Upper Aghada Road in order to enter the subject site or result in vehicles reversing to allow vehicles to pass. A layby is proposed within the subject site approximately 15 metres from the site entrance along the northern boundary. However, this will not alleviate potential vehicles queuing on the local road.
- 8.15. I have assessed the proposed site entrance and internal layout in regard to section 4.3.1 Footways, Verges and Strips of DMURS, the proposed footpath is below the recommended width of 1.8metre for areas of low pedestrian activity and in addition, the proposed footpath is not continuous throughout the development, it ends at the passing lay-by and starts again at the other side of the layby, no pedestrian crossing is proposed between the two footpaths, this will lead to traffic safety concerns for pedestrians.
- 8.16. In relation to the carriageway widths, section 4.4.1 of DMURS states a carriageway width for local street with a shared surface carriageway should be a minimum of 4.8 metres, the proposed carriageway width is 3.499 metres which is below the standard and a bend is provided just inside the entrance which will further restrict the entrance. Therefore, the proposed carriageway width does not comply with DMURS and in my opinion, could lead to serious traffic safety issues.
- 8.17. Section 4.4.4 of DMURS refers to Forward Visibility, the Stopping Sight Distance (SSD) which are based on the parameters included in the UK Manual for Streets (2007) and in particular, for the subject site, given the speed limit within the village is 50km/h and a forward visibility required is 45 metres. The applicant has not provided any information in regard to sightlines on the site layout plan submitted, I have assessed the site layout plan, and the proposed sightlines are well below the recommended standard of 45 metres.
- 8.18. Section 4.4.5 of DMURS refers to Visibility Splays, the applicant has not provided any information in relation to the visibility splays, there are no details in relation to the setback distance which should be 2.4metres measured from the continuation of

the line of the nearside edge of the road, including all hard strips or shoulders. No details provided in relation to visibility splays.

- 8.19. In regard to the car parking provided on site, a total of 14 no. spaces have been provided to serve 8 residential units (4 permitted and 4 subject of this application). The CDP requires 2 car parking spaces for each dwelling as per Table 12.6: Car Parking Requirements for New Developments. The applicant is short 2 no. car parking spaces. However, it is also stated that these requirements do not apply to development located in Town Centres as identified in this plan where the development involves the re-use/refurbishment of an existing occupied or vacant building, any change of use or where small-scale infill developments (including residential) are proposed. Therefore, I consider given the location of the proposed development within a village centres, the proposed car parking is in accordance with the CDP.
- 8.20. I further note no disability or EV parking has been provided and given that the parking is not within the curtilage of the proposed residential units, disability and EV parking should be provided in accordance with Objective TM12-12: EV Charging of the CDP. In my opinion, in the event of a grant of permission, this can be dealt with by way of a condition.
- 8.21. Due to the restricted entrance on site, a large vehicle will not be able to enter or turn within the site, therefore, any refuse vehicles will need to collect refuse bins at the front entrance to the site. However, no details have been provided and no details provided as to where bins will be stored during collection times. The proposed location of unit 8 will restrict the entrance and restrict any future bin storage area. Therefore, I have serious concerns regarding the ad hoc placing of bins to the front entrance along the local road, where there are no footpath and poor visibility along with the proposed narrow entrance to the subject site which could lead to a serious traffic hazard.
- 8.22. I acknowledge that permission has been granted under planning reference PL04.216585 (PA. Reg. 05/5351), however this permission has not yet been completed to date and a condition was applied requiring the applicant to narrow the access road into the site which shall be of a mews court design with a width of 4.5 metres approximately, with a joint surface to reflect pedestrian priority. This has not

been provided and in the interim since the original assessment of this entrance, guidelines have been updated and any new entrance shall comply with DMURS. As I have outlined above, the subject does not align with Condition 6 of planning reference PL04.216585 (PA. Reg. 05/5351) and it does not comply with DMURS.

8.23. Having regard to the proposed entrance details and design and the restricted nature of the proposed entrance which is not in compliance with DMURS and my concerns raised in relation to bin storage at the proposed entrance, the lack of disability and EV parking which is not in compliance with the CDP, it is my opinion that permission should be refused due to the serious traffic issues raised in relation to the proposed site entrance.

8.24. **Boundary Treatment**

8.25. There is a mature hedgerow with trees along the southern boundary to the rear of the proposed unit 5, 6 and 7.

8.26. The grounds of appeal state Condition 2 of PL04.216585 requested the proposed four houses along the southern boundary shall be omitted. (this area maybe the subject of a future application for permission subject to normal development standards and the protection of the tree boundary). The proposed development does not provide protection of the tree boundary, nor does it overcome the issue of “the substandard nature of the proposed gardens”. The proposal only provides protection during construction not during operation. A planning condition shall be attached to protect the mud & stone boundary in the rear gardens of units 5, 6 & 7. The previous planning application confirmed the boundary is shared under paragraphs 9.2, 10.7 and 10.8 of the PL04.216585.

8.27. The applicant has submitted a revised layout from that submitted under planning reference PL04.216585 and the proposed dwellings have been set appropriately 6 metres from the rear boundary. Under planning reference 07/7189 permission was granted to construct 2no. dwellings along this section subject to retention of the insitu tree boundary. (these were never built) I have assessed the Arboricultural Impact Assessment and Tree Protection Plan submitted, which provides a clear assessment of the existing trees on site and evaluates the potential impacts of the proposed development on trees and vice versa. The assessment states the southern boundary is main consists of hawthorn that once functioned as a managed

hedgerow but has since become lapsed. A concrete post and fence were installed on the southern side and during that work the hedgerow was subject to crude pruning. The lack of ongoing management has resulted in gaps, irregular form and mixed condition across the length of the hedge, some of the hawthorn retains good vitality, while others show weaker growth. The southeastern end of this boundary has two Ash trees. Ground disturbance is evident within their root protection areas. In order to protect trees, prior to construction the contractor must appoint a project arboriculturist, during construction tree protective fencing will be installed, ground protection or Arboricultural supervision with any area of conflict within RPA (Root Protection Area) that lies outside of CEZ (Construction Exclusion Zone), above ground protection or Arboricultural supervision in any area of conflict within crown extents that lies outside of CEZ.

- 8.28. I have reviewed the previous planning application under planning reference PL04.216585 and the inspector recommended refusal as the applicant proposed a timber screen of 2.2m within the applicant site in front of the treeline and effectively the treeline would be sandwiched between the two fence lines. Condition 2 of PL04.216585 requested the omission of the proposed four houses along the southern boundary, however it also stated that this area maybe the subject of a future application for permission subject to normal development standards and the protection of the tree boundary.
- 8.29. The applicant stated in the FI response that long term, an internal fence within the properties will not be required. The existing trees will be within the gardens of the proposed units, therefore maximising the gardens up to the existing concrete fence to the south of the tree line. A temporary protection fence will be provided during construction only to restrict the movement of machinery near the root system of the existing trees.
- 8.30. I note the existing treeline, and the mud and stone wall will reduce the amount of usable private amenity space for units 5, 6, and 7 and in particular for unit 6 whereby the total private open space provided (35sqm) is currently slightly below the recommended private open space required (40sqm). However, units 5 & 7 are providing in excess of the private open space required and the existing mature treeline will add to the amenity of the private open space. In regard to unit 6, the

private open space is below the recommended standard, however, as the proposed development is considered as an urban infill development, a reduced private open space complies with the Compact Settlement Guidelines, therefore the existing treeline will not negatively impact the private amenity space for unit 6.

8.31. Having regard to the protection measures outlined in the Arboricultural Impact Assessment and Tree Protection Plan submitted, I consider the existing trees will be protected during the construction phase. Due to the location of the treeline within the rear private open space for units 5, 6 & 7 this will add to the amenity value and due to the size of the private open spaces for units 5 & 7, the treeline will not impact on the private open spaces provided as it is in excess of the requirements as per Compact Settlement Guidelines. Unit 6 provides sufficient private open space for an urban infill development as set out in the Compact Settlement Guidelines.

8.32. Overdevelopment & Layout

8.33. The proposed development consists of the addition of 4 no. residential units to an existing site of 4no. terrace dwellings. The site is long and narrow and located to the rear of existing dwellings along Upper Aghada road.

8.34. The grounds of appeal state that public and private open space falls below the recommended standards. House no. 8 only has 24.6sqm of private open space. Significant portions of the proposed open space appear to be incorporated into the private garden areas of proposed units 5 & 7 and existing unit 4. The open spaces are unusable. Also to note the site will not be taken in charge by the council due to the standard. The site is overdeveloped.

8.35. I note the site is constrained and the layout of the proposed dwellings is restricted. In regard to overdevelopment, the site area measures 0.26ha giving a density of approximately 16 units per hectare (p/ha). Table 4.1 of the CDP sets out a Settlement Density Location Guide based on settlement types and for Aghada village settlement a medium b density of 20-35 units/ha is required. Therefore, it is noted that the proposal is below the density required for village settlements. However, when the proposed development is considered with the permitted and constructed original 4 no. terrace dwellings, the overall density increases to 24units per ha. (The omitted area measures 0.1ha approx.). Therefore, the overall density is

mid-range for the density proposed for a village setting and I do not have concerns regarding the density proposed for the subject site.

- 8.36. In relation to the overall layout, I have concerns regarding the layout of the proposed unit 5 and existing unit 4. Unit 5 side elevation is located approximately 8.5 metres from the front elevation of the existing unit 4, the Compact Settlement Guidelines SPPR 1 require a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces. I note there are a bathroom and bedroom window on the side elevation of unit 5 overlooking the front elevation of the existing unit 4. The proposed separation distance is below the require 16 metres separation distance as per SPPR 1 of the Compact Settlement Guidelines. The applicant has not proposed any mitigation measures to avoid any undue overlooking. Therefore, I consider the proposed layout for unit 5 is not in compliance with the Compact Settlement Guidelines SPPR 1 and shall be refused.
- 8.37. In regard to the proposed dwellings and the private and public open space. The proposed private open space for units 5 & 7 were amended following a further information request. In accordance with Compact Settlement Guidelines, SPPR 2 outlines the minimum private open space standards for houses. Each unit has three bedrooms, therefore 40sqm should be provided for each unit. Unit 5 & unit 7 have private open space above the recommended 40sqm and therefore comply with the Compact Settlement Guidelines. In regard to Unit 6, the private open space is below the 40sqm at approximately 35sqm, however, the SPPR 2 states for building refurbishment schemes on sites of any size or urban infill schemes on smaller sites (e.g. site of up to 0.25ha) the private open space standard may be relaxed in part of whole, on a case-by-case basis, subject to overall design quality and proximity to public open space. In all cases, the obligation will be on the project proposer to demonstrate to the satisfaction of the planning authority or An Bord Pleanála that residents will enjoy a high standard of amenity. As the site is an urban infill scheme,

I consider the reduced open space for unit 6 complies with the Compact Settlement Guidelines and with objective GI14-6 of the CDP.

- 8.38. In regard to unit 8, the private space is noted as 25sqm and substantially below the requirement of the SPPR 2, however, as stated above the SPPR does allow building refurbishment schemes on sites of any size or urban infill schemes on smaller sites (e.g. site of up to 0.25ha) the private open space standard may be relaxed in part of whole, on a case-by-case basis, subject to overall design quality and proximity to public open space, therefore, as unit 8 is a rebuild of an original dwelling at this location and is a village centre development with access to the rear to public open space, I consider the reduced open space for unit 8 is in compliance with SPPR 2 of the Compact Settlement Guidelines.
- 8.39. Having regard to the location of the subject site within the village settlement of Aghada, the private and public open space provided which is in accordance with the Compact Settlement Guidelines, it is my opinion that the proposed public and private open space provided is acceptable. The proposed density is within the requirements for development in a village setting and the proposed units comply with Compact Settlement Guidelines and the Sustainable Residential Development in Urban Areas and the Urban Design Manual (DoEHLG 2009) and Cork County Council's Design Guidelines for Residential Estate Development. However, unit 5 does not comply with the Compact Settlement Guidelines SPPR 2 in terms of separation distance from the existing unit 4, therefore an unacceptable level of overlooking will occur, and I consider permission shall be refused as the residential amenity of any future occupants will be negatively affected.
- 8.40. **Unit 8 - Design, Overlooking, Overbearance & Structural Stability.**
- 8.41. The proposed development consists of the proposed construction of a semi-detached dwelling to an existing two storey cottage style dwelling located along the Upper Aghada local road frontage. The proposed dwelling is a storey and a half type with an overall height of 7 metres; a side return is proposed to the northern elevation.
- 8.42. The grounds of appeal state that the design and scale of unit 8 are inappropriate and visually overbearing. Unit 8 is located approximately 1 metre from the rear boundary wall of the affected properties private garden area, the first-floor window

will directly overlook and severely encroach on the privacy and use of the affected properties rear garden and family home. The proposed construction of Unit 8 could impact the structural stability of the existing dwelling and boundary walls. There is a lack of detailed engineering and structural methodology to demonstrate how the affected property and the existing boundary wall will be protected during construction phase, including protection from water ingress and subsidence.

- 8.43. The observation received, stated the proposed Unit 8 will be directly attached to the existing 100-year-old dwelling. Unit 8 will be higher than the existing dwelling. The construction of unit 8 could lead to “differential settlement” or vibrations leading to structural damage. No plans to protect the existing dwelling. Impact on Village character and privacy: the design is an artificial imitation of the existing dwelling and compromises the genuine character of the adjacent historic dwelling. A proposed footpath will encourage people to gather and create noise and impact privacy and security.
- 8.44. The applicant responded and stated the proposal does not affect the status of the existing dwelling. The overall height, design and massing was assessed by the Planning Authority and considered acceptable. There is no evidence that the proposal will give rise to an unacceptable level of overlooking beyond what would normally be associated with residential development in a village setting. Structural stability: No evidence submitted to substantiate risk to stability, standard construction practice, building regulations compliance and appropriate engineering oversight will apply.
- 8.45. I note the concerns raised by the appellant and observer in relation to the design and scale, the proposed dwelling is a storey and half style with a floor area of 92sqm, the overall height will be 7 metres, whereas the adjacent cottage has an overall height of 6.5 metres. The proposed dwelling is slightly higher than the proposed attached dwelling and the dwelling to the north. The front elevation has been designed to match the existing dwelling along the street frontage, dormer windows are proposed and the ground floor windows are arranged to resemble a centre front door with smaller windows either side. A side return is proposed to the northern elevation, and this will provide an entrance, hallway and staircase to the upper level. I consider that the design is similar to the existing dwellings along

Upper Aghada street and the addition of the proposed semi-detached will enhance the street and utilise a derelict site. The site consists of the ruins of the front elevation of the original dwelling; therefore, the proposed dwelling will be constructed on an original site of a semi-detached dwelling. Therefore, in my opinion, the proposed dwelling will improve the character of the village, and the design is sympathetic to the surrounding dwellings.

- 8.46. In regard to overlooking and privacy, the proposed unit 8 will be attached to the existing cottage directly to the south, as stated above, there was a dwelling originally on this site and the ruins of the front elevation are evident on site. There are no dwellings located directly to the rear of the proposed unit 8, the adjacent cottage to the south is extended to the rear (east elevation) and the rear garden extends to the rear (east) and wraps around the private rear space of the proposed unit 8. The rear of unit 8 is located at approximately 1 metre from the closest point to the rear boundary wall and slightly widens to 2 and 3 metres. There is an existing c.2 metres high block wall to the rear of Unit 8, and this will prevent any potential overlooking from the rear garden space of unit 8 onto the adjacent garden space of the adjacent cottage. I note at first floor level of unit 8, three windows are proposed, one is serving the staircase, one is provided on the landing and one is located in the bathroom, I note no windows are serving habitable rooms, however, in the event of a grant of permission, the rear windows shall be obscured glazing in order to prevent overlooking into the rear private space of the adjacent cottage given the limited separation distance.
- 8.47. In relation to the concerns regarding structural stability, I note the proposed semi-detached unit 8 will replace the original ruin of a historic and not only improve the appearance of the street but will improve the structural integrity of the original building and the adjacent building. The applicant has stated that all works will be carried out within standard construction practice, building regulations compliance and appropriate engineering oversight will apply. I consider in the event of a grant of permission, a condition shall be attached, requesting the applicant to submit full details of the proposed construction method for unit 8 and details of how the adjacent cottage will be protected during the construction works.

- 8.48. Having regard to the proposed development on an original site of a semi-detached dwelling along the street front of Aghada village and having regard to the proposed design which is in keeping with the character of the village setting, I consider the proposed development of unit 8 will improve the appearance of Aghada village. I consider with the addition of obscured glazing to the first-floor windows, there will be no potential overlooking of the rear garden space of the adjacent cottage to the south. Therefore, in my opinion, the proposed development of unit 8 is appropriate and designed in accordance with the surrounding dwellings in the village.
- 8.49. **Other issues – Devalue Property, Non-compliance, Red Line Boundary, Landownership**
- 8.50. Devalue Property
- 8.51. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring properties. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.
- 8.52. Non-Compliance
- 8.53. I note the applicant has raised concerns in relation to non-compliance with previous planning conditions. I note no concerns were raised in the planning report by the Planning Authority and any alleged non-compliance shall be brought to the attention of the Planning Authority and dealt with by the Planning Authority; this is not a matter for An Coimisiún Pleanála.
- 8.54. Red Line Boundary
- 8.55. I note the concerns raised by the appellant in relation to the red line boundary on the site layout plan. I acknowledge the discrepancies in regard to the red line boundary which cuts through the private garden space for unit 5. The red line boundary should extend to the boundary of the private garden space for unit 5. I would like to bring this matter to the attention of the Coimisiún that although the entire private garden space is not within the red line boundary, the entire site is within the blue line boundary and within the control of the applicant, therefore, any conditions attached to a grant of permission can be applied and implemented.

8.56. Landownership

8.57. The appellant has claimed that the boundary line lies in the middle of the mud & stone bank between Curragh Glen and the proposed site along the southern boundary. The applicant previously stated in planning application reference PL04.216585 (PA. Reg. 05/5351) that the legal boundary is the middle of the mud and stone bank, and the applicant proposed to erect a fence inside the site boundary and outside the tree line in order to address this issue. In this current application, the applicant has not addressed this issue, however, in terms of the legal interest, I am satisfied that the applicant has provided sufficient evidence of their legal intent to make an application. Any further legal dispute is considered a Civil matter and are outside the scope of the planning appeal. In any case, this is a matter to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act.

9.0 **AA Screening**

9.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The proposed site is not located within a designated site, Cork Harbour SPA (site code: 004030) is located approximately 750 metres to the north of the subject site. The proposed development comprises of permission for 4no. residential units and all associated site works. No nature conservation concerns were raised in the planning appeal.

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 proposed development within an existing village residential setting.
- Distance to the nearest European site, Cork Harbour SPA (site code: 004030) is located approximately 750 metres to the north of the subject site.
- The lack of pathways to the SPA.
- Connection to public water, public sewer and public drain.

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.

10.0 Water Framework Directive

10.1. The subject site is located in the village settlement of Aghada, Co. Cork. Lower Cork Harbour is located approximately 750 metres north of the subject site and Farrannamanagh stream is located approximately 500metres south of the subject site. The proposed development comprises of permission for 4no. residential units with connections to public wastewater and water and surface water. No water deterioration concerns were raised in the planning appeal.

I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which 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 proposed development within a village zoned land.
- Distance to the nearest waterbody at 500 metres south of the subject site.
- Connection to public water and public wastewater.

Taking into account WFD screening report 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.

11.0 Recommendation

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

12.0 Reasons and Considerations

1. It is considered that the traffic turning movements generated by the proposed development would tend to create serious traffic congestion and the proposed entrance does not comply with Design Manual for Urban Roads and Streets and would result in serious traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the limited size of the site and the scale of development proposed, it is considered that the proposed development would result in an unsatisfactory standard of residential amenity for future residents of unit 5 and unit 4 as the proposed separation distance does not comply with SPPR 2 of The Sustainable Residential Development and Compact Settlement Guidelines and thereby create an unacceptable level of overlooking from the existing unit 4. 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Jennifer McQuaid

Planning Inspector

12th May 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500744-CK-26
Proposed Development Summary	Permission for 1) One two storey semidetached dwelling at the main entrance to the proposed site; 2) three two storey terraced dwellings within the overall site; 3) street parking, public open space and all associated site works.
Development Address	Upper Aghada, Midleton, 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?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(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)	
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	

<p>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?</p>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	<p>Schedule 5, Part 2, Class 10b(i) Construction of more than 500 dwelling units.</p> <p>The proposal consists of 4 no. residential units on a site size of 0.26 hectares.</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>	
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)

Inspector: _____

Date: _____

Appendix 1: Form 2 - EIA Preliminary Examination

Case Reference	PL-500744-CK-26
Proposed Development Summary	Permission for 1) One two storey semidetached dwelling at the main entrance to the proposed site; 2) three two storey terraced dwellings within the overall site; 3) street parking, public open space and all associated site works.
Development Address	Upper Aghada, Midleton, Co. Cork.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The development has a modest footprint, comes forward as an infill development and extension to previously permitted development, does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (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	The development is situated in an urban area on a village infill site to the rear of existing dwellings. The development is removed from sensitive natural habitats and designated sites and landscapes of identified significance in the County Development Plan.

reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	
<p>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).</p>	Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
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: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)