



An
Coimisiún
Pleanála

Inspector's Report PL-501533-CK-26

Development	Construction of a house, detached garage, wastewater treatment system and all associated site works
Location	Curraghavoie, Mitchelstown, Co.Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	260844
Applicant(s)	Vincent O'Brien
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Vincent O'Brien
Observer(s)	None
Date of Site Inspection	28 th July 2026
Inspector	Clare Clancy

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	6
3.4. Third Party Observations	6
4.0 Planning History	6
5.0 Policy Context	6
5.1. Cork County Development Plan 2022-2028 (as varied)	7
5.2. Regional Policy	12
5.3. Sustainable Rural Housing Guidelines for Planning Authorities 2005	12
5.4. Natural Heritage Designations	12
6.0 EIA Screening	13
7.0 The Appeal	13
7.1. Grounds of Appeal	13
7.2. Planning Authority Response	14
7.3. Observations	14
8.0 Assessment	14
8.2. Principle of Development	14
8.3. Siting and Visual Amenity	15
8.4. Traffic Safety	17
8.5. Other Matters	20

9.0 AA Screening.....	22
10.0 Water Framework Directive	23
11.0 Recommendation	23
12.0 Reasons and Considerations.....	23
Appendix 1 – Form 1 EIA Pre-Screening	26
Appendix 2 – Form 2 - EIA Preliminary Examination.....	29
Appendix 3 – WFD Screening	32

1.0 Site Location and Description

- 1.1. The appeal site is located in a rural area in the townland of Curraghavoe approx. 6.5 km to the southeast of Mitchelstown. The site is an agricultural field taken from an agricultural landholding with the proposed dwelling set back approx. 230 m from the adjoining public road L-1419-61. It is accessed via the existing access and access track from the public road. The site is located in an upland area relative to its surrounds and on the downward slope of a hill. Accordingly, the ground levels rise from the public road to the rear of the site. The roadside boundary is defined by mature conifer trees, there is forestry plantation located to the west of the site. There is an existing dwelling located to the north of the proposed access and there is a dwelling located to the south of the landholding. There is a road drain running along the eastern boundary of the landholding.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a dwelling, garage, a domestic waste water treatment system (DWWTs) and all associated works. The following is noted:

- Site area – 0.5821 ha
- Gross floor area – dwelling 186 m², detached garage 36 m².
- Access via existing access shared and existing forestry track (approx. 220 m setback from public road).
- Overall height of proposed dwelling – 5.87 m.
- Material finishes – smooth render finish, timber cladding, slate.
- Landscaping proposals provided.
- Private Well.
- Proposed septic tank and percolation area (6 PE).

A Site Suitability Assessment Report and Drainage Impact Assessment & Flood Risk Screening Assessment are submitted with the planning application details.

- 2.2. Unsolicited information was received by the Planning Authority (PA) on 24th April 2026 which comprises of maps and drawings.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 26th May 2026, Cork County Council decided to refuse permission for the proposed development for one reason as follows:

Having regard to the layout and configuration of the site, and the existing level of development, it is considered that the proposed development would constitute haphazard and disorderly development, which would detract from the character of the rural area and which would militate against the preservation of the rural environment and the amenities of the area which is located along a designated scenic route and would set an undesirable precedent for other similar forms of development in this area. The proposal would therefore be contrary to Cork County Development Plan 2022 Policy Objective RP 5-22 which seeks to ensure that new dwellings respect the character, pattern and tradition of existing places, materials and built forms and fit appropriately into the landscape and Policy Objective GI 14-9 which requires that new development meets high standards of siting and design. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

- 3.2.1. One planning report forms the main basis of the assessment and recommendation to refuse permission as follows:

- The applicant satisfied the requirements of Policy Objective RP 5-6 Strong Rural Areas and was deemed to have a genuine local housing need.
- Design & layout of the proposed dwelling – No objection raised in regard to the proposed design, scale and finish of the dwelling and garage. The siting of the proposed dwelling was not acceptable as it failed to have regard to the existing pattern of adjoining development due to the substantial set back distance (220

m) from the public road and was haphazard and disorderly backland development. The proposed development was contrary to Policy Objective RP 5-22 Design and Landscaping of New Dwelling Houses and Replacement Dwellings in Rural Areas and Policy Objective GI 14-9 Landscape.

- Access proposed is via an existing agricultural/forestry road and shared entrance. Noted that the area engineer raised concerns in relation to the achievement of sightlines which would require substantial removal of trees and hedgerow along the roadside boundary to achieve same.
- No objections were raised in relation to the proposed DWTS to service the dwelling.
- The development was screened out for AA and EIA and the site is not within a flood risk area.

3.2.2. Second Planning Report – the a/SEP endorsed the recommendation of the planner.

3.2.3. Other Technical Reports

- Area Engineer – Recommended FI to address sightlines and to clarify the use and ownership of the proposed access and access road due to alleged unauthorised development. The proposed DWTS was acceptable.

3.3. Prescribed Bodies

- Inland Fisheries Ireland – No objection.

3.4. Third Party Observations

None.

4.0 Planning History

None on site.

5.0 Policy Context

5.1 National

- Project Ireland 2040 – National Planning Framework (revised 2025) and National Development Plan 2021-2030.
- NPO 24 Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid overdevelopment, while sustaining vibrant rural communities.
- NPO 28 Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:
 - In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;
 - In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.
- Climate Action Plan (CAP) 2025 / CAP 2024.

Climate Action Plan 2025 builds upon last year's plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings, and should be read in conjunction with Climate Action Plan 2024.

- National Biodiversity Action Plan (NBAP) 2023-2030.

5.1. Cork County Development Plan 2022-2028 (as varied)

The appeal site is located in a Strong Rural Area and in an area of High Landscape Value and adjacent to a Scenic Route. The following policies and objectives of the development plan apply to the subject development:

➤ Chapter 5 Rural

County Development Plan Objective RP 5-6 Stronger Rural Areas

These rural areas generally have stable population levels based on a traditionally strong agricultural base. Therefore, in order to recognise these characteristics and to consolidate and sustain the stability of the rural population, it is an objective that applicants shall satisfy the Planning Authority that their proposal constitutes a genuine rural generated housing need based on their social and / or economic links to a particular local rural area, and in this regard, must demonstrate that they comply with one of the following categories of housing need:

- a) Farmers, their sons and daughters who wish to build a first home for their permanent occupation on the family farm.
- b) Persons taking over the ownership and running of a farm on a full-time basis (or part – time basis where it can be demonstrated that it is the predominant occupation), who wish to build a first home on the farm for their permanent occupation, where no existing dwelling is available for their own use. The proposed dwelling must be associated with the working and active management of the farm.
- c) Persons who have spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation.
- d) Persons working full-time in farming (or part – time basis where it can be demonstrated that it is the predominant occupation), forestry, inland waterway or marine related occupations, for a period of over three years, in the local rural area where they work and in which they propose to build a first home for their permanent occupation.
- e) Persons whose predominant occupation is farming / natural resource related, for a period of over three years, in the local rural area where they work and in which they propose to build a first home for their permanent occupation.
- f) Persons whose permanent employment is essential to the delivery of social and community services intrinsically linked to a particular rural area for a period of over three consecutive years and who can demonstrate an economic and social

need to live in the local rural area where they work, within which it is proposed to build a first home for their permanent occupation.

- g) Returning emigrants who spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation, who now wish to return to reside near other immediate family members (mother, father, brother, sister, son, daughter or guardian), to care for elderly immediate family members, to work locally, or to retire. It is not necessary for the applicant to show that they have already returned to Cork, provided they can show that they genuinely intend taking up permanent residence.

Section 5.6 Environmental and Site Suitability Requirements

This section provides guidance on the general planning and sustainable development criteria to be considered in the assessment of a planning application. The following objectives and policies are relevant:

- County Development Plan Objective RP 5-22 Design and Landscaping of New Dwelling Houses and Replacement Dwellings in Rural Areas
 - a) Encourage new dwelling house design that respects the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape.
 - b) Promote sustainable approaches to dwelling design by encouraging proposals to be energy efficient in their design, layout and siting, finishes, heating, cooling, and energy systems having regard to the need to reduce reliance on fossil fuels and reduce carbon emissions.
 - 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 retention of existing on-site trees hedgerows, historic boundaries, and natural features using predominantly indigenous/local trees and plant species and groupings.

- County Development Plan Objective RP 5-23 Servicing Single Houses (and ancillary development) in Rural Areas

a) Ensure that proposals for development incorporating on-site wastewater disposal systems comply with the EPA Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) and Wastewater Treatment Manual - Treatment Systems for Small Communities, Business Centres, Leisure Centres and Hotels (1999), or relevant successor approved standards / guidelines (including design, installation and maintenance). The cumulative impact of such systems will also be considered in the assessment process.

b) Surface water should be disposed of using sustainable drainage systems and in a manner that will not endanger the receiving environment or public health. The use of permeable paving should also be considered to reduce run off.

- County Development Plan Objective RP 5-25 Occupancy Conditions

This objective provides that where planning permission is granted for a rural house, an occupancy condition will normally be attached under Section 47 of the Planning and Development Act 2000 as amended

➤ **Chapter 12 Transport and Mobility**

- County Development Plan Objective TM 12-8 Traffic/Mobility Management and Road Safety

(d) Ensure that all new vehicular accesses are designed to appropriate standards of visibility to ensure the safety of other road users.

➤ **Chapter 14 Green Infrastructure and Recreation**

- Section 14.8.9 – Recognises that High Value Landscapes are particularly sensitive to development because of their scenic importance. Development should be carefully sited and designed to avoid being visually intrusive, and the location, scale and appearance of development should respect the character of the landscape.
- County Development Plan Objective GI 14-9: Landscape

a) Protect the visual and scenic amenities of County Cork's built and natural environment.

b) Landscape issues will be an important factor in all land-use proposals, ensuring that a pro-active view of development is undertaken while protecting the environment and heritage generally in line with the principle of sustainability. c) Ensure that new development meets high standards of siting and design.

d) Protect skylines and ridgelines from development.

e) Discourage proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments.

- County Development Plan Objective GI 14-13 Scenic Routes

Protect the character of views and prospects available from designated scenic routes, particularly those identified as having especially important views and prospects.

- County Development Plan Objective GI 14-14 Development on Scenic Routes

Ensure that development does not adversely affect the visual quality or character of views from scenic routes and is appropriately assessed in terms of existing, design and visual impact.

➤ **Chapter 16 Built and Cultural Heritage**

County Development Plan Objectives HE 16-21: Design and Landscaping of New Buildings

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

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

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

d) Require the appropriate landscaping and screen planting of proposed developments by using predominantly indigenous/local species and groupings

and protecting existing hedgerows and historic boundaries in rural areas. Protection of historical/commemorative trees will also be provided for.

5.2. Regional Policy

- Regional Spatial and Economic Strategy for the Southern Region

5.3. Sustainable Rural Housing Guidelines for Planning Authorities 2005

- The Sustainable Rural Housing Guidelines seek to support rural housing where there is a genuine local housing need and connection to the rural area.
- In terms of site layout and design, development should respond to the character of the area, be appropriately sited and scaled, and avoid contributing to ribbon or sporadic development.
- In terms of landscape, dwellings should be sensitively located and designed to integrate the surrounding landscape, with existing natural features such as hedgerows and trees retained for practical and visual impact minimised.
- The Guidelines further require that sites should have safe and suitable access and be capable of being adequately serviced, including an appropriate water supply and wastewater treatment, without causing environmental, public health or groundwater impacts.

5.4. Natural Heritage Designations

The nearest designated sites are the following:

- SAC: 002137 - Lower River Suir SAC – approx. 4.97 km to the northeast.
- SAC: 002170 - Blackwater River (Cork/Waterford) SAC – approx. 1.48 km to the southeast.
- pNHA: 001029 - Araglin Valley - approx. 4.21 km to the south.

6.0 EIA Screening

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

7.0 The Appeal

7.1. Grounds of Appeal

This is a first party appeal and the grounds of appeal can be summarised as follows:

- The proposal is not haphazard and disorderly as it is served by an existing entrance and is in an area where development already exists and therefore is a continuation of an established rural pattern.
- The proposed dwelling is modest in scale and designed to integrate with natural topography and is setback c. 230 m from Scenic Route S2 corridor.
- The site has the benefit of heavy screening and mature vegetation significantly reducing visibility from the public road and it does not interrupt, obstruct or adversely affect any designated scenic views.
- A comparable permission granted under P.A. Ref. 21/7149. In this case the dwelling was two storey in scale with a ridge height of c. 8.226 m and located approx. 25 m from the public road. The proposed development is significantly lower and set back substantially 230 m and is well screened.
- Precedent raised is unfounded as the site is unique in terms of established site entrance, forestry screening, topographical containment and significant setback from road.
- Key scenic views are not impacted. Development is visually separated from the road and there is no interruption to designated vistas. The proposed

development is appropriately designed, visually contained and does not detract from the landscape character or scenic quality and is consistent with Policy Objective RP 5-22 and Policy Objective GI 14-9.

7.2. Planning Authority Response

A response was received from the PA to the grounds of appeal which noted that all the relevant issues are covered in the technical reports forwarded to the Commission as part of the appeal.

7.3. Observations

None.

8.0 Assessment

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

- Principle of Development
- Traffic Safety
- Visual Amenities
- Precedent

8.2. Principle of Development

Rural Settlement Policy

8.2.1. The appeal site is located in a 'Rural Area Under Strong Urban Influence' and I note that the PA considered that the applicant had a demonstrable local housing need and satisfied the requirements of County Development Plan Objective RP 5-6 (Stronger Rural Areas). I note that this objective states that applicants must satisfy the PA that

their proposal constitutes a genuine rural housing need based on their social and / or economic links to the particular rural area. In this regard the objective lists seven categories of housing need and an applicant is required to demonstrate compliance with one of the categories.

- 8.2.2. Having regard to the documentation on file, I note that the applicant is the son of the landowners and is taking the site off the family landholding and has lived in the family home which is located on the same holding to the north of the proposed entrance. The applicant has resided 33 years in the area in the family home and attended the local primary school. The applicant works full time in Ringaskiddy and has not previously owned or built a dwelling in the rural area. The applicant provided documentary evidence to substantiate his local rural housing need and having regard to the details as contained on the file, I am satisfied that the applicant has a demonstrable local housing need to the area and meets category (a) and (c) as set out under County Development Plan Objective RP 5-6. This is consistent with Section 3.2.3 of the Sustainable Rural Housing Guidelines for Planning Authorities which notes that rural generated housing includes sons and daughters of families living in rural areas and having grown up in the area and are perhaps seeking to build their first home near their family place of residence'. The applicant therefore complies with the development plan policy and I therefore consider the principle of development to be acceptable in this case.

8.3. Siting and Visual Amenity

- 8.3.1. The local primary road (L-1419-61) is a designated Scenic Route 'S2' which runs through a High Value Landscape. The overall landscape value is rated as high. The principal issue arising from the grounds of refusal is not so much the design, scale height or material finishes of the proposed dwelling, but rather its location and setback of approximately 220 metres from the adjoining public road and the resulting relationship between the dwelling, the adjoining pattern of development, the public road and the surrounding rural landscape. I note that the PA had no objection to the proposed design however raised concerns regarding the siting of the proposed dwelling, as it failed to have regard to the existing pattern of adjoining development due to the setback distance from the public road. In this regard the PA's preference would be for the dwelling to be located to the south of the family home. Further

concerns were raised about the visual impact that the proposed development would have on the visual amenities of the area, particularly if the existing tree plantation to the rear (west) of the site were to be removed.

- 8.3.2. Having viewed the site, the area in which it is located is upland in nature with the site positioned on the downward slope or the low-lying area of Kilworth Mountains which is under forestry plantation. The ground levels within the site rise from the public road (232.0 OD) and the proposed dwelling would be positioned at the rear of the site, c, 220 m from the public road. The grounds levels at the site of the dwelling are noted to be 251.0 OD which is c. 19 m higher than the public road to the east. The roadside boundary screens the farmland, and should it be removed to facilitate a safe access to the dwelling, this would expose the view of the proposed dwelling within the wider landscape.
- 8.3.3. I note the design of the proposed dwelling which is L shaped with a max roof height of 5.72 m above FFL 250.15, and I consider the design, scale, form and external finishes to be acceptable and would be sympathetic to the receiving environment. The boundary treatment of the subject site is undefined, and proposals include for post and wire fencing with hedging. The grounds of appeal have also referred to the existing screening which reduces visibility from the public road.
- 8.3.4. The PA has identified that the dwelling should be positioned closer to the public road to reflect the established pattern of development in the area. I would agree with this view as in my opinion a dwelling located closer to the road would provide a more coherent form of development having regard to the prevailing pattern of development in the area. Also, Objective RP 5-22 seeks to ensure that new rural dwellings respect the character, pattern and tradition of existing development and to integrate appropriately into the landscape. The relevant consideration in this regard is therefore not simply the distance of the dwelling from the road, but whether the overall siting responds appropriately to the established development pattern of the locality and the landscape context. In this regard, it is my view that locating the dwelling at an approximate distance of circa 220 metres from the public road would result in an isolated form of development and would extend unnecessarily into the rural landscape in a more elevated location.

- 8.3.5. I acknowledge the PA's concern regarding the visual impact of the dwelling in the context of the conifer plantation to the west/rear of the site. The plantation currently does provide a backdrop to the site which would assist in visually absorbing the dwelling into the landscape. Therefore, if the plantation was to be felled then the dwelling would become more exposed and prominent within the wider landscape. In my opinion, the same issue arises at the roadside boundary. The existing roadside boundary comprises mature conifer trees which may need to be removed to achieve the required sightlines at the proposed access. This is addressed in Section 8.4 below. While I do not consider the conifers themselves to be of significant landscape value, their removal would open up the site and might make a dwelling located at that distance from the public road more visually prominent in the landscape.
- 8.3.6. Having regard to the foregoing, I therefore consider that the location of the dwelling is more significant to its long-term visual integration than reliance on existing tree cover. Locating closer to the public road where the ground levels are less elevated would provide a more compact form of development that would better reflect and integrate with the established pattern of development in the area and would reduce the extent to which the proposed dwelling would appear in the open rural landscape. In my view this would provide a better response to RP 5-22 and GI 14-9 which seek to ensure that rural dwellings respect the established pattern and character of development and integrate appropriately with the surrounding landscape. GI 14-13 is also relevant in terms of protecting the visual character and quality of the landscape and views. Accordingly, I recommend that permission is refused on the basis of the proposed siting and set back of the dwelling and its resulting impact on the rural character on the visual amenities of the area.

8.4. Traffic Safety

- 8.4.1. Access to the proposed dwelling will be via an existing access off the adjoining local road L-1419-61. This access abuts the boundary wall of the applicant's family home, and the access track extends to the west along the southern boundary of the property home. It is stated in the application details that the existing access and the lane were in situ to facilitate forestry.

- 8.4.2. Objective TM 12-8 (d) of the development plan requires all new vehicular accesses to be designed to appropriate standards of visibility to ensure the safety of other road users. In this case, I note that the proposed means of access to serve the dwelling is an existing access. I note that this was raised in the roads report, that the existing access may be unauthorised, however the PA did not further elaborate on this. Other than the access being stated as existing, no further details were provided on same in the grounds of appeal.
- 8.4.3. The road entrance drawing 'Proposed Sight Line Entrance Plan' indicates sightlines from a setback distance of 3.0 m (point A) from the road edge through the proposed splayed entrance walls. In the case of the sightline to the north, this is indicated through the adjoining pier and boundary wall of the adjoining dwelling. In relation to the sightline to the south, it proposes a short section of the existing ditch line to be lowered to c. 1.0 m above road level, whilst showing the sightline through the existing roadside boundary. It further notes that the sightlines can be maintained in both directions by hedge cutting.
- 8.4.4. In the report of the area engineer the road classification was identified as a local primary road and that sightlines of 90 m would be required for a 3.0 m setback from the road edge. It was further noted that substantial roadside boundary remedial works would be required in order to achieve sight distances.
- 8.4.5. The roads report did not identify the speed limit for the road however; I note that the default speed limit of 60 km/h applies to local roads on Irish roads having been reduced from 80 km/h which came into effect on 7th February 2025¹. I note that the maximum design speed for a mandatory 60 km/h limit is 70 km/h having regard to Table 1.2 Minimum Design Speeds for Mandatory Speed Limits of Transport Infrastructure Ireland's (TII) Publication 'Rural Road Link Design DN-GEO-03031 May 2023'. I further note that a 70 km/h design speed requires a desirable minimum stopping sight distance of 120 metres, as outline in Table 1.3. Therefore, TII's rural road stopping sight distance values for a 70 km/h design speed corresponds to a desirable minimum stopping sight distance of 120 m and not 90 m. There are no details on file showing the gradient of the proposed access with the public road.

¹ <https://www.gov.ie/en/department-of-transport/press-releases/speed-limits-on-rural-and-local-roads-change-from-80kmh-to-60kmh/>

8.4.6. As observed on day of site inspection, the vertical alignment of the road rises as the road travels south and there is curvature in the horizontal alignment along the frontage of the site's landholding. A continuous white line marks the entire length of the road. The roadside boundary is defined by a low ditch for c. 20 m to the south and following that, mature conifer trees extend to the entire length of the field boundary of the landholding. During site inspection, I observed that traffic volumes were low and vehicles travelling along the road at speed. Vehicles travelling in a northerly direction appeared to travel at a greater speed, potentially due to the downhill gradient of the road in this direction. I note that it is the applicant's submission that 90 m sightlines are achievable in both directions, however I did not observe this to be achievable on the day of my site inspection. In order to achieve the full sightline to the south, this will require extensive site remedial works to remove/ setback the roadside boundary along with the removal of the mature tree line, based on the 'Proposed Sight Line Entrance Plan'. I therefore agree with the area engineer as without these site remedial works; it results in an unsafe situation for vehicles exiting the site and the forward visibility to the south for vehicles waiting to turn into the site. However, I would note for the Commission that the blue line encompasses these lands and would be within family control. As the sightline to the north is shown through the adjoining property's boundary wall, I am not satisfied that it has been clearly shown in accordance with the relevant standards.

8.4.7. Having regard to the foregoing, the submitted site layout plan does not satisfactorily demonstrate that the required sight distances can be achieved in accordance with the relevant TII Guidance Publication 'Rural Road Link Design DN-GEO-03031 and applicable road design standards. Therefore, I am not satisfied that the proposed access would not give rise to a traffic hazard arising from the combined horizontal and vertical alignment of the road and the resulting restricted visibility. The proposed sightlines are dependent, in part, on ongoing management of vegetation, however the pertinent issue is that are the existing fixed features which affect available visibility. Accordingly, the necessary sight distances cannot be considered adequately established on the basis of vegetation management alone. Significant site remedial works to the site frontage would be required to achieve the applicable visibility standard particularly to the south. On that basis I consider that the proposed access as currently presented is unacceptable from a traffic safety viewpoint which I do not

consider could be appropriately addressed by way of condition(s) and I therefore recommend refusal for this reason.

8.5. Other Matters

Wastewater Treatment and Disposal – New Issue

- 8.5.1. It is proposed to install a septic tank and percolation area and discharge to groundwater.
- 8.5.2. A Site Suitability Assessment Report, Drainage Impact Assessment carried out having regard to the EPA Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) 2021 (EPA CoP) is submitted with the application including a Flood Risk Screening Assessment.
- 8.5.3. The site is in a resource protection area with a 'locally important' aquifer with an 'extreme vulnerability' rating. The EPA CoP Table E1 indicates that the site falls within the R2¹ response category where an on-site system is acceptable subject to normal good practice. A site characterisation form is submitted showing the results of site tests. The results are as follows:
- 8.5.4. Under the EPA Code of Practice 2021, the trial hole in locally important or poor aquifers, should be excavated to a depth of at least 2.1 m or to bedrock. The depth of the trial hole in this case is recorded as 1.7 m and the water table was encountered with water ingress at 1.65 m. The rock type present is recorded as medium grained pink-purple sandstone.
- 8.5.5. The test for Subsurface Percolation and subsoil recorded an average T value of 112.67. The test then proceeded to Step 4 which is the Standard Method test and recorded a T value of 43.17 (min/25 mm) and it is proposed to install a septic tank system and percolation area discharging to groundwater. Table 6.4 (Percolation Values) indicates that for a percolation value of 3 – 50 a septic tank and percolation area is an acceptable option.
- 8.5.6. Table 6.3 of the Environmental Protection Agency Code of Practice: Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) requires that the proposed new system must have sufficient depth of soil and/or subsoil below the invert level, depending on the type of system proposed. In this case, it is noted that the proposed

invert level will be 0.70 m which Table 6.3 indicates that a 1.2 m depth is required for percolation trenches and intermitted soil filters following septic tanks. Table 7.2 indicates for a PE of 6, the minimum length of trenches is 108 m. In this case it is proposed that trench lengths would be 18.00 m

- 8.5.7. Required separation distances are set out in Table 6.2 of the EPA CoP. The submitted Site Characterisation Form and accompanying notes indicate that there are existing dwellings in the area serviced by private wells, and the proposed dwelling will also be serviced by a private well, and that all primary extraction points are located away from the site. The existing domestic wells are not indicated on a spatial map for reference and separation distances do not appear to be provided.
- 8.5.8. Private domestic wells are identified as receptors at risk. I note that for down-gradient domestic wells, a 60 m separation distance is required. The site is in an elevated location, and the nearest dwellings are to the northeast and southwest which are both downgradient of the proposed site. Given the substantial setback distance of the proposed site and particularly the proposed percolation area relative to these dwellings, it is likely that the required separation distances would be met, however this is unknown based on the information available. In addition, I would have concerns regarding compliance with Table 6.3 (Minimum unsaturated soil and/or subsoil dept requirements) being achieved, as well as the design of the percolation trenches in accordance with Table 7.2 (Minimum percolation trench length). In this instance I consider these matters to be a 'new issue' having regard to my appraisal of the proposed development and notwithstanding that the PA or indeed the area engineer raised no concerns in regard to same, and accordingly should the Commission agree, it may wish to seek the views of the relevant parties. However, having regard to the substantive reasons for refusal set out below, it may not be considered necessary to pursue the matter.

Precedent

- 8.5.9. The grounds of appeal refer to a comparable application granted by the PA under P.A. Ref. 21/7149 refers. This development relates to a larger two storey dwelling permitted adjacent to Scenic Route S2 approx. 25 m from the public road. I note the case in question however I am of the viewpoint that the subject appeal should be assessed

on its own merits and on a site-specific basis, having regard to national and local planning policy and other relevant planning considerations.

9.0 AA Screening

Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered case PL-501533-CK-26 in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The appeal site is located in a rural area approx. 6.5 km to the southeast of Mitchelstown and comprises an agricultural field. It has no direct hydrological or other connection to a European site.

The closest European site relative to the appeal site are:

- SAC: 002137 - Lower River Suir SAC – approx. 4.97 km to the northeast.
- SAC: 002170 - Blackwater River (Cork/Waterford) SAC – approx. 1.48 km to the southeast.

No nature conservation concerns were raised in the planning application or 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:

- The nature and scale of the proposed development.
- The separation distance and intervening lands from the nearest European sites and the absence of any hydrological or other pathways,
- Taking into account the screening determination of the PA.

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

An assessment of the proposed development has been undertaken in accordance with Article 4 of the EU Water Framework Directive (2000/60/EC), as transposed by the European Communities (Water Policy) Regulations 2003, as amended, and with regard to the Water Action Plan 2024: A River Basin Management Plan for Ireland.

The receiving water environment has been identified and assessed, see Appendix 3 attached. Having regard to the nature, scale, and location of the proposed development, and subject to compliance with the EPA Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) 2021 it is concluded that the proposed development will not:

- Result in deterioration of the ecological, chemical, or quantitative status of any relevant surface water or groundwater body;
- Increase pollutant loading or alter the hydrological regime of any receiving watercourse;
- Prevent or impede achievement of environmental objectives under the applicable River Basin Management Plan.

Any residual risks are capable of being addressed through proposed mitigation measures and/or conditions.

The proposed development is considered to be in compliance with the requirements of Article 4 of the Water Framework Directive.

11.0 Recommendation

I recommend that permission is refused for the following reasons and considerations.

12.0 Reasons and Considerations

1. Having regard to the horizontal and vertical alignment of the local road, the site entrance is considered unsatisfactory owing to restricted sight lines. The

applicant has not satisfactorily demonstrated that the proposed site entrance on the public road has sufficient sightline entry visibility in accordance with the requirements of Objective TM 12-8 (Traffic/Mobility Management and Road Safety) (d) of the Cork County Development Plan 2022-2028 (as varied). In this regard, it is considered that turning movements generated by the proposed development from the site would interfere with the safety and free flow of traffic on the public road and would endanger public safety by reason of a traffic hazard, or obstruction of road users at a point where sightlines are restricted in a southerly direction. Furthermore, it is also considered that the additional works required to provide visibility sightlines from the entrance of the site would constitute a significant intervention that would undermine the principles of the Objective RP 5-22 (d) of the Cork County Development Plan 2022– 2028 (as varied) which seeks to retain existing on-site trees, hedgerows, boundaries. Therefore, the proposed development would be contrary to the proper planning and sustainable development of the area.

2. Having regard to Objective RP 5-22 (Design and Landscaping of New Dwelling Houses and Replacement Dwellings in Rural Areas), Objective GI 14-9 (Landscape) and Objective GI 14-13 (Scenic Routes) of the Cork County Development Plan 2022-2028 (as varied) which emphasise the importance of designing within the landscape and of siting development to minimise visual intrusion and are considered to be reasonable. Having regard to the topography of the site, the elevated positioning of the proposed development, the substantial setback distance from the adjoining public road, the resulting extensive driveway, it is considered that the proposed development would result in an isolated and visually prominent form of development that would not adequately reflect the established pattern of development in the area or satisfactorily integrate into surrounding rural landscape. 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.”

Clare Clancy
Planning Inspector

22nd September 2026

Appendix 1 – Form 1 EIA Pre-Screening

Case Reference	PL-501533-CK-26
Proposed Development Summary	Construction of a house, detached garage, waste water treatment system and all associated site works
Development Address	Curraghavoe, Mitchelstown, 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?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ 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)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ 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?	
☐ 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.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ 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)	Class 10 (b) (i) >500 dwellings
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	

No ☒	
---	--

Inspector: _____ Date: _____

Appendix 2 – Form 2 - EIA Preliminary Examination

Case Reference	PL-501533-CK-26
Proposed Development Summary	Construction of a house, detached garage, waste water treatment system and all associated site works
Development Address	Curraghavoe, Mitchelstown, 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 proposed development with a stated site area of 0.5821 ha and a gross floor area of dwelling 186 m ² , detached garage 36 m ² has a modest footprint, comes forward as a standalone project, 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. Subject to adequate wastewater treatment, it presents no undue 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 reserves, European sites, densely populated areas, landscapes, sites of historic,	The development is situated in a rural area and the site is in a high value landscape. The development is removed from sensitive natural habitats and centres of population. There will be no significant impact on any protected areas, protected views, built or natural heritage or European sites.

cultural or archaeological significance).	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regards to the modest nature of the proposed development, its location removed from sensitive habitats slash features/features, there is no real likelihood of significant effects on the environment arising from the proposed development. There is no real likelihood of significant cumulative effects having regard to existing and permitted projects.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.

There is a real likelihood of significant effects on the environment.	EIAR required.
---	----------------------------------

Inspector: _____ **Date:** _____

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

(only where Schedule 7A information or EIAR required)

Appendix 3 – WFD Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	PL-501533-CK-26	Townland, address	Curraghavoie, Mitchelstown, Co.Cork
Description of project		Construction of a house, detached garage, waste water treatment system and all associated site works	
Brief site description, relevant to WFD Screening,		The subject site is located in a rural area and comprises of agricultural land. Ballard Stream is located approx. 588 m to the west	
Proposed surface water details		Surface water to be disposed on site via soak pits.	
Proposed water supply source & available capacity		Private well.	
Proposed wastewater treatment system & available capacity, other issues		Domestic wastewater treatment plant proposed.	

Others?			N/a			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface runoff, drainage, groundwater)
River Waterbody	Approx. 588 m to the west of the site boundary	BALLARD STREAM_010 IE_SW_18B100400	Moderate	At risk	Ag, forestry	Surface water runoff potential
Ground Waterbody	Underlying site	Knockmealdown IE_SW_G_047	Good	-	-	Discharge to groundwater
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.						
CONSTRUCTION PHASE						

No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	BALLARD STREAM_010 IE_SW_18B100400	Surface water runoff	Site clearance & construction	In the event of a grant, a surface water management condition and a Construction Management Plan would be required so that best practice construction methods are adhered.	No	Screened out
2.	Ground	Knockmealdown	Underground	As above	As above	No	Screened out

		IE_SW_G_047					
OPERATIONAL PHASE							
1	Surface	BALLARD STREAM_010 IE_SW_18B100400	None direct	None	Implementation of conditions of permission in the event of a grant	No	Screened out
42	Ground	Knockmealdown IE_SW_G_047	Discharge to ground water	Water pollution	The site suitability assessment deemed ground conditions favourable to enable treatment effluent to discharge to ground water. Implement	No	Screened out
DECOMMISSIONING PHASE							
1.	NA	NA	NA	NA	NA	NA	NA

--	--	--	--	--	--	--	--