Inspector's Report

PL-501820-CK-26

Development	The construction of a dwelling house and detached domestic garage, a new entrance, wastewater treatment system, soil polishing filter, and bored well, together with the retention of an existing entrance and the temporary retention of an existing steel shed to be removed upon completion of the development and all associated site and development works.
Location	Quitrentmountain, Kildorrery, County. Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	261364
Applicant	James Magner
Type of Application	Permission.
Planning Authority Decision	Refusal of permission.

Type of Appeal	First Party
Appellant	James Magner
Observers	None
Date of Site Inspection	28th September 2026.
Inspector	Derek Daly

1.0 Site Location and Description

1.1. The site is located in a rural area in the townland of Quitrentmountain approximately 5 kms to the north of the village of Kildorrery in the north of County Cork. The site is part of an agricultural field and is located in the northern portion of the field. To the north of the site is the site of a single storied dwelling and the boundary is defined by a hedgerow. The site fronts onto two public roads the R512 which defines the site's eastern boundary and the L1400 which defines the site's western boundary. There are mature hedgerows along both of the roadside boundaries and there is an existing agricultural access to the field / site from the L1400. The southern boundary is currently undefined. There is an existing steel shed on the site in close proximity to the northern boundary. The site falls in level in an easterly direction.

1.2. There is a cluster of residential units at the junction between the R-512and the L1400 to the north of the site. The site itself rises in level from east to west.

1.3. The site appeal site which has a stated area of 0. 382 hectares.

2.0 Proposed Development

2.1. The proposed development as received by the planning authority on the 22nd of May 2026 was for the construction of a dwelling house and detached domestic garage, a new entrance, wastewater treatment system, soil polishing filter, and bored well, together with the retention of an existing entrance and the temporary retention of an existing steel shed to be removed upon completion of the development and all associated site and development works.

2.2. The proposal is for a single storey dwelling of a modern design and construction centrally located on the site and a ridge height of 5500mm with an overall a stated floor area of 187m^2. A detached garage with a pitch roof and overall ridge height of 4550mm is also proposed adjoining the northern boundary and forward of the front building line of the dwelling with an overall a stated floor area of 54m^2.

2.3. The temporary retention of an existing steel shed with a floor area of 19m^2 which it is proposed to be removed upon completion of the development.

2.4. Access to the site is located at the northwestern corner of the site onto the local road. Details are submitted in relation to a sightline of 90 metres in both directions from the entrance.

2.5. The site is proposed to be serviced by a WWTP treatment plant located in the southeastern area of the site and site suitability tests were submitted indicating the installation of a packaged wastewater treatment system with a polishing filter and percolation area discharging to the ground. The proposed means of water supply is a private well.

2.6. Documentary information was submitted in relation to local connection to the area and the village of Kildorrery, attendance at the local schools, membership of local sports clubs and a member of the local Community Development Group (Kildorrery).

2.7. The information was in cover letters outlining information in relation to the applicant's ties to the area and stating that the proposed development represents an appropriate, well justified and policy-compliant form of rural housing within a Stronger Rural Area and that the applicant has clearly demonstrated a genuine rural-generated housing need in accordance with the relevant criteria of the Cork County Development Plan 2022–2028.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The decision of the Planning Authority was to refuse planning permission. One reason was stated which refers to;

The site is located in a rural area identified as a 'Stronger Rural Area', as designated in the Cork County Development Plan, 2022. Within this area, applicants must demonstrate that their proposal constitutes a genuine rural generated housing need based on their social/ economic links to a particular local rural area and must demonstrate compliance with one of the categories of housing need set out in Objective RP 5-6. On the basis of the information submitted, the Planning Authority is not satisfied that the applicant has demonstrated a rural generated housing need for a house at this location and has failed to demonstrate compliance with any one of the categories of housing need set out in Objective RP 5-6. The proposed

development would, therefore, contravene materially the settlement policy and objective RP 5-6 of the Cork County Development Plan 2022, and the Sustainable Rural Housing Guidelines for Planning Authorities as published by the Department of the Environment, Heritage and Local Government in April 2005 and would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report

The planning report dated the 15th July 2026 refers to development plan provisions and planning history in the area and an assessment of the development. The assessment in relation to the principle of the development refers to the provisions for development within an area designated as the "Strong Rural Area" and based on the information presented, the Planning Authority is not satisfied that the applicant qualifies to build a house at this location as he has not spent in excess of 7 years living in this particular rural area in accordance with the requirements of RP 5-6 (c) of the Cork County Development Plan 2022. There were no objections in relation to the siting and design of the dwelling and the proposed servicing of the site. Refusal was recommended.

The SEP Planning report dated the 15th July 2026 recommended refusal of permission.

3.3. Other submissions

The area engineer in a submission dated 24th June 2026 /indicated no objection to the proposal subject to conditions.

4.0 Planning History

4.1.1. Planning reg no. 19/6452: Permission was granted to Anita Hanley and Denis O'Carroll to erect a dwellinghouse, detached domestic garage, entrance and all associated site works including wastewater treatment system, soil polishing filter and bored well.

5.0 Policy and Context

5.1. Development Plan

5.1.1. The statutory development plan is the Cork County Development Plan 2022–2028.

5.1.2. Chapter 2 refers to core strategy identifying strategic planning areas for the county including North Cork (figure 2.5) and objectives for the individual strategic areas including Objectives CS 2-5 North Cork Strategic Planning Area which include;

(c) Facilitate the development of the villages and rural areas so that the rate of future population growth compliments the strategy to achieve a critical mass of population in the towns and provide protection for those areas recognised as under pressure from urban development;

(d) Strengthen and protect the rural communities of the area by encouraging sustainable growth in population, protecting agricultural infrastructure and productivity and focusing other employment development primarily in the main towns and key villages.

5.1.3. There are also objectives in relation to a network of settlements and in volume 3 of the CDP Kildorrery is identified as a key village to secure an increase in the population of the village and provide a development framework to support the expansion of employment opportunities within the village including an objective DB-01 that within the development boundary of Kildorrery, the plan makes provision for an additional 25 dwelling units subject to satisfactory servicing arrangements

5.1.4. Chapter 4 refers to housing and to giving clear guidance on making provision for specialised housing requirements and providing for the needs of communities in order to deliver sustainable residential communities across the county

5.1.5. Chapter 5 refers to rural areas with the aim to ensure that the housing needs of all rural communities including island communities, which have many distinctive needs from those in urban areas are identified, and that policies are put in place to ensure that the type and scale of development in rural areas, at appropriate locations, necessary to sustain rural communities is accommodated. The communities living across the towns, villages, countryside, and islands of the county are socially, economically, environmentally, and functionally intertwined. The Council recognises

that supporting sustainable rural communities requires a holistic approach, one which recognises the functional relationship between settlements and their hinterlands.

5.1.6. The Chapter includes principles including;

Sustainable management of rural areas is required in order protect the rural economic base, rural livelihoods, natural resources, and other land uses.

The special land use requirements of agricultural areas and the open countryside should also be accommodated;

The balance between housing delivery in our towns, villages and rural areas needs to be carefully balanced so as not to undermine the long-term viability of the individual towns and villages ensuring in particular that key local community facilities are retained and continue to be viable.

5.1.7. The CDP refers to National and Regional Policy in section 5.2, to Rural Housing Guidelines in section 5.3, to identifying Rural Area Types in section 5.4 and the site is within an area defined as being part of the Stronger Rural Area in figure 5.1 of the plan.

5.1.8. In relation to Rural Generated Housing RP 5-2 provides for:

Sustain and renew established rural communities, by facilitating those with a rural generated housing need to live within their rural community.

Encourage the provision of a mix of house types in towns and villages to provide an alternative to individual rural housing in the countryside.

5.1.9. Paragraph 5.4.6 defines stronger rural areas *to the north of the County have traditionally had a strong agricultural base. Population levels are generally stable within a well-developed town and village structure and in the wider rural areas around them. This stability is supported by a traditionally strong agricultural economic base, that is restructuring to cope with changes in the agricultural sector and the level of individual housing development activity in these areas tends to be lower and confined to certain areas as pressure for urban generated housing is less.*

5.1.10. Rural Housing for this rural area type is outlined and Objective RP 5-6 applies in relation to the Stronger Rural Areas indicating;

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.

5.1.11. Other objectives relating to rural housing include;

RP 5-22 which sets out criteria in relation to the design and landscaping of new dwelling houses in rural areas.

RP 5-23 which sets out requirements in relation to servicing of single houses and ancillary development) in rural areas.

RP 5-25 which provides for the inclusion of occupancy conditions relating to rural housing.

Chapter 14 refers to Green Infrastructure and Recreation and section 14.7 to landscape. The site is within a High Value Landscape as identified in figure 14.2.

Section 14.8.9 refers to High Value Landscapes and that considerable care will be needed to successfully locate large scale developments without them becoming unduly obtrusive. Therefore, the location, siting and design of large-scale developments within these areas will need careful consideration and any such developments should generally be supported by an assessment including a visual impact assessment which would involve an evaluation of visibility and prominence of the proposed development in its immediate environs and in the wider landscape.

Objectives in relation to landscape include;

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

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.

5.2. **National Guidance**

5.2.1. **Project Ireland 2040** National Planning Framework First Revision April 2025

5.2.2. The National Planning Framework – Project Ireland 2040 is a high-level strategic plan for shaping the future growth and development of Ireland to 2040. A key objective of the Framework is to ensure balanced regional growth, the promotion of compact development and the prevention of urban sprawl. It is a target of the NPF that 40% of all new housing is to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites with the remaining houses to be delivered at the edge of settlements and in rural areas.

5.2.3. Chapter 5 refers to Planning for Diverse Rural 5 Places and that the National Planning Framework places a major focus on rural areas in relation to: Strengthening Ireland's rural fabric and supporting the communities who live there.

In support of the overall pattern of rural and small town development in Ireland, this Framework seeks to protect areas that are under strong urban influence from unsustainable over-development on the one hand, and to encourage population to be sustained in more structurally weak areas, that have experienced low growth or decline in recent decades, on the other, while sustaining vibrant rural communities and this is outlined in National Policy Objective 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.

In relation to the countryside a distinction is made in relation to rural areas located within the commuter catchment of cities and our largest towns and, on the other hand, rural areas located outside these catchments. A more flexible approach, primarily based on siting and design, will be applied to rural housing in areas that are not subject to urban development pressure. This will assist in sustaining more fragile

rural communities and in overall terms, will need to be related to the viability of smaller towns and rural settlements.

This is outlined in National Policy Objective 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.

5.2.4. **Sustainable Rural Housing Development Guidelines 2005**

The Rural Housing Guidelines seek to provide for the housing needs of people who are part of the rural community in all rural areas and makes a distinction between 'Urban Generated' and 'Rural Generated' housing need. Chapter 4 of the guidelines relates to rural housing and planning applications and states that in areas under significant urban influence, applicants should outline how their proposals are consistent with the rural settlement policy in the development plan. Examples are given of the types of circumstances for which 'Rural Generated Housing Need' might apply are outlined in section 3.2.3, including 'persons who are an intrinsic part of the rural community'; that such persons will normally have spent substantial periods of their lives, living in rural areas as members of the established rural community. Examples would include farmers, their sons and daughters and or any persons taking over the ownership and running of farms, as well as people who have lived most of their lives in rural areas and are building their first homes. Examples in this regard might include sons and daughters of families living in rural areas who have grown up in rural areas and are perhaps seeking to build their first home near their family place of residence. Returning emigrants who lived for substantial parts of their lives in rural areas, then moved abroad and who now wish to return to reside near other family members, to work locally, to care for elderly family members, or to retire

should be also be accommodated. Provision is also outlined in relation to persons working full time or part time in rural areas.

The Guidelines further require that new houses in rural areas be sited and designed in a manner so as to integrate well with their physical surroundings and generally be compatible with water protection, roads, traffic and public safety as well as protecting the conservation of sensitive areas.

5.2.5. **EPA Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) 2021**.

The Code of Practice (CoP) provides guidance on domestic waste water treatment systems (DWWTSs) for single houses or equivalent developments with a population equivalent (PE) of less than or equal to 10 and sets out a methodology for site assessment and selection, installation and maintenance of an appropriate DWWTS. The CoP in the various chapters sets out in detail requirements and guidance on site characterisation, site suitability assessment, determining site suitability and the appropriate design solution in relation to an appropriate DWWDT. It also refers to designing an on-site DWWTS to treat and dispose of the waste water addressing can the soil and/or subsoil accommodate the waste water volumes; can the soil and/or subsoil treat the waste water sufficiently and can all minimum separation distances be met.

5.3. Natural Heritage Designations

5.3.1. The subject site is not located within site designated as a Natura 2000 site or NHA/pNHA. The subject site .is located approximately 500 metres to the south of the Ballyhoura Mountains SAC.

5.3.2. The appeal site does not have a direct connection (Source- Pathway- Receptor) to this or any other site.

6.0 EIA Screening

6.1. The proposed development has been subject to preliminary examination for environmental impact assessment and in this regard, I refer to Form 2 in Appendix 1 of this report. Having regard to the nature, size and location of the proposed

development, and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. 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

7.2. The appellant grounds of appeal in summary refers to;

The appellant grounds of appeal in summary refers to;

- The planning authority has applied and unduly restrictive interpretation of Objective RP5-6 of the CDP and failed to recognise that rural housing policy is intended to support and sustain rural communities and persons who have genuine social and economic connections to rural areas.
- The appellant has demonstrated a genuine connection to the local rural area.
- Reference is made to two addresses of parents in the area at Carhoo north of the village of Kildorrery on R512 and also Main Street Kildorrery and which are indicated on a map. The Carhoo dwelling is approximately 3.45 km from the appeal site.
- There is an absence and lack of housing supply in the area.
- Reference is made to national and regional policy, to NPO 24 and NPO 43 of the National Planning Framework (NPF), the application is urban generated rural housing and does not reflect the balanced approach of the NPF. Reference is also made to the 2005 Sustainable Rural Housing Guidelines in relation to legitimate rural housing demand. The development is also consistent with the Regional Spatial and Economic Strategy (RSES) for the Southern Region which recognises the importance of maintaining and strengthening rural communities.
- The current Cork CDP also recognises the importance of maintaining viable rural communities and Objective 5-6 should not be applied in isolation to other

wider objectives. The Planning Authority has placed significant emphasis on demonstrating compliance with rural need criteria but not affording sufficient weight to the evidence demonstrating that the appellant already forms part of the rural community.

- Reference is made to a proposed modification of a proposed variation of the CDP and the absence of a recognition of increased housing demand and lack of housing supply in particular in North Cork.
- There is a failure to recognise the active involvement of the appellant in the local community.
- Documentation in relation to local connections to the area are submitted.

7.3. **Planning Authority Response**

7.3.1. The planning authority in a response dated the 1st September 2026 indicate that all relevant issues have been addressed in technical reports and have no further comment.

8.0 Assessment

8.1. The main issues in this appeal relate to the principle of development in the context of national guidance and the provisions of the CDP on rural housing, landscape and visual amenity, site specific matters including traffic and services which are reflected in the grounds of refusal as stated and matters raised in the grounds of appeal. Appropriate Assessment also requires to be considered. I am satisfied that no other substantive issues arise.

8.2. **The principle of the development**

The proposal as submitted is for the construction of a new dwelling house, install a wastewater treatment system and all other associated site and ancillary works.

8.2.1. In section 5 of the report, I have outlined the main provisions at national and county level relating to consideration and assessment of housing in rural areas. Central to the reason for refusal as stated in the planning authority decision is that the on the basis of the information submitted, the Planning Authority is not satisfied that the applicant has demonstrated a rural generated housing need for a house at this

location and has failed to demonstrate compliance with any one of the categories of housing need set out in Objective RP 5-6 and in the planning report specific reference is made to RP 5-6 (c) and therefore the proposed development would, therefore, contravene materially the settlement policy and objective RP 5-6 of the Cork County Development Plan 2022, and the Sustainable Rural Housing Guidelines for Planning Authorities as published by the Department of the Environment, Heritage and Local Government in April 2005 and would, therefore, be contrary to the proper planning and sustainable development of the area.

8.2.2. In the grounds of appeal the appellant contends that the planning authority has applied and unduly restrictive interpretation of Objective RP5-6 of the CDP and failed to recognise that rural housing policy is intended to support and sustain rural communities and persons who have genuine social and economic connections to rural areas and that the current Cork CDP also recognises the importance of maintaining viable rural communities, objective 5-6 should not be applied in isolation to other wider objectives and that the Planning Authority has placed significant emphasis on demonstrating compliance with rural need criteria but not affording sufficient weight to the evidence demonstrating that the appellant already forms part of the rural community.

8.2.3. In support of his appeal the appellant contends that he has demonstrated a genuine connection to the local rural area. The grounds reference two addresses of parents in the area, one at Carhoo north of the village of Kildorrery on R512 and also Main Street Kildorrery and which are indicated on a map and that the Carhoo dwelling is approximately 3.45 km from the appeal site.

8.2.4. Its is contended that the decision does not reflect the balanced approach of the NPF. Reference is also made to the 2005 Sustainable Rural Housing Guidelines in relation to legitimate rural housing demand and the shortfall in available housing in the area. The development is also consistent with the Regional Spatial and Economic Strategy (RSES) for the Southern Region which recognises the importance of maintaining and strengthening rural communities.

8.2.5. In considering this matter it is noted that the provisions as stated in the CDP reflect and recognise national guidance in relation to National and Regional Policy in particular the 2005 Sustainable Rural Housing Guidelines referring in section 5.2 to

National and Regional Policy, to the Rural Housing Guidelines in section 5.3 and to identifying rural area types in section 5.4 applying the criteria set out in national guidance.

8.2.6. It is also noted that the Rural Housing Guidelines seek to provide for the housing needs of people who are part of the rural community in all rural areas and makes a distinction between Urban Generated and Rural Generated housing need and for planning authorities to prepare policy in rural areas within different rural areas and the need to analyse the different types of economic, social and physical circumstances of different types of rural areas and to tailor planning policies to respond to these differing local circumstances and the provisions as outlined in the CDP reflect this policy led approach.

8.2.7. The CDP also indicates that supporting sustainable rural communities requires a holistic approach, one which recognises the functional relationship between settlements and their hinterlands. Specifically in relation to rural generated housing Objective 5-2 does provide for to sustain and renew established rural communities, by facilitating those with a rural generated housing need to live within their rural community and also to encourage the provision of a mix of house types in towns and villages to provide an alternative to individual rural housing in the countryside.

8.2.8. Applying this guidance CDP identifies different rural area types and identifies the site to be within a stronger rural area, objective RP 5-6 specifically refers to stronger rural area and sets criteria for assessment of proposals in the rural area for housing in the countryside and sets out the context of assessing applications for development 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 seven categories of housing need outlined.

In relation to these categories the appellant would not based on the documentation submitted comply with (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) and proposed dwelling must be associated with the working and active management of the farm; (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 and (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.

8.2.9. The category where consideration can be assessed is in relation to 5.6 (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.

8.2.10. The appellant has contended to a strong link to the village of Kildorrery and the area. Noting that the address given for the application is Main Street it is also noted that in the cover letter that the applicant has resided in the Kildorrery area since birth and has maintained a continuous association with the locality and currently resides between family homes at Main Street, Kildorrery, and Carhoo, Kildorrery, which demonstrates his established and ongoing familial connection to the area. The Carhoo dwelling is located nearer the village and 3.45 kilometres from the appeal site.

The CDP in paragraph 5.4.10 does define living in the local rural area by allowing qualifying applicants to build a first home for their permanent occupation in a ‘local

rural area' to which they have strong economic or social links as defined in the following objectives RP 5-3 to RP 5-7. The meaning of 'local rural area' is generally defined by reference to the townland, parish, or catchment of the local rural school to which the applicant has a strong social and / or economic link. It is noted that in rural areas a parish area is often associated with a local rural area and the CDP does not refer to any specific distance other than in the Cork metropolitan greenbelt. The issue therefore to consider is whether the appeal site which is removed from the village and Carhoo can be considered as the local rural area or to be removed from the appellant's place of residence not to considered as the local rural area.

It would appear that the applicant has grown up in the settlement of Kildorrery and also in Carhoo in relative close proximity to Kildorrery and there are no links to the location of the appeal site as required under policy 5-6 and as such the applicant does not have a connection to the immediate local rural area of the appeal site. On the basis of the information submitted, I do not consider that the applicant has demonstrated a rural generated need for a house at this location of the appeal site removed from Kildorrery and Carhoo and has failed to demonstrate compliance with any of the categories of housing need set out in Objective RP 5-6.

I would also note that the overriding settlement policy as defined in RP 5-2 while providing for to sustain and renew established rural communities, by facilitating those with a rural generated housing need to live within their rural community it is also to encourage the provision of a mix of house types in towns and villages to provide an alternative to individual rural housing in the countryside and overall the provisions of the CDP are reasonable in meeting and accommodating local rural housing needs.

8.3. Landscape and visual amenity

8.3.1. The site is located in a relatively open elevated rural area and the site is within a High Value Landscape identified in the CDP and section 14.8.9 refers to considerable care will be needed to successfully locate large scale developments without them becoming unduly obtrusive. Therefore, the location, siting and design of large-scale developments within these areas will need careful consideration and any such developments should generally be supported by an assessment including a visual impact assessment which would involve an evaluation of visibility and prominence of the proposed development in its immediate environs and in the wider

landscape. Objective GI 14-9 outlines guidance which seeks to protect the landscape, the built and natural environment by ensuring that developments meet high quality design standards referring to and to ensuring that new development meets high standards of siting and design and to protect skylines and ridgelines from development.

8.3.2. In relation to the proposal under appeal, it is not of a large scale and specific to the appeal site visual impacts arising are limited to the immediate area. The dwelling as proposed is single storied and low in profile and will not I consider give issues which would be detrimental in terms of adversely impacting on the receiving landscape or visual amenity and the landscaping proposals offer screening to assimilate into the receiving landscape and the proposal will not have I consider an adverse impact and effect on the landscape.

8.4. Site specific matters including traffic and services.

8.4.1. The site has frontage onto two public roads and it is proposed to access onto the local road and not the regional route. The alignment of the local road is straight and sightline visibility standards of 90 metres in both directions area indicated. I would have no objections in relation to traffic. Proposals submitted indicate prevention of surface water discharging onto the public road with the installation of an Aco Drain across the entrance to collect surface water to be connected to soakpit within the site though given the gradient surface water generated within the site is not likely to flow towards the public road and may collect water discharging off the road entering the site.

8.4.2. In relation to services, the means of water supply is a private well located in the front garden of the dwelling and I would have no objection to this.

8.4.3. In relation to surface water, I note proposals to discharge stormwater to soakpits designed to BRE Digest 365 2016 within the site and I have no objections to the details as submitted.

8.4.4. In relation to treatment of foul water proposes a WWTP treatment plant located in the eastern area of the site the applicant submitted a site characterisation report and site suitability tests indicating the installation of a secondary treatment system with a polishing filter and percolation area discharging to the ground in accordance with the requirements of the EPA Code of Practice Domestic Waste Water Treatment

Systems (Population Equivalent ≤ 10) 2021 as amended. The site falls in an easterly direction and the WWTP and percolation area are located in the southeastern area of the site and maintains sufficient distance from boundaries to permit percolation of the treated effluent within the site. Based on the documentation submitted I would have no objections to the details as submitted.

9.0 **AA Screening**

9.1. I have considered the proposal for construction of a new dwelling house, install a wastewater treatment system and all other associated site and ancillary works in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located on a rural area.

9.2. The nearest site is the Ballyhoura Mountains SAC site code 002036 located in excess of 500 metres north of the site. The SAC protected habitats include [4010] Wet Heath, [4030] Dry Heath and [7130] Blanket Bogs.

9.3. The proposed development comprises in effect a relatively minor development as outlined in section 2 in the Inspectors report. 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 European Site. The reason for this conclusion is as follows; the nature of the development, the distance to designated sites and the absence of pathway to these sites.

9.4. I conclude that 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 and likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 **Water Framework**

10.1. The subject site is not located immediate to a waterbody The development comprises minor construction works as referred to in section 2 of this report. No water deterioration concerns were raised in the planning appeal.

10.2. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:

- Nature of works regarding the nature and scale of the development.
- The context of the surrounding area.
- Location and distance from nearest Water bodies and lack of hydrological connections.

Conclusion

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 permission be refused.

12.0 Reasons and Considerations

The proposed development is located in a rural area in an un-zoned and un-serviced area outside the development boundary of a designated settlement defined the Cork County Development Plan, 2022-2028 and within an area identified as a 'Stronger Rural Area', in the Cork County Development Plan, 2022-2028. Within this area, applicants are required to demonstrate that their proposal constitutes a genuine rural generated housing need based on their social/ economic links to a particular local rural area and must demonstrate compliance with one of the categories of housing need set out in Objective RP 5-6 an objective which is considered reasonable. On the basis of the

information submitted, An Coimisiún Pleanála is not satisfied that the applicant has demonstrated a rural generated housing need for a house at this location and to demonstrate compliance with any one of the categories of rural housing need set out in Objective RP 5-6. The proposed development would thus conflict with the settlement policy and Objective RP 5-6 of the Cork County Development Plan, 2022 and would be contrary to the proper planning and sustainable development of the area.

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

Derek Daly
Planning Inspector

19th October 2026

Form 1 - EIA Pre-Screening

Case Reference	PL-501820-CK-26
Proposed Development Summary	Construction of a new dwelling house, install a wastewater treatment system and all other associated site and ancillary works.
Development Address	Quitrentmountain, Kildorrery, County Cork.
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?	☐ **X Yes**, it is a 'Project'. Proceed to Q2.
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ **X Yes**, it is a Class specified **in Part 1.**	
☐ No,	
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?	
x 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.**	
No, the proposed development is of a Class and meets/exceeds the threshold.	
Yes, the proposed development is of a Class but is sub-threshold. **Preliminary examination required. (Form 2)**	

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 ☐	**Screening Determination required (Complete Form 3)**
No ☐x	**Pre-screening determination conclusion remains as above (Q1 to Q3)**

Inspector: Derek Daly Date: 19th October 2026

Form 2 - EIA Preliminary Examination

Case Reference	PL-501820-CK-26
Proposed Development Summary	Construction of a new dwelling house, install a wastewater treatment system together with all associated site works.
Development Address	Quitrentmountain, Kildorrery, County 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 (	The development provides for a dwelling in rural area where public services are not fully available. 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 development is situated in an area which is a rural area. The development is not located within sensitive habitats.
Types and characteristics of potential impacts	*Having regard to the nature of the proposed development and the availability of piped services 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.**

There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	**No**
There is a real likelihood of significant effects on the environment.	**No**

Inspector: Derek Daly Date: 19th October 2026