# Inspector's Report

# PL-501901-CK-26

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| **Development** | The Construction of a house, wastewater treatment plant and all associated site ancillary works |
| **Location** | Liskillea, Waterfall, County Cork. |
| **Planning Authority** | Cork County Council |
| **Planning Authority Reg. Ref.** | 256963 |
| **Applicant** | Olive Holland |
| **Type of Application** | Permission. |
| **Planning Authority Decision** | Permission with conditions. |
| **Type of Appeal** | Third Party |
| **Appellants** | Denis and Grace Kelliher |
| **Observers** | None |

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| **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 Liskillea approximately 3 kilometres north of Ballinhassig and 8 kilometres south of the outer southwestern suburbs of Cork City.

1.2. The site is located in an agricultural field and is set back c. 600m from the public road to the east and part of public road network connecting to the N71 to the east. The site is accessed via an existing lane which serves Liskillea House and an existing farmyard, part of which is owned by the applicant. The road currently extends to the farmyard and not to the appeal site. The proposed dwelling and site are located to the east of a ringfort (SMR No: CO085-088).

1.3. The site appeal site which has a stated area of 0.47 hectares forms part of an agricultural field and the appeal site is regular in configuration.

1.4. The site is relatively elevated and has commanding views over the countryside to the south and west.

## 2.0 Proposed Development

2.1. The proposed development as received by the planning authority on the 23rd of December 2025 was for the construction of a single storey dwellinghouse with a stated floor area of 159.7$m^2$. The dwelling is of a modern design and construction with a maximum ridge height of 5219mm above finished floor level and comprises two elements linked by hallway. The proposed dwelling is located centrally and towards the northerly area of the site.

2.2. Access to the site is located at the northeastern corner of the site and the road serving the site follows an alignment which circles north of the ringfort site, then runs in between the existing farm buildings then eastwards to the existing laneway.

2.3. The site is services by a WWTP treatment plant located in the southwestern area of the site and site suitability tests were submitted indicating the installation of a tertiary treatment system and percolation area discharging to the ground. The proposed means of water supply is a new private bored well.

2.4. Documentary information was submitted in relation to attendance at the local school for two years, residing in the family home in Liskillea and other connections to the area and inherited lands on which the proposed site is located and wishes to return to the area.

2.5. Further information was received on 23rd June 1926 in relation to an Archaeological Impact Assessment.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. The decision of the Planning Authority was to grant planning permission subject to seven conditions.

### 3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report dated the 24th February 2026 refers to county development plan provisions and planning history in the area and an assessment of the development including siting/design; noting that density of development is a concern in the wider area; that the proposed site is located such that it would not contribute to ribbon development but would add to the concentration of houses in the wider rural area; that the proposed site is located within an agricultural field on a small landholding in the ownership of the applicant; the site is locally elevated and exposed but has a backdrop of trees; reference is made to an established ringfort (SMR No: CO085-088) on its eastern side and an established field boundary to the north; reference is made to pre-application discussions in selecting the site, the location of the proposed dwelling and the design of the dwelling.

In relation to the principle of proposal reference is made the site's location within the Metropolitan Green Belt where objective RP 5-3 applies and criteria for assessment of a dwelling in this designation and it was considered that the development complied with RP5-3 (d) and that the applicant has demonstrated a genuine rural generated housing need and has demonstrated that she complies with objective RP

5-3 and therefore a grant of planning permission can be considered. Based on the county archaeologist report further information was recommended.

The Planning report dated the 16th July 2026 having assessed the further information submitted recommended that planning permission be granted.

3.3. **Other submissions**

The County Archaeologist in a report dated the 23rd February 2026 recommended that an Archaeological Impact Assessment (Archaeological Testing) should be prepared to assess the potential impact, if any, on archaeological remains in the area where development is proposed to take place to formulate an informed archaeological recommendation before a planning decision is taken and further information was therefore requested.

The County Archaeologist report dated the 10th July 1926) has considered the further information response, considered the response satisfactory and recommended a grant of permission.

The area engineer in a submission dated 15th July 2026 indicates no objections to the development subject to conditions.

A third party submission relating to the proposed development was also submitted which refer to non-compliance with the development plan policies; erosion of the greenbelt adverse visual impact on landscape; negatively impacting the residential amenity of their home and impacting on the vehicular access serving their property and referred to a previous refusal to the current applicant.

## 4.0 Planning History

4.1.1. On subject landholding and associated landholdings

23/5324 Planning permission was refused for the construction of a 2 storey dwellinghouse for the same applicant on a site further north in a more exposed location on the basis of visual impact and impact on rural landscape. Three reasons were stated referring to policy objective GI14-16, RP5-12, RP5-13, RP5-14 and RP5-15 and GI14-9, impacting on the greenbelt, eroding the rural character of the vicinity and injurious to the scenic, visual and rural character of the area.

00/5537 Planning permission was granted for a dwellinghouse for Mary Holland along the public road to the south.

4.1.2. Other relevant applications in the area

22/4068 & ABP-313181-22 Planning permission was granted for a substantial extension to the existing Bishopscourt Residential Care facility.

Note this development was not refused on appeal as stated in the P.A. planning report. A leave to appeal under section 37(6) of the Planning and Development Act 2000 as amended was refused.

22/6886 Planning permission was granted for

(1) The retention of as constructed front porch of farmhouse which differs to that granted under Planning Permission No. 14/05803,

(2) The conversion of a disused two storey derelict farm building into a granny flat and sports room,

(3) The construction of a single storey link corridor between farmhouse and Granny flat and

(4) All associated site works for Denis Kelleher.

14/5803 Planning permission was granted for retention and completion of the construction of extensions, alterations to existing farmhouse elevations and permission to upgrade sewage treatment tank, percolation areas and all associated site works for Denis & Grace Kelleher.

## 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. Objective RP 5-2 refers to Rural Generated Housing and to 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.

5.1.3. The site is located within the ‘Metropolitan Green Belt’ as set out in the Cork County Development Plan, 2022.

5.1.4. Objective RP 5-3 states; The Metropolitan Cork Greenbelt is the area under strongest urban pressure for rural housing. Therefore, applicants shall satisfy the Planning Authority that their proposal constitutes an exceptional 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, including 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, 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) Other persons working full-time in farming, forestry, inland waterway, or marine related occupations, for a period of over seven years, in the local rural area where they work and in which they propose to build a first home for their permanent occupation.

(d) Landowners including their sons and daughters who wish to build a first home for their permanent occupation on the landholding associated with their principal family residence for a minimum of seven years prior to the date of the planning application.

In circumstances, where a family land holding is unsuitable for the construction of a house, consideration may be given to a nearby landholding where this would not conflict with Objective GI 8-1 and other policies and objectives in the Plan. In this context a ‘nearby landholding’ may be construed to mean adjoining landholdings but not normally more than 1.5km from the prospective applicant’s family residence. Proposals exceeding the 1.5km distance may be considered in exceptional circumstances on a case-by-case basis. The total number of houses within the Metropolitan Greenbelt, for which planning permission has been granted since 15th January 2015 on a family farm or any single landholding within the rural area, will not normally exceed two.

Other policy objectives include

RP 5-11: County Metropolitan Cork Greenbelt

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

RP5-12: Purpose of Greenbelt

(a) Maintain a Green Belt for Metropolitan Cork with the purposes of retaining the open and rural character of lands between and adjacent to urban areas, maintaining the clear distinction between urban areas and the countryside, to prevent urban sprawl and the coalescence of built-up areas, to focus attention on lands within settlements which are zoned for development and provide for appropriate land uses that protect the physical and visual amenity of the area.

(b) Recognise that in order to strengthen existing rural communities' provision can be made within the objectives of this Plan to meet exceptional individual housing needs within areas where controls on rural housing apply.

RP5-13 Land Uses within the County Metropolitan Greenbelt

Preserve the character of the Metropolitan Greenbelt as established in this Plan and to reserve generally for use as agriculture, open space, recreation uses and protection / enhancement of biodiversity of those lands that lie within it.

RP5-14 Sustainability of Exceptions to Greenbelt Policies

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

RP5-15 Active Uses of Greenbelt Lands

Facilitate active uses of the County Metropolitan and Town Greenbelts generally and to encourage proposals which would involve the development of parks, countryside walks or other recreational uses within the Greenbelt. Any built development associated with such uses should not compromise the specific function and character of the greenbelt in the particular area.

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

GI14-9 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.

GI 14-16: Prominent and Strategic Metropolitan Greenbelt Map

Protect those prominent open hilltops, valley sides and ridges that define the character of the Metropolitan Cork Greenbelt and those areas which form strategic,

largely undeveloped gaps between the main Greenbelt settlements. These areas are shown on the Prominent and Strategic Metropolitan Greenbelt (Figure 14-3) and it is an objective to preserve them from development.

The site is within the 'prominent and strategic green belt area' as set out in the CDP, 2022 as indicated in figure 14.3 Prominent and Strategic Metropolitan Greenbelt Map.

Objectives HE 16-2 relates to the Protection of Archaeological Sites and Monuments Secure the preservation (i.e. preservation in situ or in exceptional cases preservation by record) of all archaeological monuments and their setting included in the Sites and Monuments Record (SMR) and the Record of Monuments and Places (RMP) and of sites, features and objects of archaeological and historical interest generally. In securing such preservation, the planning authority will have regard to the advice and recommendations of the Development Applications Unit of the Department of Housing, Local Government and Heritage as outlined in the Frameworks and Principles for the Protection of the Archaeological Heritage policy document or any changes to the policy within the lifetime of the Plan.

Objective HE 16-10 related to the Management of Monuments within Development Sites Where archaeological sites are accommodated within a development it shall be appropriately conservation/ protection with provision for a suitable buffer zone and long term management plan put in place all to be agreed in advance with the County Archaeologist.

**National Guidance**

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

5.1.6. 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.

5.1.7. 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.

5.1.8. **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.

5.1.9. **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.

### 5.2. Natural Heritage Designations

5.2.1. The subject site is not located within site designated as a Natura 2000 site or NHA/pNHA or approximate to such a site or having a direct connection (Source-Pathway- Receptor) to a 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 appellants grounds of appeal in summary refer to;

7.2.1. A very significant error was made by the Planner when consideration was being given to density of development in the immediate and wider surrounding area referring to when considering nearby development, the Planner erroneously assumed a 60,000 square feet development on immediately adjoining land, had been refused permission on appeal by An Bord Pleanála. In actuality, no appeal was made and planning was granted, not refused. As such the Planner failed to take into account an enormous development already approved immediately adjoining the appellants' property.

This error the appellant contends is hugely significant in the context of the decision made as the planner report states density of development is a concern in the wider area and it is apparent that the Planner was not aware of how significant the density of development is in having no awareness of the fact an enormous nursing home development had also been granted permission on lands immediately adjoining the appellants' property.

Reference is also made to a previous refusal of permission for the applicant in close proximity to the current proposal and the reference to erosion of the greenbelt and exacerbate an emerging pattern of suburbanisation that is eroding the rural character in the vicinity and would militate against the preservation of the rural environment at this location and this concern is expressed given the number of permissions granted in the area and in proximity to the appellants' property.

7.2.2. Further significant errors were made when prominence/exposure. The permission granted is for a site much more exposed and prominent than the one previously refused though the P.A. planner came to the opposite conclusion. Presentation of objective evidence will demonstrate true relative prominence/exposure of the current proposal.

In relation to exposure the surrounding line of sight exposure to the approved dwelling is far greater than that for the refused one and this is demonstrated by a map. The granted dwelling has been moved to a higher mapped terrain elevation (from 150.2 to 150.45 meters) is moved on top of the ridgeline in the nearby field, is moved from being 'tucked away to the north of the mature tree area to being directly on the skyline/ridgeline. In granting permission, the grant has recommended a more prominent, more exposed and less anchored site.

Photographs from the public road network are submitted to illustrate the visual prominence of the approved site and development.

Reference is made to Objective GI 14-16 of the CDP 2022-2028 which seeks to protect prominent open hilltops, valley sides and ridges from development particularly in strategic Largely undeveloped gaps between Greenbelt settlements.

Reference is made refusal of permission for development in less elevated and prominent than the current proposal under appeal.

7.2.3. Conditions of the granted planning permission dictate planting of trees and shrubs to hide the permitted development from view. The condition of the permission is an inadequate, unrealistic, tokenistic gesture towards rural and prominent strategic policies.

Reference is made to proposed site on a hilltop at an elevation of over 50 meters (500ft). which has direct line of sight to the coastline; 6 miles to the south and the site is only 3km west of Cork Airport, known to have winds regularly exceeding 60 knots (120kmph). The exposure to the elements on this hill prevents survival of effectively any native trees/shrub with the exception of whitethorn and gorse neither of which can grow tall in the location. The forested area to the east of the site it is contended took over 100 years to develop and only became sustained after a pine shelter belt was first planted as a weather-screen four generations ago. Without a non-native pine shelter-belt, the proposed native trees would quickly die and it would be wholly unsuitable given policies of Rural Places and Greenbelt Initiatives, for Cork County Council to approve a non-native pine plantation on this prominent exposed hilltop.

7.2.4. The grounds of appeal contends that the applicant does not have a genuine exceptional local housing need with reference to RP 5-3 of the CDP. The applicant does not live in the area now and has not lived within 40 kilometres of the area for more than 20 years. The applicant partly inherited the family farmhouse decades ago but chose not to fully acquire and restore her family farmhouse. The farmhouse was the sole residential element of the farm and sold it, and now seeks to create a separate new residential element on her inherited adjoining agricultural landholding. It is contended that the applicant has not farmed the lands or worked the lands in any respect, but has continuously leased it to third-party farmers. In this context how can it be considered to be a genuine local housing need in the area. it is also contended that there are plenty of alternative properties available in the area.

7.2.5. Cork County Council did not accept or acknowledge the existence of any possible negative effect on the appellants' residential amenity and access.

The driveway to the appellants' home is over 500 meters long and barely wide enough for one vehicle and photographs in appendix 2 of the appeal submission illustrate the access. The driveway does not have continuous line of sight due to a

kink near the centre-point of the drive. The implication of this layout is that when a vehicle is entering the drive at the same time another is exiting, the vehicles cannot spot the impending impasse until reaching the midpoint and one of the vehicles is forced to reverse several hundred meters down the narrow laneway to allow the other vehicle to pass. The physical obstructions created by impractically high traffic, in conjunction with road characteristics, are what will impact on residential amenity.

New residential traffic would drive immediately past the back of the appellants' home with direct line of sight into our back garden and rear windows and this would have an obvious negative impact on privacy.

The Council did not consider how access infrastructure is already over-burdened or how adding to traffic will make untenable, an already chronic access situation.

7.3. **Planning Authority Response**

7.3.1. The planning authority in a response dated the 15th September 2006indicates that the planning authority had regard to the planning history on the landholding, the applicant's genuine rural generated housing need and the suitability of the selected site. the house design was considered acceptable and the applicant has complied with rural housing policy.

7.4. **First Party Response.**

The first party in a response to the grounds of appeal in summary refers to;

The observations made by the appellants in relation to permissions granted in the area are of no relevance to the planning permission.

The site of the current appeal does not adjoin the appellants' property.

The site of the current proposal is less visually prominent and this is stated in the planning authority report.

The site is as close to the trees but required to be located outside of the Recorded Monument Zone.

The photographs submitted are not a true reflection of prominence and are not a montage and reference is made to the planning authority assessment of visual impact.

The contention made in relation to that screening is not possible on the site due to high winds is disputed.

The appellant restates the position of having exceptional housing need and did not have sole ownership of the family home and strong local ties to the area.

The issues raised in relation to access limitations on the capacity of the laneway are disagreed with, there is space for two vehicles to pass on the laneway and a person driving on the laneway cannot see into the appellants' back garden or rear windows. Photographs are submitted in support of this.

## 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, services, heritage and residential amenity. 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 in a rural area.

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.

The provisions as stated in the CDP reflect national guidance and the need to distinguish between urban generated rural housing and rural generated housing and tailoring policy and objectives for different rural areas. The CDP identifies different rural area types that the site is within the Metropolitan Green Belt which given its proximity to the greater Cork city area and the development pressures arising requires objectives, RP5-12, RP 5-13, RP5-14 and RP5-15 to protect and sustain the function of the greenbelt from urban generated rural housing and outlines criteria for the assessment of proposals within this designation for housing in the countryside. There are also objectives in relation to the protection of the landscape outlined in objective GI14-9 to protect the visual and scenic amenities of County Cork's built and

natural environment; ensuring that new development meets high standards of siting and design and to protect skylines and ridgelines from development. There is also a specific objective GI 14-16: referring to a prominent and strategic metropolitan greenbelt map and to protect those prominent open hilltops, valley sides and ridges that define the character of the Metropolitan Cork Greenbelt and those areas which form strategic, largely undeveloped gaps between the main Greenbelt settlements. The provisions as stated are I consider reasonable.

8.2.2. In the assessment of the current proposal the planning authority considered the proposed development in the context of object 5.3 of the CDP which relates to the Metropolitan Green Belt and the criteria outlined in this objective as in order to secure planning permission to build a new dwellinghouse in the greenbelt area the applicant must comply with one of the categories of housing need set out under objective RP 5-3 of the CDP.

8.2.3. Criteria (a) Farmers, including 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, 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 and (c) Other persons working full-time in farming, forestry, inland waterway, or marine related occupations, for a period of over seven years, in the local rural area where they work and in which they propose to build a first home for their permanent occupation were deemed as not applicable in the assessment.

In relation to (d) the criteria as stated relate to landowners including their sons and daughters who wish to build a first home for their permanent occupation on the landholding associated with their principal family residence for a minimum of seven years prior to the date of the planning application. It is stated in the planning assessment that the dwelling to the east of the site was the applicant's original family home, but this is no longer in family ownership. The report also noted from the documentation submitted that the applicant did live at this location for a minimum of seven years so notwithstanding the sale of the family home, the applicant has lived in the adjoining property (former family home), for a minimum of seven years prior to the date of the application and it was therefore considered that the applicant

complies with category (d) and that the applicant has demonstrated a genuine rural generated housing need and has demonstrated compliance with objective RP 5-3 and therefore a grant of planning permission can be considered.

The appellants contend that the first party applicant does not comply with the criteria outlined in 5.3(d) that the applicant does not live in the area now and has not lived within 40 kilometres of the area for more than 20 years and now seeks to create a separate new residential element on her inherited adjoining agricultural landholding. In this context how can it be considered to be a genuine local housing need in the area.

I have reviewed the documentation and there is no dispute that the applicant has strong local connections to the area, resided for in excess of 20 years in the family home and attended the local school. It is indicated for reasons relating inheritance of the home and farm she was unable to remain in the family home. Objective 5.3 (d) does make a clear reference to landowners including their sons and daughters who wish to build a first home for their permanent occupation on the landholding associated with their principal family residence for a minimum of seven years prior to the date of the planning application.

It is not disputed that the applicant wishes to build a first home for their permanent occupation on the landholding associated with their principal family residence but the documentation would also appear to indicate that the applicant has not resided on the landholding associated with their principal family residence for a minimum of seven years prior to the date of the planning application and this may have occurred due to matters relating to inheritance which affected this occuring.

8.2.4. I would note also that the CDP and national guidance do strongly differenciate between rural generated and urban generated rural housing and also to assess circumstances on a case-by-case basis where there is an issue relating to the landholding. In relation to Rural Generated Housing RP 5-2 of the CDP also provides for to sustain and renew established rural communities, by facilitating those with a rural generated housing need to live within their rural community.

National guidance to the types of circumstances for which ‘Rural Generated Housing Need’ might apply 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 as well as people who have lived most of their lives in rural areas and are building their first homes; 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 and national guidance also although it does not strictly apply in this case to returning emigrants who lived for substantial parts of their lives in rural area and who now wish to return to reside near other family members, and that these should be also be accommodated.

I would also note that within the greenbelt categories are more restricted to persons considered are as landowners and other persons working full-time in farming, forestry, inland waterway, or marine related occupations reflecting the importance of maintaining the greenbelt and differs from other rural area categories which considers in other rural area types such persons who have spent a substantial period of their lives (i.e. over seven years), living in the local rural and that the other rural types do not specify a minimum of seven years prior to the date of the planning application.

The planning authority appraisal would appear to accept genuine housing need is demonstrated and rural generated housing need in the local area based on the exceptional circumstances relating to the landholding is demonstrated. Given the demonstrated connection to the area and ownership of a landholding I would concur with this appraisal in relation to the principle of development.

8.3. Landscape and visual amenity

8.3.1. The grounds of appeal refers to visual impact. In this regard, I note that the site is located in a relatively elevated rural area with commanding views in particular to the south. There is a fall in level to the south and the dwelling is located in the northern area of the site and the site is elevated in the context of its immediate area and visible from the south but most of the views are relatively distant. The site also has a backdrop of mature trees on its eastern side and an established field boundary with mature planting to the north which provides intermittent screening.

8.3.2. The dwelling as proposed is for the construction of a single storey dwellinghouse of a modest scale of a modern design and construction with a low profile and a maximum ridge height of 5219mm above finished floor level. It is noted that supplementary

landscaping is proposed. The location of the house on the site is dictated by the need to maintain a separation distance from the ringfort to the east and also providing access to the site. Some degree of visual prominence is likely to occur given the prevailing contours but as stated visual impact will be distant and intermittent, there will not I consider be a significant and prominent breaking of the skyline and visual impact will be ameliorated by existing screening and the low profile of the proposed dwelling.

8.3.3. I note reference in the grounds of appeal to difficulties in relation to species growing in the area but the area does appear to have established mature species and hedgerows and subject to an appropriate selection of a species mix which would mature over a period of time I consider that landscaping can establish on the site.

8.3.4. I therefore consider that the dwelling as proposed in the location proposed can be accommodated on the site and will not adversely impact on the landscape.

8.4. Site specific matters including traffic and services.

8.4.1. Traffic matters are is referred to in the grounds of appeal referring to the road/laneway which will serve the development. Access to the proposed site will be from a laneway narrow in width over 500 metres from the public road which currently serves the appellants' property and the lands which is the subject of the appeal. The alignment is generally a straight alignment offering visibility along the section of laneway west of the nursing home entrance and on this section of laneway the level of traffic on the laneway is low and anticipated increase in traffic arising from the proposed development will also be low. The laneway although narrow has verges and this laneway currently does serve worked agricultural lands.

While noting there that vehicles would require care in passing along the laneway, I do not consider that traffic would be required to or forced to reverse several hundred meters down the narrow laneway to allow the other vehicle to pass. A new driveway to the site is proposed from the current end of the surfaced lane following an alignment through the farm buildings and following a route around the potential area of archaeological interest before entering the site and I would have no objections to the route of the access as proposed from the end of the current laneway to the site itself. The junction of the laneway onto the public road which has a straight alignment and has satisfactory sightline visibility in both directions.

8.4.2. In relation to water services, it is proposed to install a private well and I would have no objectives to this.

In relation to surface water, details provide for storm water soakaway designed to BRE 365 specification and I would have no objection to the details submitted.

In relation to treatment of foul water proposes a WWTP tertiary treatment plant located in the southwestern area of the site and the applicant submitted a site characterisation report and site suitability tests indicating that the site is suitable for for the installation of tertiary treatment system 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. Based on the documentation submitted I would have no objections to the details as submitted.

8.5. Heritage

8.5.1. The proposed site is in close proximity to a ringfort (SMR No: CO085-088). The siting of the dwelling has taken the ringfort into consideration. In the course of the assessment of the application requested an Archaeological Impact Assessment (Archaeological Testing) should be prepared to assess the potential impact, if any, on archaeological remains in the area where development is proposed to take place which was submitted and the archaeologist noted the recommendations outlined in the Archaeological Impact Assessment and the mitigation measures shall be implemented in full. I would agree with the assessment and a condition be included to reflect this in a grant of permission.

8.6. Residential amenity

Reference is made to impact on residential amenity arising from new residential traffic would drive immediately past the back of the appellants' home with direct line of sight into our back garden and rear windows and this would have an obvious negative impact on privacy. The appellants' dwelling is well screened from the laneway and the proposed extension of the lane providing access to the appeal site and I do not consider that impacts in relation to the rear garden or rear windows will arise.

## 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 and is not within or proximate to a designated site.

9.2. 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.

9.3. 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 granted.

## 12.0 Reasons and Considerations

12.1. Having regard to the provisions of the current Cork County Development Plan 2022-2028 and its stated objectives specific to the area which are considered to be reasonable, to national guidance in relation to sustainable rural development, and the existing pattem of development in this rural area, it is considered that subject to compliance with conditions set out below, the proposed development would not have a significant adverse effect and would not detract from the character of the area, would not seriously injure the amenities of residential property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 13.0 Conditions

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| 1. | The development shall be carried out and completed in accordance with the drawings and particulars as received by the Planning Authority on the 23rd day of December 2025 and the 23rd of June 2026, except as may otherwise be required in order to comply with the following conditions. |

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| | Where such conditions require points of detail to be agreed with the Planning Authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.<br><br>**Reason**: In the interest of clarity |
| 2. | (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter [unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant]. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.<br><br>(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.<br><br>This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.<br><br>**Reason**: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted [to meeting essential local need] in the interest of the proper planning and sustainable development of the area. |
| 3. | Prior to development commencing a revised site layout plan to a scale of 1:500 shall be submitted for the written agreement of the Planning Authority showing the following:<br><br>a) Proposals for a boundary screen and landscaping along the boundaries of the site.<br><br>b) A timescale for the implementation of boundary proposals and |

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| | landscaping proposals agreed under this condition.<br>. **Reason:** To preserve and protect the residential amenities of the area and in the interest of proper planning and sustainable development. |
| 4. | . Water supply and drainage requirements, including surface water collection and disposal, shall comply with the requirements of the planning authority for such works and services.<br>. **Reason:** In the interest of public health and to ensure a proper standard of development. |
| 5. | The external finishes in relation to the proposed development shall be submitted to and agreed with the planning authority prior to the commencement works on the site.<br>The roof colour of the proposed house shall be blue-black, black, dark brown or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof.<br>**Reason:** In the interest of visual and residential amenity. |
| 6. | The alignment of the proposed access road and entrance to the site from the existing end of the laneway shall be in accordance with the details as received by the Planning Authority on the 23rd day of December 2025. Save for the removal of existing vegetation to facilitate the proposed driveway all other existing vegetation shall be retained.<br>**Reason:** In the interest of traffic safety and visual amenity |
| 7. | The mitigation measures in relation to the archaeology and cultural heritage as set out in Section 4.2 AIA Hawkes, June 2026 submitted as further Information to the planning authority on the 23rd of June 2026shall be implemented in full. In this regard the identified field clearance stones shall be excluded from development works and fenced off during construction.<br>**Reason:** To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest. |
| 8. | . 1 (a) The treatment plant and percolation shall be located, constructed and maintained in accordance with the details submitted to the planning |

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| | authority, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021.<br>. (b) No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.<br>. (c) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.<br>. (d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.<br>. (e) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.<br>**Reason**: In the interest of public health |
| 9. | Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.<br>**Reason:** In order to safeguard the residential amenities of property in the vicinity |
| 10. | The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the |

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

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

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| **Case Reference** | PL-501901-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** | Liskillea, Waterfall, 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. |
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| **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 N**o, 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.<br>**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.<br><br>**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)? | |
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| **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

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| **Case Reference** | PL-501901 CK-26 |
| **Proposed Development Summary** | Construction of a new dwelling house, install a wastewater treatment system together with all associated site works. |
| **Development Address** | Liskillea, Waterfall, 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**<br><br>( | *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**<br><br>( | *The development is situated in a rural area. The development is removed from sensitive natural habitats, designated sites and landscapes of identified significance in the County Development Plan. The site is in close proximity to an archaeological feature ringfort (SMR No: CO085-088). which was the subject of archaeological impact assessment.* |
| **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** | **EIA is not required.** |

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| **significant effects on the environment.** | |
| **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**