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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 23/05485**

**APPEAL** by O'Brien and O'Flynn care of McCutcheon Halley, Chartered Planning Consultants of 6 Joyce House, Barrack Square, Ballincollig, County Cork against the decision made on the 10<sup>th</sup> day of July, 2024 by Cork County Council to refuse permission for the proposed development.

**Proposed Development:** Construction of 51 number dwelling houses comprising 30 number four bedroom dwelling houses, 12 number three bedroom dwelling houses and nine number two bedroom dwelling houses, a temporary wastewater treatment plant, pumping station and all associated site development works including vehicular access, footpaths, parking, drainage, landscaping and amenity areas at Grange (Townland), Killumney/Ovens, County Cork.

**Decision**

**REFUSE** permission for the above proposed development in accordance with the reasons and considerations set out below.

## Reasons and Considerations

1. The proposed development is deemed to be premature pending the upgrading of the Killumney Wastewater Treatment Plant. The Board noted that the treatment plant is managed by Uisce Éireann and is currently at capacity and whilst there are plans for the upgrade of this plant, there is no confirmed timeframe for the delivery of this project. In the absence of this upgrade, it is considered that the proposed development would be prejudicial to public health.
  
2. (a) It is considered that the proposed development would set an undesirable precedent in permitting individual discharges associated with new developments to discharge directly into the River Bride or other watercourses in the vicinity, without the benefit of Municipal Treatment at the Killumney Wastewater Treatment Plant. The cumulative impact arising from a multiplicity of discharges, bypassing the Wastewater Treatment Plant would prove difficult to assess and monitor and therefore would result in significant water pollution which would undermine the objectives of the Water Framework Directive.

- (b) The information contained in the appeal, suggests that treated wastewater from the proposed development would be pumped to the public foul sewer main along the public road, and rather than discharging to the wastewater treatment plant, the public sewer main would be diverted to discharge directly to the River Bride. The Board is cognisant of the fact that the existing public sewer carries untreated sewage from other developments to the east of the wastewater treatment plant. This untreated sewage, according to the information submitted with the appeal, would be diverted away from the wastewater treatment plant, would discharge raw sewage directly into the River Bride and would give rise to significant water pollution. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The Board had concerns in relation to the long-term maintenance and management agreements of the proposed temporary on-site waste water treatment system in the absence of a confirmed timeframe for the upgrading of the Killumney Wastewater Treatment Plant. The proposal to incorporate a maintenance agreement which would entrust the responsibility for future maintenance of the treatment plant into the hands of the future occupants of the proposed development is unacceptable and would pose a significant risk to the long term operation and maintenance of the infrastructure which in turn would pose a risk to public health and the environment. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Note: The Board noted the inspectors 4<sup>th</sup> reason for refusal which expressed concerns that the Stage 1 Appropriate Assessment Screening Report could not definitely conclude that the proposed development would not have a significant impact on the Conservation Objectives of European Sites downstream of the proposed discharge point into the Bride River (namely the Cork Harbour Special Protection Area (Site Code: 004030) and the Great Island Channel Special Area of Conservation, (Site Code: 001058). However the Board had regard to the waste assimilative capacity calculations contained in the Water Framework Directive Compliance Assessment Report submitted with the documentation on file and the Board was satisfied that any treated discharge from the proposed development could comply with the Emission Limit Values set out in the European Community (Environmental Objectives) Surface Water Regulations 2009 (SI 272 of 2009), and that there was sufficient assimilative capacity in the receiving waters of the Bride River and the River Lee so that adequate dilution and dispersion takes place and therefore would not pose a threat to the Conservation Objectives to the European Sites in question.



**Paul Caprani**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board**



Dated this 19<sup>th</sup> day of February 2025