



An
Coimisiún
Pleanála

Commission Order
ABP-321519-24

Planning and Development Act 2000, as amended

Planning Authority: Cork County Council

Planning Register Reference Number: 24500

Appeal by Eugene O'Sullivan of Droumsullivan, Bantry, Cork against the decision made on the 29th day of November 2024, by Cork County Council to grant, subject to conditions, a permission to Shauna O'Sullivan care of Christy Crowley of Cove Road, Reenrour West, Bantry, County Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of dwelling house, installation of waste-water treatment system, and for all associated site works at Dromsullivan South, Bantry, County Cork.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the nature of the proposed development, its siting and design, its separation from adjoining residential properties, its compliance with the rural housing need criteria set out in the Cork County Council Development Plan, it is considered that subject to compliance with the conditions set out below, the proposed development would not negatively impact on residential amenity or give rise to negative visual impacts, would not be prejudicial to public health nor would it exacerbate flooding in the area, and would be acceptable in terms of traffic safety and convenience, the proposed dwelling would therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Commission considered that the site incorporates inherent soil and subsoil characteristics to accommodate a proprietary waste water treatment system and new polishing filter without being prejudicial to public health. The Commission noted the trial hole investigations undertaken both in June and November and considered that there was adequate depth (0.9 meters) of aerated soil and subsoil between the proposed polishing filter and the bedrock/water table to adequately treat and attenuate effluent from the dwelling house specifically with the provision of the proposed a P6 Pumped Secondary Treatment System discharging into a constructed sand polishing filter of 45 square metres. The Commission also noted that the site was located within an area designated with Groundwater Protection Response of R2¹ where the Response suggests that the site 'could be suitable subject to normal good practice'. The incorporation of the proposed the secondary treatment system together with the polishing filter, would constitute good normal practice. The Commission agreed with the conclusion in the Environmental Scientist Report that a loading rate of 300l/m²/day on three square metres would lead to overloading, however it was considered that a larger polishing filter could be included by way of condition. The Commission

also agreed with the conclusions of the Inspector/Environmental Scientist that there was adequate separation distance between the proposed polishing filter and private wells in the vicinity, particularly as these private wells are located upgradient from the proposed polishing filter.

In relation to surface water disposal, the Commission considered having regard to the rural location of the site that soakaways can be constructed in accordance with BRE Digest 365 and that there was sufficient soil depth to ensure that surface water disposal did not present any material issues that could give rise to public health or flooding issues that would warrant or justify a refusal of permission in this instance.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and the further plans and particulars received by the planning authority on the 22nd day of October 2024, and the 13th of November 2024 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

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.

- (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.

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.

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 commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, management of construction traffic, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and amenity.

4. The vehicular access, including visibility splays of 2.4 metres by 90 metres in both directions to the nearside road edge, as detailed on the layout drawings dated 13th day of November, 2024 Sightlines shall be maintained unobstructed, and the nearside road edge shall be visible over the entire sight distance.

Reason: In the interest of traffic safety.

5. (a) 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.
- (b) The external walls shall be finished in neutral colours such as grey or off white.

Reason: In the interest of visual amenity.

6. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.
- (b) Treated effluent from the septic tank/wastewater treatment system shall be discharged to a polishing filter with a minimum area of 45 square metres which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.

- (c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/ wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

Reason: In the interest of public health and to prevent water pollution.

- 7. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.
- (b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interest of traffic safety and to prevent flooding or pollution.

- 8. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
 - (a) A plan to scale of not less than 1:500 showing –
 - (i) Existing trees, hedgerows shrubs rock outcropping, stone walls, specifying which are proposed for retention as features of the site landscaping.

- (ii) The measures to be put in place for the protection of these landscape features during the construction period.
 - (iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder, and which shall not include prunus species.
 - (iv) Details of screen planting.
 - (v) Details of roadside/street planting which shall not include prunus species.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment
- (c) A timescale for implementation

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

9. 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 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 Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

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.



Paul Caprani

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this 27th day of November 2025