



An
Bord
Pleanála

Inspector's Report

ABP-315555-23

Development	Construction of 6 no. houses, new vehicular entrance and all associated site services
Location	Garranekinnefeake, Jamesbrook, Midleton, Co Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	225324
Applicant(s)	Michael Leahy
Type of Application	Permission
Planning Authority Decision	Grant Outline Permission subject to Conditions
Type of Appeal	Third Party v Grant
Appellant(s)	John McCarthy and Patricia O'Regan Paul Whelan
Observer(s)	None
Date of Site Inspection	4 th May 2023
Inspector	Eoin Kelliher

1.0 Site Location and Description

- 1.1. The subject site is located circa 300m west of Saleen village, Co. Cork. The site is situated in the south-eastern corner of a large agricultural field used for tillage farming and measures circa 0.78ha in area. The site has approximately 112m of frontage onto the adjoining local secondary road (L7658) and is served by an existing field entrance. There are hedgerows on the roadside and eastern boundaries of the site. The topography of the site rises circa 6.5m from south to north. The surrounding landscape is characterised by good quality agricultural land to the north, east, and west, and demesne woodland to the south, interspersed with one-off roadside houses. There are two roadside dwellings located immediately to the east of the site and a gate lodge ('Jamesbrook') on the opposite (south) side of the public road.
- 1.2. Saleen is a small rural village located circa 5.5km south of Midleton on the R630 regional road. The village comprises two discrete clusters of development. The historic village comprises a church and a mix of housing including small estates and roadside houses concentrated along a local road (L3629) extending from the junction with the R630. The second cluster is located circa 250m north of the historic village and comprises a national school and an adjoining housing estate accessed from the R630. Both clusters are connected by a footpath on the west side of the R630. There are bus stops on the R630 connecting the village to, inter alia, Cork city and Midleton. The village is currently served by a small septic tank.

2.0 Proposed Development

- 2.1. Outline permission was originally sought to construct six detached dwelling houses overlooking a small green to the front of the site and served by a single access road extending from a new recessed entrance on the public road. The number of dwellings proposed was subsequently reduced to five by way of clarification of further information. A tertiary domestic wastewater treatment unit is to be installed in the front garden of each dwelling. The site is to be landscaped with semi-mature trees and a 2m high limestone capped wall with a dashed render finish and brick piers provided on either side of the site entrance for a total distance of circa 35.5m.

2.2. The application included an overall site layout plan which indicates a future phase of development (26 no. houses) on the remainder of the field located within the settlement boundary of the village.

3.0 Planning Authority Decision

3.1. By Order dated 22nd December 2022 Cork County Council decided to grant outline permission subject to 32 no. conditions. The following conditions are noteworthy:

- Condition No. 4 regarding the design of the site entrance and associated boundary walls.
- Condition No. 9 regarding the removal of the existing road boundary and the provision of a new boundary fence 3m back from the nearest edge of the carriageway.
- Condition No. 11 that surface water from the site shall not flow onto the public road.
- Condition No. 13 regarding the provision of a soakaway to drain the public road at the entrance to the site prior to the commencement of any other works on site.
- Condition No. 17 regarding the provision of sewers to facilitate a future connection to the public sewer in the event of it becoming available.
- Condition No. 21 regarding the finalisation of house types by way of a subsequent planning application and that the dwellings shall be no higher than two storeys.
- Condition No. 19 regarding the use of stormwater attenuation and treatment measures utilising nature-based drainage solutions and SuDS.
- Condition No. 29 regarding cutting or removal of trees, hedgerows and clearance of ground vegetation outside the period from 1st of March and 31st August.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Primary Report

The Planning Officer recommended seeking further information regarding the following matters:

- Future proofing the development so a connection can be made to a public sewer.
- Hydraulic loading rate of the houses on the disposal areas based on bedroom numbers, and compliance with the separation requirements of the EPA Code of Practice.
- Confirmation of feasibility of water supply connection from Uisce Eireann.
- Feasibility of footpath connections between the site and the village core.
- Detailed landscape plan reflecting the principle of biodiversity net gain.
- Extent of public open space to be provided.

Further Information Submission

The applicant submitted the following FI on the 26th September 2022:

- Proposals for surface water and foul sewers within the site to allow for connections to the public sewer when it becomes available.
- Proposal to provide for four bedrooms (population equivalent of 6 no. persons) per dwelling with resized percolation areas.
- Copy of a pre-connection enquiry sent to Irish Water.
- Proposals to make provision for a walkway in the northeast corner of the site to allow for future connectivity with any adjoining development on the lands to the east and an offer to make a financial contribution towards the installation of a public footpath connecting the development to the village.
- A landscape plan and confirmation of the area of the proposed public open space (0.2acres).

Subsequent FI Report

The Planning Officer sought clarification regarding the following matters as per the recommendations of the Environmental Section and Ecologist:

- Confirmation that the required 10m separation distance between the proposed percolation areas can be achieved whilst noting that a maximum of 6 no. wastewater treatment units per hectare should be provided in areas of high or extreme vulnerability.
- A revised landscape plan that includes a native alternative fuchsia.

Clarification of Further Information Submission

The applicant submitted the following CFI on the 1st December 2022:

- Revised proposals for 5 no. dwellings with minimum 10m separation distances between percolation areas.
- A revised landscape plan incorporating native fuchsia.

Final CFI Report

The Planning Officer was satisfied that all matters had been addressed or could be dealt with by way of condition. Recommends granting permission subject to 32 no. conditions.

The Planning Officer's recommendation is reflected in the Planning Authority's decision.

3.2.2. Other Technical Reports

Area Engineer: Initial report sought a feasibility study for a footpath connection to the village and proposals to facilitate a potential future foul sewer connection at the site entrance.

Subsequent report states proposal to provide a path through adjoining field connecting into the Briarsfield estate is unacceptable due to safety concerns, that the public footpath should be along the roadside and that this will require extensive works for which a special financial contribution should be levied.

Environment Section: Initial report sought clarification regarding the hydraulic loading rate of the proposed dwellings based on bedroom numbers and the hydraulic rates of the disposal areas, and confirmation that all wastewater treatment systems comply with the EPA Code of Practice separation distances. Details of water supply and confirmation of feasibility connection from Irish Water also sought.

Subsequent report states required separation distances between percolation areas would be difficult to achieve and notes a maximum of 6 no. wastewater treatment units per hectare should be provided in areas of high or extreme groundwater vulnerability. Clarification sought regarding the required separation distances between the proposed percolation areas.

Public Lighting Section: Initial and subsequent reports sought detailed proposals for public lighting by way of further information. Final report recommends the matter be dealt with by way of condition as no public lighting information was provided.

Ecologist: Initial report stated Appropriate Assessment screening could not be concluded until the further information sought by the Environment Section in respect of wastewater treatment is provided. Recommended seeking a landscape plan reflecting the principle of net biodiversity gain.

Subsequent report reiterates screening cannot not be concluded until the issue of wastewater treatment is resolved and recommends seeking a revised landscape plan in respect of hedge species.

Final report notes the revised wastewater treatment proposals are acceptable to the Environment Section and screens out Appropriate Assessment. States fuchsia is not native to Ireland and recommends that a revised landscape plan be conditioned in this respect.

Housing Officer: No objection. States proposal to comply with Part V obligation by providing an off-site unit acceptable in principle.

Estates Section: Recommended seeking further information regarding boundary treatments and states more detail regarding stormwater management required.

3.3. Prescribed Bodies

Irish Water: No objection subject to standard conditions.

DHLGH Development Applications Unit: Recommended seeking further details on how the area will be screened from the Cork Harbour SPA so that no additional light pollution occurs. Also noted that the area is well used by bats and that landscaping proposals should include suitable linear features such as hedgerows and treelines.

Inland Fisheries Ireland: No objection provided the treatment and percolation of effluent is of an acceptable standard.

3.4. Third Party Observations

7 no. third party submissions were made in respect of the application. The issues raised are echoed in the third-party appeals summarised in section 6.1 below.

4.0 Planning History

Subject Site: None

Relevant Planning Applications:

P.A. Reg. Ref. 21/4740: Cork County Council refused outline permission for 4 no. detached dwellings and associated site services for Michael Leahy on 24/03/2021. The site was located on the west side of the field to which the current application relates and comprised 4 no. plots with independent vehicular entrances, on-site wastewater treatment systems and private wells.

The reasons for refusal related to:

1. The provision of 4 no. individual on-site wastewater treatment plants contrary to Objective WS 3-1 of the County Development Plan to require all new developments within settlements to connect to existing public services.
2. The piecemeal nature of the proposal which could jeopardise the delivery of 50 no. dwellings within the settlement boundary.
3. The Planning Authority was not satisfied that the proposed on-site wastewater treatment systems and down gradient wells could be accommodated on the individual plots without prejudice to public health.

4. Having regard to the width and alignment of the public road, the Planning Authority was not satisfied that the proposed 4 no. site entrances could be safely accommodated and would not constitute a traffic hazard.

P.A. Reg. Ref. 18/4016: Irish Water was granted planning permission on 9th April 2018 for the construction of a wastewater treatment facility including, *inter alia*, an Integrated Constructed Wetland with capacity to treat a population equivalent of 1,000.

5.0 Policy Context

5.1. Cork County Development Plan 2022

- 5.1.1. The subject site is located within the development boundary of Saleen village on land that is not explicitly zoned.
- 5.1.2. The site is located within a High Value Landscape.
- 5.1.3. Development Boundary Objective DB-01 for Saleen, as set out in Section 3.18.2 of Appendix 4 of the County Development Plan, seeks to encourage the development of up to 30 additional dwelling units within its settlement boundary during the plan period.
- 5.1.4. The following County Development Plan objectives are of relevance:
 - **Objective CS 2-7** sets out the strategic objectives for, *inter alia*, villages, which are to encourage and facilitate development at a scale, layout and design that reflects the character of each village, where water services and waste water infrastructure is available and support the retention of key social and community facilities within villages, including the improved provision of inter urban public transport.
 - **Objective WM 11-9** regarding wastewater disposal including, *inter alia*, a requirement that development in all settlements connect to public wastewater treatment facilities subject to sufficient capacity being available. In settlements where no public wastewater treatment system is either available or proposed, or where design, capacity or licensing issues have been identified in existing plants, new developments will be unable to proceed until adequate wastewater infrastructure is provided.

- **Objective WM 11-10** regarding surface water, SuDS and Water Sensitive Urban design including, *inter alia*, a requirement that all new developments incorporate sustainable drainage systems.
- **Objective GI 14-9** regarding the landscape including the protection of the visual and scenic amenities of the county, ensuring new development meets high standards of siting and design, protecting skylines and ridgelines from development, and discouraging proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments.

5.2. National Planning Framework

5.2.1. The National Planning Framework seeks to focus growth on cities, towns and villages with an overall aim of achieving compact urban growth.

5.2.2. **National Policy Objective 33** seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

5.3. Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)

The guidelines state that for small towns and villages to thrive and succeed their development must strike a balance in meeting the needs and demands of modern life but in a way that is sensitive and responsive to the past. New development should contribute to compact towns and villages. The scale should be in proportion to the pattern and grain of existing development.

5.4. Natural Heritage Designations

The Poul nabibe Inlet, which forms part of the Cork Harbour Special Protection Area (Site Code 04030), is located circa 95m south of the site.

5.5. Environmental Impact Assessment

Having regard to the nature and small scale of the proposed development and the distance to the nearest environmentally sensitive site, and in the absence of any connectivity to an environmentally sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The

need for environmental assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.2. Two third-party appeals were made against the decision of Cork County Council to grant permission. The issues raised are summarised as follows:

- The proposed development is haphazard and unsustainable and the circumstances that resulted in the refusal of planning application reg. ref. 21/4740 are even more relevant due to the increase in the number of proposed dwellings.
- The proposed development is contrary to the core strategy of the County Development Plan which targets development within identified adequately serviced settlements.
- The proposed development would increase traffic on the existing road network which includes an 'S' bend outside Saleen village and a section of roadway on which only one car can travel at a time.
- There are no pedestrian and permeability connections to Saleen village.
- The amenity value of the local roads for walkers, runners and cyclists would be lost and increasing traffic through the village would reduce safety levels for children playing or returning from school and increase roadkill with a potentially detrimental effect on the local animal population.
- The proposed development would not be in keeping with the character of the area and would result in the loss of high-quality farmland for food production and a bio-diversity rich hedgerow.
- Condition No. 9 of the permission, which requires the removal of the existing roadside boundary, would result in the loss of existing biodiversity, contrary to the requirements of Condition No. 29 which precludes the removal of trees and hedgerows to protect biodiversity.

- The removal of the existing hedgerow, which absorbs a considerable amount of rainwater, would result in the dwellings on the south side of the road flooding and experiencing damp.
- The Cork Harbour SPA has not been mentioned once in the application despite being located within 250m of the site. An increase in human population and road traffic would undermine the function of the Cork Harbour SPA to provide a habitat for migratory and local birds.
- Increased road traffic would disturb local wildlife including the red squirrels in the woodland opposite the site and reduce hedgerow biodiversity significantly.
- The site is located circa 365m from an area of archaeological importance (Jamesbrook Hall and associated wall garden).
- The proposal is contrary to Objective WS 3-1 of the Cork County Development Plan 2014 which requires new developments within all main settlements to connect to existing public services.
- The proposed concentration of individual on-site wastewater treatment units would result in a cumulative negative impact on groundwater resources and a significant impact on the Cork Harbour SPA.
- The information contained in the submitted Site Characterisation Form is inadequate in the following regard:
 - No reference made to significant sites of archaeological importance in the vicinity (Jamesbrook Hall and associated walled garden) or a freshwater stream running into the Saleen estuary circa 350m from the site.
 - Site incorrectly described as having a gentle slope when it is part shallow and partly steeply sloped.
 - Ground conditions incorrectly described as firm underfoot when they are silty glacial till soft underfoot with very rapid drainage and excellent crumb texture.
 - No reference made to surface features within 250m of the site including adjoining dwellings and the old entrance to Jamesbrook Hall.

- A trial hole was dug to a depth of 2.1m within 250m of Cork Harbour SPA without obtaining advice from the NPWS or the Heritage Service.
- Streetlighting and other lighting would disturb the nocturnal wildlife in the Saleen and Jamesbrook area.
- Adequate provision has not been made for the management of stormwater run-off; photos of surface water from the site flooding the main road submitted.
- The public mains water pressure is inadequate to accommodate the proposed development.

6.3. Applicant Response

Harrington O'Flynn Consulting Engineers responded to the appeal made by John McCarthy and Patricia O'Regan on behalf of the applicant. The response can be summarised as follows:

- The site comprises zoned land within the development boundary of Saleen. Planning permission for 6 no. dwellings with individual wastewater treatment units was sought as the existing public sewage treatment system within the village is at capacity. It was indicated in the planning application that the overall development will cater for 30 no. dwellings if / when sewage treatment capacity in the village is increased.
- The previous application was for 4 no. individual dwellings to the west with no overall plan for the wider site.
- The site is located within the village which has sufficient road network capacity for the increased traffic volumes.
- The proposed layout corresponds with the Briarsfield development of individual dwellings located to the east behind the village church; the proposed development is not unlike any other village development.
- Footpath connections have been indicated in the planning application.
- The location of the proposed wastewater treatment units complies with the EPA Code of Practice for individual dwellings and the recommended

distances from Cork Harbour have been achieved in accordance with EPA guidelines.

- It is Council policy to encourage development within settlements.
- An attenuation tank would be provided on site to cater for stormwater runoff; gullies discharging to the attenuation tank will prevent surface water from running onto the public roadway and will improve the current situation.
- A comprehensive landscape plan was included with the application and significant planting will be incorporated into the development thereby compensating for the removal of hedgerows and minimising the impact on biodiversity.
- A pre-connection enquiry for a water connection was made to Irish Water which it deemed satisfactory.

6.4. Planning Authority Response

States all relevant issues have been covered in its technical reports and has no further comment to make on the matter.

6.5. Observations

None.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Traffic and Road Safety
- Wastewater Treatment
- Surface Water Management
- Impacts on Visual Amenity
- Impacts on Biodiversity

- Other Matters
- Appropriate Assessment

7.2. **Traffic and Road Safety**

7.2.1. The subject site is located on a narrow local road (L7658) that connects to another local road (L3629) circa 220m east of the proposed site entrance. The site is located outside the 50km per hour speed limit for the village and there is no footpath on either side of the roads connecting the site to the village. The metalled road serving the site measures circa 4m in width, which is seriously substandard for the purposes of carrying the proposed additional vehicular traffic. In this regard I note the Design Manual for Urban Roads and Streets (DTTS&DHPLG:2019) recommends a standard carriageway width of 5.5 to 6.5m for arterial and link streets with low to moderate design speeds. Furthermore, it is not within the applicant's power to provide a footpath connection to the village. The Area Engineer states that the provision of footpath along the public road will require extensive works such as retaining structures, road realignment and land acquisition. Whilst the Area Engineer recommends levying a special contribution in this respect, I consider the proposed development premature pending the necessary road improvements extending from the village and would, in the interim, endanger public safety by reason of a traffic hazard. I recommend that planning permission be refused in this respect.

7.2.2. I also draw the Board's attention to Section 6.7 of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, which states, above all, the overall order and sequencing of development of small towns and villages must avoid significant so called "leap-frogging" where development of new residential areas takes place at some remove from the existing contiguous town / village and leading to discontinuities in terms of footpaths, lighting or other services which militates against the proper planning and sustainable development of the area.

7.3. **Wastewater Treatment**

7.3.1. The subject site does not have access to a public sewer. As per the information on planning file reg. ref. 18/4016, Saleen is currently served by a septic tank designed for a P.E. of 40 but serving a P.E. of circa 540. Uisce Eireann has been granted permission to construct a wastewater treatment facility to the south of the village, but the scheme has not commenced and there is no firm timeline for its construction. In

the interim the applicant proposes to install individual on-site wastewater treatment units for each dwelling and the necessary sewers to connect the dwellings to a public sewer when it becomes available.

- 7.3.2. I have serious reservations regarding the proposed concentration of individual on-site wastewater treatment systems in an area where groundwater vulnerability is classed as 'high'. The EPA's Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) states that densities of DWWTSs greater than six per hectare in areas of 'extreme' or 'high' groundwater vulnerability may mean a negative effect on groundwater, particularly with respect to levels of E.coli and nitrate. This would suggest individual plots should measure at least 0.17ha in areas of 'extreme' or 'high' groundwater vulnerability; the individual dwelling plots proposed by way of clarification of further information measure circa 0.08ha in area, less than half what the EPA guidance suggests. Focussing solely on the combined area of the proposed 5 no. dwelling plots, a net density of circa 12.5 dwellings per hectare would arise. The 2 no. existing dwellings immediately to the east of the site are likely to have DWWTSs. This is a high concentration of DWWTSs in a small area and I share the appellants' concerns that the proposed development would pollute local groundwater. As such, I consider the proposed development premature pending the availability of a public sewer and adequate wastewater treatment facilities to serve the village and contrary to objective WM 11-9 of the County Development Plan that new developments shall not proceed until adequate wastewater infrastructure is provided. I recommend permission be refused in this regard.

7.4. Surface Water Management

- 7.4.1. I note from the photographs submitted with the appeal that the public road floods at the existing field gate serving the site. Given the size and topography of the field and the lack of drains, it is not surprising that large amounts of surface water flow onto the public road at this location during periods of heavy rainfall.
- 7.4.2. I concur with the applicant, however, that the proposed development would improve this situation by providing gullies at the site entrance which would discharge surface water to an attenuation area within the site. Whilst little or no detail has been provided regarding the design and capacity of the attenuation area, I note that the Council attached a condition (no. 11) that surface water shall not be permitted to flow

onto the public road from the site. I also note that condition no. 19 requires the submission of a Drainage Impact Assessment, a SuDS statement, and a development completion stage stormwater audit within three months of substantial occupation of the development. Having regard to the foregoing I am satisfied that adequate measures have been taken to ensure the proposed development would not give rise to flooding on the public road.

7.5. Impacts of Visual Amenity

- 7.5.1. The proposed layout comprises a row of detached houses set back from the public road and overlooking an access road and a communal green area. A uniform building line is proposed. No detail has been provided in respect of the design of the houses bar their footprint; I note the Planning Authority conditioned that they shall be no higher than two storeys (condition no. 21).
- 7.5.2. Whilst the proposed development would alter the character of the immediate area, this is to be expected within the settlement boundary of the village. The landscaped green area to the front of the site, which would contain native trees, would provide a level of screening that would reduce the visual impact of the proposed houses and provide for a soft interface with the public road. I consider this approach suitably sensitive to the character of the area.
- 7.5.3. I would, however, have reservations regarding the design and finishes of the proposed roadside boundary, which has a standard suburban design. A natural stone-faced wall reflecting the design of the historic demesne wall on the opposite side of the road would be more in keeping with the character of the area. This matter could be addressed by way of a condition should the Board be minded to grant permission.

7.6. Impacts of Biodiversity

- 7.6.1. The proposed development would require the removal of circa 110m of roadside hedgerow to facilitate the site entrance and to comply with condition no. 9 of the Council's decision to grant permission, which requires that the existing road boundary fence be removed in its entirety and a new boundary fence be provided 3m back from the nearest edge of the carriageway. Whilst the removal of the hedgerow would result in the loss of habitats, this loss must be weighed up against the need to provide for housing within the settlement boundary of the village and to facilitate the

necessary road improvements. I note that the submitted landscaping proposals include the planting of semi-mature trees along the site boundaries and within the site, new hedgerows, and wildflower planting. Overall, I am satisfied that a net biodiversity gain could be achieved whilst facilitating the proposed development.

- 7.6.2. I note condition no. 29 attached to the permission did not preclude the removal of the hedgerow, as required by condition no. 9, but required that the cutting or removal of trees, hedgerows and clearance of ground vegetation shall not be undertaken between the 1st of March and 31st August.

7.7. Other Matters

- 7.7.1. The proposed development is sufficiently removed from features of built heritage so as not to adversely impact upon them or their setting. In this regard I note that the nearest Protected Structure, Jamesbrook Hall, is located circa 460m southwest of the site and that the nearest site on the Record of Monuments and Places comprises the remains of a corn mill located circa 380m southeast of the site. The gate lodge to Jamesbrook Hall, which is included on the National Inventory of Architectural Heritage, is located opposite the subject site but is largely screened from the public road by the demesne wall. As such, the setting of the lodge would not be impacted by the proposed development to any great extent.
- 7.7.2. Regarding the issue of water pressure, I note Uisce Eireann did not have any objection to the proposed development subject to conditions including, *inter alia*, that Irish Water infrastructure capacity requirements and proposed connections to the water and wastewater infrastructure will be subject to the constraints of the Irish Water Capital Investment Programme. The applicant states in his response to the appeal that his Pre-Connection Enquiry to Uisce Eireann for a water supply connection was deemed satisfactory. Whilst a copy of a Confirmation of Feasibility letter from Uisce Eireann has not been provided, there is no substantive evidence before me to suggest an adequate water supply for the proposed development cannot be provided.

7.8. Appropriate Assessment

- 7.8.1. The subject site is located circa 95m from Cork Harbour Special Area of Protection (Site Code 004030). The site is a SPA under the E.U. Birds Directive, of special interest for the following species: Little Grebe, Great Crested Grebe, Cormorant,

Grey Heron, Shelduck, Wigeon, Teal, Mallard, Pintail, Shoveler, Red breasted Merganser, Oystercatcher, Golden Plover, Grey Plover, Lapwing, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Greenshank, Black headed Gull, Common Gull, Lesser Black-backed Gull and Common Tern. The site is also of special conservation interest for holding an assemblage of over 20,000 wintering waterbirds.

- 7.8.2. The proposed development would not reduce or fragment the habitat area of the SPA. Given the small scale of the proposed development, I concur with the Council's Ecologist that it is sufficiently removed and screened from the SPA so as not to disturb the Special Conservation Interests of the site to any significant extent. I'm also satisfied that the loss of any potential ex-situ foraging or nesting habitat arising from the proposed development would not be significant given the abundance of similar habitats in the vicinity. Whilst I have concerns regarding the impact of the proposed DWWTSs on groundwater quality, having regard to the distance to the SPA and the level of dilution that effluent would undergo before reaching the SPA, I am satisfied that the quality of the wetland habitat that supports the Special Conservation Interests of the SPA is unlikely to be significantly impacted by the proposed development.
- 7.8.3. I consider, therefore, having regard to the nature and scale of the development, and the distance to the nearest European sites, that the proposed development would not be likely to have a significant effect individually, or in combination with other plans or projects, on a European site. Appropriate Assessment is not, therefore, required.

8.0 Recommendation

I recommend permission be refused for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. The site is located on a minor road which is seriously substandard in terms of width and is not connected to the village of Saleen by a footpath. The traffic

generated by the proposed development would, therefore, endanger public safety by reason of a traffic hazard and obstruction of road users.

2. The Board is not satisfied that the proposed on-site wastewater treatment systems would, due to their concentration within a small area where groundwater vulnerability is classed as being high, provide for an adequate standard of wastewater treatment. The proposed development would, therefore, be premature pending the availability of a public sewer and wastewater treatment plant to serve existing development and to facilitate the orderly expansion of the village of Saleen and would be contrary to Objective WM 11-9 of the Cork County Development Plan 2022, which states that new developments will be unable to proceed until adequate wastewater infrastructure is provided. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Eoin Kelliher
Planning Inspector

13th June 2023