



An
Bord
Pleanála

Inspector's Report ABP-318421-23

Development	Construction of a 2-storey detached dwelling and all associated site works.
Location	Site adjacent to (west of) 20 Valley View, Grange Manor, Ovens, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	235708
Applicant(s)	Denis and Marian Murphy
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Inland Fisheries Ireland (IFI)
Observer(s)	None
Date of Site Inspection	15 August 2024
Inspector	Claire McVeigh

1.0 Site Location and Description

- 1.1. The subject site (0.078ha) forms part of a larger residential estate of Grange Manor, Ovens accessed of the local secondary road L-6399 and located in the Greater Cork Ring Strategic Planning Area approximately 15km west of Cork City Centre. The subject site, immediately west of no. 20 Valley View, Grange Manor, comprises a serviced site that was first permitted under the 'parent' 00/4814 (ABP 14.125942) permission for Grange Manor. The estate is characterised by two storey detached and semi-detached dwellings forming a crescent fronting onto a landscaped public open space.
- 1.2. The subject site is generally level and slightly overgrown but bounded to the front with a blockwork rendered wall and capping with vehicular entrance and dished footpath. To the side boundary with no. 20 Valley View there is a blockwork wall, and this extends along the rear of the subject site. To the western boundary of the site is dense hedgerow.
- 1.3. The Grange Manor Wastewater Treatment Plant (WWTP) is located adjacent and west of the subject site.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a two-storey pitched roof detached dwelling with 5 no. bedrooms. The front façade is proposed to have a natural stone cladding porch detail and some additional stone cladding to the single storey projection to the side, with the remaining walls proposed to have a painted smooth rendered finish.
- 2.2. The proposed site plan (Drg. No. 03) indicates that 3 no. native species trees are to be planted in the first planting season after completion of the dwelling in the northwestern corner of the site. A permeable surface is proposed to the car parking and turning area to the front of the proposed dwelling with no change proposed to the existing 4.5m wide vehicular entrance. The existing sod and stone ditch western boundary is shown on the site plan to be retained.
- 2.3. The application form indicates that a new connection to the public mains water supply is proposed and new connection to the public sewer system. This is

understood to mean the Grange Manor Wastewater Treatment Plant (WWTP). Storm water connection proposed to storm drain.

3.0 Planning Authority Decision

3.1. Decision

On the 17 October 2023 the planning authority decided to grant permission subject to 15 no. conditions.

3.1.1. Conditions of note:

- Condition no. 2 provision of radon pipework and vents and meter boxes shall inconspicuously located and details to be agreed prior to commencement of development or as agreed at the planning authority's discretion.
- Condition no. 3 site layout to be amended to include the provision of a new 2m high boundary wall to the south of the site.
- Condition no. 6 footpath at entrance to be dished to the satisfaction of the planning authority.
- Condition no. 10 prior to the commencement of development the developer shall enter into a connection agreement with Uisce Éireann.
- Condition no. 12 drainage to be on separate systems i.e. foul water to discharge to the foul sewers and surface water to discharge to the surface water system.
- Condition no. 13 the developer to contact the Housing Estates Dept, prior to any works commencing on site to arrange a meeting to discuss general working arrangements and issues linked to the proposed development.
- Condition no. 15 all external boundaries to public areas shall be 2m high solid blockwork walls not timber fences.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Notes that the development boundary objective KO-DB-01 for Killumney/Ovens encourages the development of up to 424 additional dwelling units during the plan period. The lands are zoned ZU 18-9 Existing Residential/Mixed Residential and other uses.
- Principle of development is acceptable having regard to zoning, location, planning history including original permission as a serviced site.
- The proposed dwelling is not considered to negatively detract visually from the existing properties and no significant overlooking will arise from the proposed development by reason of the position and number of windows.
- The proposed development is to be served by public water mains and a new connection to the public sewer. Notes Uisce Éireann raises no objection to same.
- The Area Engineer is satisfied with the sightlines from the existing entrance.
- Screens out the requirement for Appropriate Assessment

3.2.2. Other Technical Reports

- Area Engineer: No objection subject to conditions.
- Estates Engineer: No objection subject to conditions.

3.3. Prescribed Bodies

Uisce Éireann: No objection.

Inland Fisheries Ireland (IFI): It appears it is proposed to dispose of effluent, following treatment, from the development to the public sewer. IFI would ask that Irish Water/Cork County Council signifies there is sufficient capacity in existence so that it does not a) overload either hydraulically or organically existing treatment facilities b) result in polluting matter entering waters or c) cause or contribute to non-compliance with existing legislative requirements.

3.4. Third Party Observations

None

4.0 Planning History

Parent permission for Grange Manor estate and sewage treatment plant:

Reg. Ref: 00/4814/ABP 14.125942 Permission for the overall development of the construction of two hundred and seventy-three number dwelling houses and garden centre, sewage treatment plant and associated works and site development works for thirteen number dwelling houses.

The total number of dwellings were reduced by condition by 19 no. units and the number of serviced sites increased.

Subject site:

Reg. Ref. 05/7260 Permission granted for the construction of a dwelling house and garage at site no. 159A Grange Manor, Grange, Killumney, County Cork.

Reg. Ref 11/6325/PL04.240077 Permission granted (September 2012) for the construction of a dwelling house, domestic garage and all ancillary development works at 159A Grange Manor, Grange, Killumney, County Cork.

Other referenced planning history by applicant on lands northeast of the subject site herein referred to as Codrum Hall Development:

Reg. Ref: 21/7517 Extension of duration (06/12722 and ABP PL04.224953) granted permission (February 2022) for the demolition of existing dwelling house and storage shed and construction of 156 no. residential units, creche. 2 no. ESB substations, foul water pumping station to include control building and the expansion of an existing wastewater treatment plant on a separate site. Extension of duration of permission granted under planning ref. 06/12722 & ABP PL04.224953 and extended under 13/475 extension granted until 22/04/18, and then 18/4980 extended until 31/12/21.

Other referenced planning history by appellant on lands southwest of the subject site referred to herein as Ballygroman Lower:

Reg.Ref 20/6894/ABP 301250-21 Permission refused (October 2021) for construction of 72 number dwelling houses, creche and all associated development works including access, parking, footpaths, drainage, landscaping and amenity areas.

Refusal reasons:

1. It is considered that the proposed development would be premature by reference to the existing capacity deficiencies in the Killumney/Ovens wastewater treatment plant to which connection is proposed and the period within which this constraint may reasonably be expected to cease. In the absence of improved wastewater treatment capacity, the proposed development would be prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development is to discharge to the Killumney/Ovens Wastewater Treatment Plant, with a primary discharge to River Bride, which flows into the River Lee and has a hydrological connection to the Cork Harbour Special Protected Area (Site Code:004030). In the absence of the upgrade of the treatment plant above its existing capacity, the Stage 1 Appropriate Assessment Screening report cannot definitively conclude that the proposed development would not have a significant negative impact on the Conservation Objectives of the European site. It is considered, therefore, that the Board is unable to ascertain, as required by Regulation 27(3) of the European Communities (Natural Habitats) Regulations, 1997, that the proposed development will not adversely affect the integrity of a European Site, and it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Cork County Development Plan 2022-2028

Greater Cork Ring Strategic Planning Area

The subject site is in the settlement boundary of Killumney/Ovens a designated Key Village and Specialist Employment Area.

Core Strategy B1 - 424 net new units required for the plan period.

Settlement Type 'Key Villages' to grow in excess of 1,500 Killumney / Ovens

The population target of 2,242 will require the delivery of 424 units for the plan period. The target was decided on the basis of the following considerations:

1. A detailed analysis of the carrying capacity of zoned lands, including wastewater which is planned for through Irish Water STVGP and water supply infrastructure, public transport accessibility and environmental and flooding sensitivity.
2. It is a key location within the Cork MASP and the County Metropolitan Strategic Planning Area to the West.
3. The large scale of existing employment provision (Dell EMC) in the settlement, it forms an important part of the South Cork and Lower Harbour Growth Triangle together with its accessibility to other, higher order employment and enterprise centres.
4. A detailed analysis of the existing permissions granted within the village (218 units) following the previous scale of development at 251 units identified in the Blarney-Macroon MD LAP 2017.
5. Its existing scale of population and social/community infrastructure, including schools, sports pitches and the proposed neighbourhood centre identified in this plan.

WWTP upgrade for Killumney/Ovens is to be progressed through Irish Water's Small Towns and Villages Growth Programme – where it is ranked no. 1 on the list.

Land Use Zoning: Existing Residential/Mixed Residential and Other Uses

5.2. Natural Heritage Designations

The subject site is approximately 3km southwest from the proposed Natural Heritage Area: Lee Valley (Site Code:000094) and 3.7km from the proposed Natural Heritage Area: Ballincollig Cave (Site Code:001249). Cork Harbour SPA (Site Code 004030) is approximately 15km from the subject site.

5.3. EIA Screening

See completed Form 2 on file. 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. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

One appeal was received from the Inland Fisheries Ireland (IFI). The grounds of appeal can be summarised as follows:

- The proposed development is in the catchment of the River Bride one of the primary spawning and nursery systems of the Lee catchment salmon fishery. The significance of the River Bride is underpinned by the fact that it enters the River Lee downstream of the ESB's Inniscarra dam and therefore migratory salmonids have unhindered passage to and from its waters.
- No consideration of water quality impacts, in terms of whether there is sufficient capacity in existence so that the proposed development does not overload either hydraulically or organically existing treatment facilities, result in polluting matter entering waters to cause or contribute to non-compliance with existing legislative requirements, evidenced in the report from Irish Water which states 'no objection' to the proposal.
- It is proposed to discharge effluent from the development to a wastewater treatment plant owned and operated by a private company, Ruden Homes Ltd (Licence WP(W) 02/11r and not to a public sewer or treatment facility as claimed in the application. No details of the functioning or capacity of this plant or its impact on receiving waters appears to have been considered by the Council.
- There was a failure to recognise the proposal seeks to connect to the privately managed WWTP. All future applications for discharges to 'public sewer' should clearly state the Irish Water Agglomeration Licence No. as should all correspondence from Irish Water in commenting on applications.

- Water Framework Directive: The River Bride is currently at good status. This status can only be maintained if planning and subsequent discharge licensing is based on, available assimilative capacity in any given water body and available WWT facilities of a standard to maintain water quality. Under ABP 310250-21 permission was refused based on existing capacity deficiency in the Irish Water WWTP, located 400m upstream of the 'Ruden Homes Ltd' WWTP.
- Submitted monitoring results of the Ruden Homes Ltd WWTP for the period February 2016-June 2023 indicate that compliance with licence discharge standards is sporadic and the scale of non-compliance of some parameters is of an order of magnitude to seriously put at risk water quality status in the receiving waters.
- Request that the Board overturn the decision of Cork County Council to grant permission.

6.2. Applicant Response

- The subject site is a fully serviced residential site that was first permitted under the parent 00/4814 permission for Grange Manor. The site has been undeveloped since the 00/4814 permission as it has changed ownership a few times.
- The appeal from IFI appears to be based on a matter of principle against all further development in Killumey/Ovens until such as time as a longer-term solution is reached in relation to waste water treatment in the village.
- The appeal does not distinguish between new development proposed in the village which are dependent on future Irish Water Infrastructure and the subject proposal which is for a single dwelling house on a fully serviced site already connected to Grange Manor wastewater treatment plant (WWTP).
- Very modest nature of the proposed development (single dwelling) would not justify a more detailed analysis. The proposed dwelling will not have a negative impact on the water quality in the River Bride, which has a good quality status at the location of the discharge from the Grange Manor WWTP.

- The Board's decision to refuse permission under ABP 310250-21 is not a precedent for the subject site.

6.3. **Planning Authority Response**

- The proposal is for one two storey dwelling on lands zoned existing residential/mixed residential and other uses.
- Uisce Eireann are the responsible authority for water services functions in Cork County Council since the 30 September 2023. Note that no issues were raised in Uisce Eireann's report in relation to the proposal.
- The planning authority would request that the decision of Cork County Council to permit the proposal is upheld.

6.4. **Observations**

- None.

7.0 **Assessment**

7.1. The subject site is a previously permitted serviced site, details of planning history at 4.0, in the established residential estate of Grange Manor. The subject site has a designated land use zoning of 'Existing Residential/Mixed Residential and Other Uses'. The principle of a residential unit on this site is acceptable and I am of the opinion that the proposed two storey five bedroomed detached dwelling by reason of its design and layout would positively contribute to the streetscape and would not result in detrimental impacts on the established residential amenity of adjoining property by reason of significant overlooking or overshadowing.

7.2. Having examined the application details and all other documentation on file, including all the submissions received in relation to the appeal, the reports of the local authority and having inspected the site, and having regard to the relevant local, regional, national policies and guidance, I consider that the substantive issue in this appeal to be considered is:

- Site Servicing – Wastewater

7.3. *Site Servicing – Wastewater*

- 7.3.1. The subject application is for a house on a permitted serviced site (planning register reference 00/4814 – ABP14.125942) on 'Existing Residential/Mixed Residential and Other Uses' zoned lands.
- 7.3.2. The IFI in their appeal submission highlight the decision to refuse permission in respect of 72 dwellings in Killumney/Ovens (Planning register reference 20/6894 ABP 301250-21) by reason of prematurity given existing capacity deficiency in the Killumney/Ovens wastewater treatment plant. The inspectors report in this referred case makes reference to the upgrade of the wastewater treatment plant in Killumney/Ovens, selected as part of the Small Towns and Villages Growth Programme by Irish Water. The inspector notes that the upgrade project will amalgamate and consolidate existing wastewater treatment infrastructure in the Killumney/Ovens area into a single WWTP (wastewater treatment plant) with capacity to cater for the existing development and projected growth. I have no further update available on the subject case file with respect to the current status of these upgrade works and their scope to determine what implications, if any, these works have on the existing privately owned and managed Grange Manor WWTP.
- 7.3.3. As per the details submitted with the first party's response to this subject appeal the site is to connect to the Grange Manor WWTP (Referred to also as Ruden Homes Ltd WWTP). I would agree with the appellant that the information submitted with the planning application does not make clear that the proposed wastewater connection is to the Grange Manor WWTP rather than an Irish Water WWTP (Killumney/Ovens) and I would also concur that the planner's report is not explicit in their assessment of the site services that the development is connecting to the Grange Manor WWTP. Notwithstanding, I do not consider that the information provided with the application is intentionally misleading in that the applicant factually state that there is an existing mains sewer on the roadway outside of the site and that it is proposed to connect to the existing sewer. It appears to be accepted by both the appellant and applicant that this mains sewer connects with the Grange Manor WWTP.
- 7.3.4. I note that the Grange Manor WWTP was granted under the parent permission for the development of Grange Manor (Reg.Ref. 00/4841 ABP14.125942) and the serviced sites permitted therein. The applicants have submitted in their appeal

response a summary table (copied below for reference) to illustrate the capacity and operating level of Grange Manor WWTP taken from the extension of duration application 21/7517 for lands to the northeast of the subject site (referred to as Codrum Hall Development as detailed in section 4.0 of this report), which also utilise the Grange Manor WWTP.

Area		Cubic Meters	Population Equivalent (PE)	BOD (KG per day)
Grange Manor WWTP	Current Plant Capacity	264	1389	79
Grange Manor WWTP	Current Operating Level	91	478	27

Table 1 (Capacity and operating level of Grange Manor WWTP (as copied from applicant's appeal response)

The first party puts forward that Table 1 illustrates that Grange Manor WWTP is operating at just one third of its PE and BOD capacity and that in terms of additional contribution the proposed development of 1 no. dwelling house would be the equivalent of 0.2% of the total WWTP capacity. I note no calculations provided in this respect.

Table 1 does not include the already permitted development also relying on the plant. For completeness of assessment, I note the submitted engineering report from OLS Consulting Engineers & Project Management Ltd, as part of planning application register reference 21/7517 for Codrum Hall Developments, provides a hydraulic assessment of Grange Manor WWTP. I am of the view that this provides an overview of the current usage and planned (permitted) use of the Grange Manor WWTP, as copied for reference:

Fig A- Manor Farm WWTP Hydraulic Assessment					
No	Development	No. of units	Occupants	PE	Comments
1	Codrum Hall Development	156		421.2	152 House and 4 apartments
2	Codrum Hall Creche		58	34.8	Based on @90L/person/day
3	Beverly Development	22		59.4	Existing Development
4	Grange Manor	271		731.7	Existing Development
5	Cumulative PE			1247.7	
6	Cumulative Dry Weather Flow			233.83125	
7	Conclusion				
	As the cumulative DWF is 233.83 m3/day, which under the permitted discharge licence* of 383 m3/day. Based on this, the existing WWTP at Grange Manor has the hydraulic capacity to treat the associated effluent.				

Table 2: (Source: OLS Consulting Engineers & Project Management Ltd as copied from planning application **register reference 21/7517**) *Discharge Licence reference: WP (W) 02/11.

Having regard to Table 2 there would appear to be wastewater hydraulic capacity, and I acknowledge that Grange Manor estate including the serviced sites are already provided for in the designed plant capacity.

- 7.3.5. In respect of the quality of treated wastewater I note that the appellant has provided a copy of monitoring results for the discharge from Grange Manor WWTP to the River Bride for the period February 2016 to June 2023. The source of these monitoring results is not identified in the IFI submission. The table does, however,

refer to the wastewater discharge licence WP (W)02/11R and reflects the parameters set out in the licence. It is understood that the likely source of these monitoring results is as part of the licenced requirement under W.P (W) 02/11 (R) to submit to the licencing authority (Cork County Council) at quarterly intervals the result of all monitoring relating to the previous quarter, together with any other records relating to pollution control which may be required by the Licensing Authority. Relative to its licence requirements the appellant, IFI, highlight that compliance is '*sporadic at best and the scale of ongoing non-compliance for some parameters is of an order of magnitude to seriously put at risk water quality status of the receiving waters*'. The appellants acknowledge that the causes of non-compliance are not known but regardless of the cause they state a negative impact on the water quality is the result. The applicants have not provided a direct response with respect to the water quality non-compliance issue raised by the IFI.

7.3.6. As already referred to planning permission was granted (06/12722 PL04.224953) for an additional 156 residential units at Codrum Hall Developments, the permission of which was subsequently extended until 31/12/2023 (under planning register reference 21/7517) on the basis of an expansion of an existing wastewater treatment plant on a separate site at Grange Manor. I note that the planner's report of extension of duration application (Planning register reference 21/7517) states that substantial works have been carried out as detailed in the application, including an upgrade to the existing wastewater treatment plant to the west of Grange Manor estate. I note that the OLS submission with respect to the design and supervision of construction at Codrum Hall Development stated that EPS Ltd who originally designed and installed the WWTP at Grange Manor, have been retained under a rolling contract from the outset, to manage and maintain the plant, have completed a design review of both the hydraulic and operational capacities of the plant.' No further details are provided with respect to upgrade/expansion works undertaken by EPS.

7.3.7. Whilst I acknowledge that the serviced site, the subject of this appeal, has been accounted for in the hydraulic capacity of Grange Manor WWTP there is nevertheless an apparent issue with the repeated non-compliance of the WWTP discharge. The results of the final discharge of the wastewater treatment plant demonstrates a history of significant breaches across a wide range of the emission

limit values as stipulated under the discharge licence, with some major breaches over this seven-year period (Feb 2016-June 2023). As noted above, the first party has not supplied information with respect to analysis of water quality impacts, with exception to the reference to hydraulic capacity presented in planning register reference 21/7517 at the Codrum Hall Development, or updated monitoring information to demonstrate that the proposed development does not overload either hydraulically or organically the existing Grange WWTP resulting in polluting matter entering the waters to cause or contribute to non-compliance with existing licence requirements.

7.3.8. I acknowledge that the River Bride is currently at good status and that the scale of the proposed development, a single dwelling unit, is modest, however, the additional loading from the proposed development being proposed to be treated by the in-situ wastewater treatment plant would likely further impede the wastewater treatment plants performance and consequently further impact on the quality of the receiving waters contrary to the Water Framework Directive objective to protect good status water bodies. On balance, therefore, having regard to:

- (a) the characteristics of the Bride River, one of the primary spawning and nursery systems of the Lee catchment salmon fishery,

- (b) the lack of assurances provided in respect to compliance with the parameters of the licence to discharge sewage effluent to waters W.P. (W) 02/11 (R), and

- (c) article 5 of the European Communities Environmental Objectives (Surface Waters) Regulations 2009 (as amended), which requires that a public body, in performance of its functions, shall not undertake those functions in a manner that knowingly causes or allows deterioration in the chemical or ecological status of a body of surface water,

I am of the view that insufficient information has been provided to demonstrate that adequate treatment is available in the (Grange Manor/Ruden Homes Ltd) wastewater treatment plant in conjunction with treated effluent from other existing and permitted development. The proposed development would, therefore, pose an unacceptable risk of environmental pollution and be contrary to the proper planning

and sustainable development of the area. I recommend that permission is refused on these grounds.

8.0 AA Screening

- 8.1. Please refer to Appendix 3 of this report. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening and in the absence of a Natura Impact Statement the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on European Site (Site Code: 004030), or any other European site, in view of the site's conservation objectives.

9.0 Recommendation

I recommend that permission is refused for the reasons and considerations set out below:

10.0 Reasons and Considerations

1. Having regard to:-

- (a) the characteristics of the Bride River, one of the primary spawning and nursery systems of the Lee catchment salmon fishery,
- (b) the lack of assurances provided in respect to compliance with the parameters of the licence to discharge sewage effluent to waters W.P. (W) 02/11 (R), and
- (c) article 5 of the European Communities Environmental Objectives (Surface Waters) Regulations 2009 (as amended), which requires that a public body, in performance of its functions, shall not undertake those functions in a manner that knowingly causes or allows deterioration in the chemical or ecological status of a body of surface water,

the Board is not satisfied that adequate treatment capacity is available in the Grange Manor/Ruden Homes Ltd) wastewater treatment plant in conjunction with treated

effluent from other existing and permitted development. The proposed development would, therefore, pose an unacceptable risk of environmental pollution, would create a precedent for further such development and be contrary to the proper planning and sustainable development of the area.

2. The proposed development is to discharge to the Grange Manor Wastewater Treatment Plant (WWTP), with a primary discharge to River Bride, which flows into the River Lee and has a hydrological connection to the Cork Harbour SPA (Site code 004030). In the absence of information to demonstrate that the Grange Manor/Ruden Homes Ltd WWTP has adequate treatment capacity in conjunction with treated effluent from other existing and permitted development the Stage 1 AA Screening Report cannot definitively conclude that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on Cork Harbour SPA. Therefore, it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area.

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

Claire McVeigh
Planning Inspector

27 September 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	318421-23		
Proposed Development Summary	The construction of a two-storey detached dwelling house and all associated site works.		
Development Address	Site adjacent to (west of) 20 Valley View, Grange Manor, Ovens, Co. Cork.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	√
		No	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			
No	√		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No			
Yes	√	Class/Threshold: Part 2 Class 10 (b) Construction of more than 500 dwelling units.	Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	√	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ Date: _____

Appendix 2: Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-318421-23	
Proposed Development Summary	Construction of a two-storey detached dwelling house and all associated site works.	
Development Address	Site adjacent to (west of) 20 Valley View, Grange Manor, Ovens, Co. Cork.	
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development. Is the nature of the proposed development exceptional in the context of the existing environment.</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The proposed development is for the construction of a two-storey detached house on a serviced site within an established redential housing estate.</p> <p>No significant waste, emissions or pollutants are likely.</p>	No
<p>Size of the Development Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and / or permitted projects?</p>	<p>The size of the proposed development, of a single dwelling, is notably below the mandatory thresholds in respect of a Class 10 Infrastructure Projects of the Planning and Development Regulations 2001 as amended.</p> <p>I acknowledge there is cumulative PE loading to the Grange Manor WWTP considerations having</p>	No

	<p>regard to planning register reference 21/7517 at Codrum Hall (156 no. units plus creche)</p> <p>On balance I consider that there is no real likelihood of significant cumulative considerations having regard to other existing and/or permitted projects in the adjoining area.</p>	
<p>Location of the Development Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?</p>	<p>The subject site is approximately 3km southwest from the proposed Natural Heritage Area: Lee Valley and 3.7km from the proposed Natural Heritage Area: Ballincollig Cave.</p> <p>Cork Harbour SPA is approximately 15km from the subject site.</p> <p>It is considered that, having regard to the limited nature and scale of the development, there is no real likelihood of significant effect on other significant environmental sensitivities in the area.</p>	No
Conclusion		
<p>There is no real likelihood of significant effects on the environment in terms of the nature, size and location of the proposed development and having specific regard to the criteria set out in Schedule 7 of the P&D Regs 2001 (as amended).</p> <p>EIA is not required.</p>		

Inspector:

Date:

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3: Screening the need for Appropriate Assessment

Appropriate Assessment: Screening Determination

(Stage 1, Article 6(3) of Habitats Directive)

I have considered the proposed construction of a two-storey detached dwelling house in light of the requirements of S177U of the Planning and Development Act 2000 as amended. A screening report for Appropriate Assessment (AA) was not submitted with the application. In the planning authority assessment of the proposed development, AA Screening was undertaken by Cork County Council as part of their planning assessment and a finding of no requirement for AA having regard to the lack of ecological or hydrological connection between the development site and any European Site.

A detailed description is present in 2.0 of my report. In summary, the proposed development comprises the construction of a two-storey detached dwelling on a serviced site within Grange Manor estate. The development includes connection to a mains sewer within the roadway outside of the site which connects to the privately owned and licensed Grange Manor WWTP which discharges to the River Bride. The proposed development is to be served by public mains water.

Inland Fisheries Ireland (IFI) submit that the proposed development is in the catchment of the River Bride one of the primary spawning and nursery systems of the Lee catchment salmon fishery and the significance is underpinned that it enters the River Lee downstream of the ESB's Inniscarra dam and, therefore, migratory salmonoids have unhindered passage to and from its waters. IFI in their submission to the planning authority at application stage requested that given the proposed disposal of effluent to the public sewer, Irish Water/Cork County Council signifies there is sufficient capacity in existence so that it does not a) overload either hydraulically or organically existing treatment facilities b) result in polluting matter entering waters or c) cause or contribute to non-compliance with existing legislative requirements.

An area of amenity grassland/green play space directly opposite the site buffers the development from the River Bride.

European Sites

The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation or Special Protection Area (SPA).

The closest European site is the Cork Harbour SPA (site code:004030) located approximately 15km away from the site. Cork Harbour is a large, sheltered bay system, with several river estuaries - principally those of the Rivers Lee, Douglas, Owenboy and Owennacurra. The River Bride enters the River Lee downstream of the ESB's Inniscarra dam.

Likely impacts of the project (alone or in combination)

The proposed development would not have direct impacts on any European site.

Due to the scale and nature of the development site and the presence of a significant buffer area (green) between the serviced site and the River Bride which ultimately enters into the River Lee, I consider that the proposed development would not be expected generate impacts during construction phase that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors.

From monitoring data submitted by IFI with the appeal compliance with licence required discharge standards is not consistent. The wastewater treatment plant (Grange Manor WWTP) appears to have operational/treatment issues, which may put at risk water quality status in the receiving waters, the River Bride. The in-combination effect of the proposed development and the additional loading to the in-situ wastewater treatment plant, with the existing and permitted development has the potential to impact on the quality of the receiving waters.

Likely significant effects on the European sites in view of the conservation objectives

In the absence of analysis on water quality impacts I submit that the Stage 1 AA Screening Report cannot conclude that the proposed development would not have a likely significant effect on the conservation objectives of the European Site.

Overall Conclusion

Screening Determination

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement there is uncertainty as to significance of effects which therefore require further detailed assessment as part of AA.

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.