



An
Bord
Pleanála

Inspector's Report

ABP-320877-24

Development	Change of use to family home (a protected structure) and all associated site works.
Location	Coach House, An Gáirdín Rúndach, College Road, Fermoy, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	23/6406
Applicant(s)	
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Fiachra & Deborah Ó Cinnéide
Observer(s)	None
Date of Site Inspection	21 st August 2025
Inspector	I. McCormack

1.0 Site Location and Description

- 1.1.1. The application site is located within the grounds of Presentation Convent, College Road, Fermoy and has a stated area of 0.3726ha. The Coach House is a Protected Structure (RPS 2198) and is located within Fermoy Architectural Conservation Area. It consists of a range of buildings around a central courtyard including a garage, stables, and an open sided barn.
- 1.1.2. The subject site is located along the western boundary of the overall Presentation Convent site and is accessed via the grounds of Richmond House, to the east. The existing structures on site have been vacant for a number of years and are in poor condition.

2.0 Proposed Development

- 2.1.1. In summary, the proposed development will comprise:

Development to existing coach house, stables, outbuildings and courtyard – a protected structure (RPS 2198) – with change of use to provide single family dwelling. Construction works to include a single storey entrance lobby with carport, a dormer window and timber balcony to north façade and provision of a new well to the south of existing buildings, new septic tank and percolation area to north of existing buildings and associated site work. Conservation works include some minor modifications to existing opes, replacement windows and doors, conserved and replaced natural slate roofs with new skylights, modification of ground line south of existing buildings to facilitate access, and internal refurbishment and modifications.

- 2.1.2. A Site Suitability Assessment, Architectural Heritage Impact Assessment and Conservation Method Statements accompanied the planning application.
- 2.1.3. A request for further information was issued on 6th February 2024. The further information sought additional information on a number of matters including conservation with respect intervention works, ecology- bat survey, tree survey and biodiversity lead landscape plan, clarification with respect to access and connection to services. A response was submitted to the Planning Authority on 1st August 2024. I draw the Commission's attention to the fact that the revised proposal in response to the further information requested included amended proposal to connection the

existing public sewer and water supply in replace of the originally proposed secondary treatment system and polishing filter and private well proposed.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 28th August 2024, Cork County Council issued notification of a decision to REFUSE permission for the proposed development for one no. reason.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner Report

3.2.2. The report provides a summary of the proposed development and submissions received. The report reviews the characteristics of the site and the proposed development and various policies and provisions of the Development Plan.

3.2.3. The report notes that the site is located within the development boundary of Fermoy, on lands that form part of the Existing Residential/Mixed Residential and Other Uses. The intention of this zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities. Given the nature of the proposed development and the applicants intention to both preserve and utilize Coach House, the PA raised no objection to the overall principle of the development proposal, subject to normal proper and sustainable planning considerations.

3.2.4. The original planning report dated 6th February 2024 recommended further information as noted in section 2.0 above. A response to further information was received on 1st August 2024. The report notes that following a review of the documentation submitted as part of this planning application, the Planning Authority is in favor of the proposed development however, it is considered that there are outstanding heritage and engineering matters which the Conservation Officer and Area Engineer would like to be addressed by way of clarification of further information. However, there was insufficient time to issue a clarification request and whilst the heritage matters could potentially be dealt with by way of condition should a grant of permission be forthcoming, the lack of clarity relating to the proposed servicing arrangements is an outstanding and unaddressed matter due to the absence of a Confirmation of

Feasibility from Uisce Eireann. The Area Engineer has therefore recommended refusal on this basis.

3.2.5. The Acting Senior Executive Planners report dated 28/08/2024 reflects the recommendation of the Planning Officer. The Planner's report recommend refusal for the following reason:

1. The development proposes to connect to the public water and wastewater infrastructure and a Confirmation of Feasibility has not been submitted which confirms that Uisce Eireann are satisfied that there is sufficient capacity to cater for the proposed development. It has also not been demonstrated that there are sufficient falls available for connecting into the existing public sewer. The development is therefore considered to be premature pending a Confirmation of Feasibility and it is considered that the development would materially contravene Objective WM 11-8 of the Cork County Development Plan 2022 which seeks to conserve sources of drinking water and minimise threats to the quantity of drinking water reserves. The proposed development would also contravene Objective 11-9 which requires that development in all settlements connect to public wastewater treatment facilities subject to sufficient capacity being available which does not interfere with the Council's ability to meet the requirements of the Water Framework Directive and the Habitats Directive. The proposal would therefore be contrary to the proper planning and sustainable development of the area.

3.3. Other Technical Reports

Conservation Officer -report dated 20/8/2024 - Subsequent to FI response the Conservation Officers report notes the applicant wishes to preserve the fabric and nature of the existing complex of buildings. With respect to the access doors to the proposed balcony, the Conservation Officer has expressed concern that the addition of the door where it is currently proposed will have an undue impact on the legibility of the original character. Clarification of the further information is recommended to request the applicant to submit a detailed conservation method statement for the interventions to create the kitchen door in the round headed window opening which details how as much as possible of the existing opening can be retained (side edge and at least some voussoirs) and how the latter will remain legible in the newly designed façade. The report concludes by stating that the requirements for

conservation oversight remain unchanged.

Water Services – No comments.

Area Engineer – Report dated 13/08/2024 the report notes the following:

Access Arrangements- the applicant has stated that they propose accessing the site from the existing Richmond Hill entrance. They have outlined the route on the site layout which appears acceptable.

Drainage - Details have been provided in relation to surface water streams, lakes and culverts. It is noted in the report that the applicant now proposes to connect to the public mains water for water supply and have stated that they have submitted a pre-connection enquiry, however a response has not been provided from Uisce Eireann which confirms that the proposed connection is acceptable. The Area Engineer recommends that the applicant is required to provide details of a connection agreement with Uisce Eireann by way of a clarification request.

It is now proposed to discharge the wastewater to the public sewer. The applicants have stated that they have submitted a pre-connection enquiry to Uisce Eireann, however a connection agreement has not been provided. The Area Engineer recommends seeking clarification to require the applicant to provide a connection agreement and submit a detailed drawing of the proposed sewer connection including sections showing both existing invert levels at the proposed connection point and finished floor levels ensuring there is sufficient falls available for the connection.

The Area Engineer recommends a deferral of decision to seek clarification of the further information response. Subsequent email correspondence dated 14/08/2024 acknowledges that there is insufficient time to clarify and therefore a refusal is recommended.

Ecology – Report dated 20/08/2024 recommends a grant of permission, subject to the attachment of 4 no. conditions.

3.4. **Prescribed Bodies**

None

3.5. **Third Party Observations**

None

4.0 Planning History

Site

None

Recent Planning History within the Convent Site

CCC 21/4744 – Permission granted for the construction of; 1) a single storey extension to the north elevation of the existing primary school building, to accommodate new 1 classroom SEN base and associated accommodation and new early intervention unit comprising 1 no. classroom and associated accommodation to serve same, 2) to remove and relocate existing playground to the east of the proposed extension and 3) to construct new sensory garden to serve new extension, to be enclosed by 2m high fencing with a side access gate and all associated site works.

CCC19/6097 – Permission granted for the construction of a car park comprising 28 no. car parking spaces to serve the Presentation Primary School and all associated ancillary development including the removal of existing hedge, grass surface and statue.

To the west of the site

CCC 23/4147 - Permission granted on 6/2/2024 for the refurbishment and extension of the existing school building and campus at Loreto Secondary School, College Road, Fermoy, Co. Cork. The proposed development comprises works to and within the demesne of 5 no. protected structures – RPS reg. no. 2183 Loreto Convent complex, RPS reg no. 02184 Chapel, Loreto Convent; RPS Reg. no. 02185 Former school building, Loreto Convent; RPS Reg. no. 02186 Former school building, Loreto Convent; RPS Reg no. 02191 Loreto Convent, Oratory, Burial ground, The development is within an area identified as an architectural conservation area.

5.0 Policy Context

5.1. Local

5.1.1. Cork County Development Plan 2022-2028

Zoning

The subject site is zoned 'ER' - Existing Residential/Mixed Residential and Other Uses.

The objective for this zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities. Infill developments, extensions, and the refurbishment of existing dwellings will be considered where they are appropriate to the character and pattern of development in the area and do not significantly affect the amenities of surrounding properties. The strengthening of community facilities and local services will be facilitated subject to the design, scale, and use of the building or development being appropriate for its location.

County Development Plan Objective

ZU 18-9: Existing Residential/Mixed Residential and Other Uses *

The scale of new residential and mixed residential developments within the Existing Residential/Mixed Residential and Other Uses within the settlement network should normally respect the pattern and grain of existing urban development in the surrounding area. Overall increased densities are encouraged within the settlement network and in particular, within high quality public transport corridors, sites adjoining Town Centres Zonings and in Special Policy Areas identified in the Development Plan unless otherwise specified, subject to compliance with appropriate design/amenity standards and protecting the residential amenity of the area.

Other uses/non-residential uses should protect and/or improve residential amenity and uses that do not support, or threatens the vitality or integrity of, the primary use of these existing residential/mixed residential and other uses areas will not be encouraged.

*Note: This is based on Existing Residential/Mixed Residential and Other Uses applying to main towns and to key villages with a population of over 1500 or a population expected to grow over to 1500 in the lifetime of the Plan.

Appropriate Uses in Existing Residential/Mixed Residential and Other Uses Areas

Residential development, residential care, sheltered housing, specialised housing, small scale retail, local centres/ neighbourhood centres, small scale commercial, community facilities, childcare facilities, education facilities, places of worship, civic uses, small scale offices, local medical /healthcare services, marine facilities, sports facilities, recreation and amenity facilities, bed and breakfast/guesthouses/hotels.

Other Designations

- The subject dwelling is a Protected Structure: Coach House -RPS 2198.
- The site is within Fermoy Architectural Conservation Area.
- The site is not located in a designated flood zone.

Relevant Policies and Objectives in the Development Plan include:

- HE 16-14 which sets out to protect all Record of Protected Structures and ensure that all development proposals are appreciate in terms of architectural treatment, character, scale and form.
- He 16-18 which sets out to conserve and enhance the special character of the Architectural Conservation Areas. The special character of an area includes its traditional building stock, material finishes spaces, streetscape, shopfronts, landscape

and setting.

- HE 16-21 which sets out to encourage the design of buildings to reflect the character, pattern, and tradition of what is existing and to ensure that the materials used fit appropriately within the landscape.
- GI 14-9 which seeks to protect the landscape, the built and natural environment by ensuring that developments meet high quality design standards.
- WM 11-9 which requires that development in all settlements connect to public wastewater treatment facilities subject to sufficient capacity being available which does not interfere with Council's ability to meet the requirements of the Water Framework Directive and the Habitats Directive.
- Section 15.12.23 - Construction and Demolition Waste (C&D).
- Regard was also had for Section 18.3 of the plan which deals with 'Existing Residential/Mixed Residential and Other Uses', the zoning which pertains to the lands in question.

Volume 3 of the CDP relates to North Cork

Chapter 1 relates to Fermoy.

Section 1.4. 52 Water Management states *'In terms of drinking water, there is capacity to cater for planned development. Any proposals to increase volumes of abstraction of water from the Blackwater River to serve Fermoy must be subject to Habitats Directive Assessment, and will only be permitted where it is shown that the abstraction can be achieved without interfering with the achievement of the Objectives which are established for the Blackwater River SAC. In some areas the pipework will need to be extended to service zoned lands.'*

Section 1.4.53 states that *'in terms of waste water treatment, the plant serving the town has a 12,000PE design capacity. There are capacity constraints and there is insufficient headroom at this time to cater for all the planned growth for the period to 2028. There may be additional issues of water quality impacts and / or licence compliance that need to be addressed to accommodate further growth. Treatment is via an activated sludge system and discharges into the River Blackwater. There are plans to provide storm overflows at the treatment plant and separation in the collection system together with the implementation of nutrient reduction measures in order to*

comply with EU Urban Wastewater Treatment Directives.'

5.2. National

5.2.1. Climate Action Plan, 2025

- The approved Climate Action Plan 2025 is the third statutory update to the plan since the Climate Action and Low Carbon Development (Amendment) Act 2021. This plan builds upon the 2024 plan and outlines how Ireland will accelerate climate action to meet its goals of reducing greenhouse gas emissions by 51% by 2030 and achieving climate neutrality by 2050.
- The Plan acknowledges investment in emissions reduction is growing as the urgent need to act is increasingly being recognised and as the benefits of the transition to a low carbon society become clearer.

5.3. Other relevant Section 28 Guidelines

- Architectural Heritage Protection Guidelines for Planning Authorities
Department of Arts, Heritage, Gaeltacht 2011

5.4. Natural Heritage Designations

The proposed development is not located within or immediately adjacent to any European Site.

5.5. Environmental Impact Assessment (EIA) Screening

The proposal is for the change of use of the existing coach house and outbuildings to family home (a protected structure) and all associated site works. The proposed development has been subject to preliminary examination for environmental impact assessment, please refer to Appendix 1: Form 1 of this report. Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal – First Party

A first-party appeal has been lodged only against the decision of Cork County Council decision to refuse planning permission for the proposed development. The grounds of appeal as summarised as follows:

- The appeal sets out site context and application context including the response to the RFI issued by CCC including pre connection enquiry for wastewater and water connections made to Uisce Eireann on 20th March 2024 (copy enclosed)
- It is set out the development is a modest proposal and the submission of Confirmation of Feasibility from Uisce Eireann could have been addressed by way of condition.
- Noting the pre-connection enquiry, it is stated that (at the time of this appeal submission) that no response had been received from UE and the enquiry was with CCC for review. The appeal query's the refusal if the Council itself is in a position to control the issuing of feasibility statements.
- Referring to the original proposals for septic tank and well it is suggested that if COF is not forthcoming the applicant revert to same as this is a proposal for a single-family dwelling only.
- It is also noted that the development is intend to future proof the property for the applicant's and the therapeutic requirements of their son and preserve an historic property.

6.2. Planning Authority Response

In a response dated 16th October 2024 the PA set out that the relevant issues have been covered in the technical reports and the PA have no further comment.

6.3. Observations

None.

7.0 Assessment

7.1. Introduction

- 7.1.1. The case involves several versions of the proposed scheme, namely, the original application, and revised proposals submitted as further information which included a proposal to connect to Uisce Eireann infrastructure (water and wastewater) as an alternative to the original wastewater treatment system and private well originally

proposed and vehicular access from Richmond Hill not College Road. Unless otherwise stated, my assessment and any references hereafter to the 'proposed development/scheme' are based on the revised scheme submitted as further information, that being the scheme on which the Cork County Council decision is based.

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

- Principle of Development including impact on Built Heritage
- Drainage Infrastructure (refusal reason)

7.2. Principle of Development

Proposed Development

7.2.1. The site complex consists of a range of buildings around a central courtyard, including a coach house, garage, stables and an open sided barn– protected structure (RPS 2198). The proposed development seeks to renovate and convert these structures to accommodate a single-family dwelling. Construction works to include:

- a single storey entrance lobby with carport.
- a dormer window and timber balcony to north façade.

The existing building is 306.9m² and the open barn is 73m². The total gross floor area for the proposed works is 34.7m² and comprises a new lobby (9.7m²), a carport/roofed area (25m²) and a timber framed balcony with timber guarding (50m²).

7.2.2. Conservation works include modifications to existing openings, replacement windows and doors, conserved and replaced natural slate roofs with new skylights, modification of ground line south of existing buildings to facilitate access, and internal refurbishment and modifications. The existing use is listed as formally part-residential, stables and outbuildings which are all currently used for storage purposes and the proposed use is residential.

Zoning

7.2.3. The Commission will note that the subject site is zoned 'ER' - *Existing*

Residential/Mixed Residential and Other Uses in the Cork County Development Plan 2022-2028 (CCDP). The objective for this zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities. Infill developments, extensions, and the refurbishment of existing dwellings will be considered where they are appropriate to the character and pattern of development in the area and do not significantly affect the amenities of surrounding properties. The strengthening of community facilities and local services will be facilitated subject to the design, scale, and use of the building or development being appropriate for its location.

- 7.2.4. Residential is a permissible use within this zoning and I agree with the PA that given the nature of the proposed development and the applicants intention to both preserve and utilise the Coach House, there is no objection to the overall principle of the development proposal. I am satisfied that the proposed development is consistent with the zoning objectives for the site.

Impact on Built Heritage

- 7.2.5. The site is located within Fermoy Architectural Conservation Area and Coach House is listed as a Protected Structure (RPS 2198). There are three other Protected Structures within the curtilage of Presentation Convent: Richmond House (RPS 2196), Gate Lodge (RPS 2195) and a Limestone Retaining Wall along the eastern site boundary on Richmond Hill (RPS 2197).
- 7.2.6. The Commission will note that an Architectural Heritage Impact Assessment (AHIA) and Conservation Method Statement accompany this planning application which seek to ensure that the significance of Coach House, its curtilage as well as the wider ACA is retained and the alterations the buildings and their curtilage are carried out with due regard to the special character of their setting.
- 7.2.7. The draw the Commissions attention to the report form the Conservation Officer dated 22/01/2024 which notes that appropriate consideration has been given to conservation in this application and that there are no objections to the majority of the modifications/works with the exception of the existing window on the ground floor being modified to a door to provide ramp access to the courtyard. As part of the RFI request the Conservation Officer requested the design be modified to a) remove alterations to the existing narrow round headed window on the north elevation to

accommodate a door from the kitchen and that this be retained as a window and b) the proposal shall be modified to omit one of the proposed doors within extant round headed opening accessing the proposed balcony from the games room. In response to the RFI the applicant sought to retain the door to the balcony from the kitchen and submitted revised drawings omitting both doors from the family/games room.

- 7.2.8. The Conservation Officer is of the opinion that proposed kitchen door is a more significant intervention than in the wider games room window having regard to the narrow width of the window openings. The Conservation Officer has expressed concern that the addition of the door where it is currently proposed will have an undue impact on the legibility of the original character. I would agree. However, I am satisfied that this matter can be addressed by way of condition should the Commission be minded to grant planning permission omitting the proposed door from the kitchen onto the balcony. Furthermore, I am satisfied that the original proposed two no. doors from the family/games room onto the balcony are acceptable and will require less intervention, in addition I do not consider the provision of two no. doors will not detract from the original character as the two no. door openings will ensure the original symmetry is maintained and the legibility of the elevation is retained.
- 7.2.9. Further to the above site inspection determined that the site is visible in the background from the northern approach to the site and the proposed development, in particular, the proposed balcony addition will be a visible feature. As such the proposed balcony design will require careful consideration so as to reduce the visual impact and protect the built heritage context. A suitable condition requiring detailed design for the balcony shall be submitted and agreed with the PA prior to the commencement of any development on site. This matter can be addressed by way of condition should the Commission be minded to grant planning permission.
- 7.2.10. Overall, I am satisfied that the proposal for the adaptation and reuse of the structures on site is consistent with best practice in conservation and is in accordance with objective HE 16-14: *Record of Protected Structures* including that the development proposal is appropriate in terms of architectural treatment, character, scale and form to the existing protected structure and not detrimental to the special character and integrity of the protected structure and its setting and that the proposed intervention works and extension works reflect high quality architectural design and would not have undesirable effects, and would otherwise be consistent with the proper planning and

sustainable development of the area. I am satisfied that the proposed development will not have a detrimental impact on the character and setting of the Protected Structure. Similarly, the works are confined to the original courtyard setting and will the restoration works will improve the visual amenity of the site and as such will not have a detrimental impact on the character of the ACA or any adjoining Protected Structures.

Conclusion

- 7.2.11. The proposed development will provide for the restoration and reuse of a semi derelict Protected Structure within an Architectural Conservation Area. Consistent with the Architectural Heritage Protection Guidelines the active use of a building is the best way to ensure the protection of a structure. The development of the site is guided by the zoning principles of the Cork County Development Plan 2022-2028. I am satisfied that the proposed development is consistent with the land use zoning objectives of the CCDP 2022-2028 and that there is policy support for the proposed development (objective HE 16-14: *Record of Protected Structures*) and the proposed development is acceptable in principle and consistent with CCC's objective to promote circularity by seeking to avoid demolition and encourage re-purposing of existing buildings in the first instance and to reuse existing structures and preserve the embodied energy expended in the original construction, minimise waste and reduce the use of new materials (section 15.12.23).

7.3. **Drainage Infrastructure** (refusal reason)

- 7.3.1. The PA recommended the proposed development be refused for 1 no. reason as follows:

The development proposes to connect to the public water and wastewater infrastructure and a Confirmation of Feasibility has not been submitted which confirms that Uisce Eireann are satisfied that there is sufficient capacity to cater for the proposed development. It has also not been demonstrated that there are sufficient falls available for connecting into the existing public sewer. The development is therefore considered to be premature pending a Confirmation of Feasibility and it is considered that the development would materially contravene Objective WM 11-8 of the Cork County Development Plan 2022 which seeks to conserve sources of drinking water and minimise threats to the quantity of drinking water reserves. The proposed development would also contravene Objective 11-9 which requires that development

in all settlements connect to public wastewater treatment facilities subject to sufficient capacity being available which does not interfere with the Council's ability to meet the requirements of the Water Framework Directive and the Habitats Directive. The proposal would therefore be contrary to the proper planning and sustainable development of the area.

- 7.3.2. The Commission will note the wastewater connection is proposed via a wayleave running along the northern site boundary. Water connection is proposed along the route of the access road. Surface water will be disposed of on site.
- 7.3.3. In the first instance as set out by the appellant this is not a significant project and upon completion will be a single dwelling unit only. Therefore, it is not envisaged that there will be significant demand on water or wastewater infrastructure generated by the development. Furthermore, the revised proposal in response to RFI to connect to the public water and wastewater infrastructure is consistent with *Objective 11-9* which sets out that development in all settlements connect to public wastewater treatment facilities.
- 7.3.4. Regarding reference in *Objective 11-9* to sufficient capacity being available which does not interfere with the Council's ability to meet the requirements of the Water Framework Directive and the Habitats Directive. With respect to capacity a review of the Uisce Eireann Capacity Register on 13th August 2025 indicates 'spare capacity' in the Fermoy WWTP. Water supply in Fermoy is indicated as having 'Potential Capacity Available' and states that 'LoS improvement required = Potential Capacity Available to meet 2033 population targets - Capacity constraints exist, and additional analysis of Pre-connection Enquiries and Connection Applications will be undertaken as required by UÉ on an individual basis considering their specific load requirements...' I further note the Volume 3 of the CDP 2022-2028 relates to North Cork and clearly states with respect to Fermoy in section 1.4.52 that 'in terms of drinking water, there is capacity to cater for planned development' and in section 1.4.53 that 'in terms of wastewater treatment, the plant serving the town has a 12,000PE design capacity' and while there are capacity constraints there is 'insufficient headroom at this time to cater for all the planned growth for the period to 2028.'
- 7.3.5. Therefore, having regard to the identified spare capacity in the Fermoy WWTP and the potential capacity available in the water supply (to meet 2033 population targets)

and having particular regard to the minor nature of the development, I am satisfied that in the absence of Confirmation of Feasibility from UE the proposed development is acceptable subject to a condition stipulating that no development shall commence on site until the detailed design of all works have been agreed with UE. By way of context, I draw the commission's attention to the grant of planning permission CCC 23/4147 -refurbishment and extension of the existing school building and campus at Loreto Secondary School to the southwest of the site which was granted subsequent to this application being made and includes connection to UE infrastructure. Therefore, I am satisfied that there is recent precedent in the vicinity of the site for connection to the UE infrastructure and given the minor scale of the development that the development would not be contrary to *Objective WM 11-8* and *Objective 11-9*. (I refer the Commission also to section 8.0, 9.0 and Appendix 1 and 2 of this report with respect WFD)

- 7.3.6. I note the concerns of the PA regarding reference in the reason for refusal to sufficient fall to connect to the sewer. I further note that the applicant did not address same in the response to the appeal. In response to the appeal the applicant has indicated the potential to revert back to the originally proposed on-site treatment system and private well if the connection to public drainage infrastructure is deemed inappropriate. With respect to the topography of the site, site inspection determined that while the general area rises in the southerly direction, the proposed structure is elevated above the identified sewer connection route to the east of the site thereby allowing for a gravity connection to the public sewer located along Richmond Hill. Therefore, it would appear that gravity connection is feasible. Notwithstanding, in the event that UE are not agreeable to the proposed connections I draw the Commission's attention to the Site Characterisation Report submitted which determined that the site is suitable for an on-site wwts as an alternative means to servicing the site. While this may not be the preferred option, in my opinion a balance needs to be struck between the benefits of restoring the Protected Structure and the servicing of the site.

Conclusion

The Commission will note that the proposed development seeks to restore to active use a vacant and disused Protected Structure consistent with best conservation practices, The principle of which is welcomed by the PA. The restoration of the Protected Structure constitutes a planning gain, in my opinion and I do not think the absence of

a Confirmation of Feasibility from form UE warrants a refusal in this instance, in any case the applicant has indicated an alternative which the PA sought to ignore.

In conclusion, I am satisfied that the proposed development is minor in nature and will not generate significant demand on UE infrastructure. I note the Uisce Éireann Capacity Register indicates 'spare capacity' in the Fermoy WWTP and 'Potential Capacity Available' in the Water supply in Fermoy. Furthermore, the topography of the site would indicate gravity connection to the public sewer is feasible.

Having reviewed the information submitted with the appeal and the application, I am satisfied that the proposed development is minor in nature and matters relating to connections UE infrastructure can be addressed by way of condition, should the Commission consider this appropriate and where agreement cannot be reached full design details regarding the originally proposed secondary treatment system and polishing filter and private well shall be submitted and agreed with the PA in advance of any development commencing on site.

8.0 Water Framework Directive (WFD) Screening

- 8.1.1. Please refer to Appendix 2 of this report. The Blackwater (Munster) IE_SW_18B022300 (not at risk) is located c.200m north of the site and the groundwater body is Glenville IE_SW_G_037 (good water body status).
- 8.1.2. As noted in section 7.0 above it appears that based on the information available to me that there is sufficient capacity within the WWTP serving the Fermoy agglomeration and subject to a condition precluding the commencement of development until a full connection agreement has been secured from Uisce Éireann or in the absence of same design details for a site specific wastewater treatment system submitted for agreement with the PA, the proposed development would not result in a deterioration in water quality or aquatic habitats degradation arising from an overall increase in biological loading from treated effluent discharges. Surface water will be disposed of via an on-site soak pit in accordance with required design standards.
- 8.1.3. The Commission will note that while there is an existing man-made fishpond on site. This feature is not mapped on www.catchements.ie and there is no pathway identified to the Blackwater. Site inspection indicated that the feature was dry.
- 8.1.4. 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 & 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:

- The small-scale domestic nature of the development, and
- lack of hydrological connections.

8.1.5. 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.

9.0 Appropriate Assessment

9.1.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

9.1.2. The subject site is located approximately 200m south of Special Area of Conservation: Blackwater River (Cork/Waterford) (site code 002170).

9.1.3. The proposed development comprises the change of use to family home (a protected structure) and all associated site works. It is proposed to connect the proposed development to the exiting public water and public sewer network.

9.1.4. No nature conservation concerns were raised in the planning appeal. A bat survey and assessment accompanied the planning application. The survey results indicated that the buildings were of limited use as a bat roost with a small population of Sparano and Common pipistrelle present. No evidence of bats was found in any building. A small roost was located under the eaves in the stable building. The developer has applied for a derogation licence to facilitate the works. The report includes a number of mitigation measures to be implemented. I note the CCC Ecologist raised no concerns in this regard having regard to the small size of the roost and recommends evidence

of Derogation Licence be submitted to the PA prior to the commencement of any development on site and mitigation measure identified are implemented. However, in the intervening period since the application was made a review of the www.npws.ie/licensesandconsents/disturbance/application-for-derogation/derogations-issued-2025 on the 18th August 2025 determined that Derogation Number DER-BAT-2025-176 pertaining to the subject site was issued on 28 February 2025. Therefore, I am satisfied that subject to mitigation measures being implemented that proposed development is acceptable.

9.1.5. Having considered the nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:

- Scale and nature of the development
- lack of connections to nearest European site
- Taking into account the report from CCC Ecologist

I conclude, 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. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Recommendation

Having regard to the residential land use zoning of the site, the nature and scale of the proposed development, and the provisions of the Cork County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the development would not detract from the character and setting of the Protected Structure, would not seriously injure the residential amenities of the area or of property in the vicinity nor would it represent a traffic safety issue. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Reasons and Considerations

Having read the appeal and submissions on file, had due regard to the provisions of the Cork County Development Plan 2022-2028, site inspection carried out and all other

matters arising. I recommend that permission is granted subject to the conditions set out below.

12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 1st December 2023 as amended by the further plans and particulars submitted on 1st August 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. The proposed development shall be amended as follows:
 - a) The proposed external door from the kitchen onto the proposed balcony shall be omitted.
 - b) The proposed two no. doors from the family/games room onto the balcony as per drawings submitted on 1st December 2023 are hereby permitted.
 - c) Revised drawings in compliance with the above shall be submitted for the written approval of the planning authority prior to the commencement of any development works.

Reason: In the interest of clarity and in the interest of proper planning and sustainable development.

3. Prior to the commencement of development, the developer shall submit for the written agreement of the Planning Authority:
 - a) Details of Connection Agreements with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and wastewater collection network.
 - b) Detailed drawings to include cross-sections of the proposed wastewater and water connections to the Uisce Eireann network.
 - c) Details of site-specific drawings for the proposed soak pit on site.

- d) In the event that connection to the Uisce Eireann networks is not feasible no development shall commence until the developer has submitted for the written agreement of the planning authority design specifications for a wastewater treatment system on site and determined that the site is suitable for a private well.

Reason: In the interest of public health and to ensure adequate water and wastewater facilities.

4. Prior to the commencement of development, the developer shall submit for the written agreement of the Planning Authority detailed design specification to include materials and drawings for the proposed balcony addition.

Reason: In the interest of the protection of architectural heritage and in the interest of proper planning and sustainable development.

5. Prior to the commencement of development on the Protected Structure the developer shall submit for the written agreement of the planning authority confirmation that:

- a) The development will be monitored by a suitably qualified architect with conservation expertise and accreditation and,
- b) Competent site supervision, project management and crafts personnel will be engaged, suitably qualified and experienced in conservation works.

Reason: In the interest of the protection of architectural heritage (in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities).

6. The development shall ensure that all mitigation measures set out in the Bat Survey and Assessment submitted with the application and Derogation Number DER-BAT-2025-176, shall be implemented in full, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity and the protection of the environment during the construction and operational phases of the development.

7. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable

materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained, and waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment and the amenities of properties in the vicinity.

8. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of proper planning and sustainable development.

9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development.

Reason: In the interest of environmental protection, residential amenities, public health and safety, and environmental protection.

10. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday 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.

Reason: In order to safeguard the amenities of property in the vicinity.

11. 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.

I confirm that this report represents my professional planning assessment, judgement and opinion of 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.

Irené McCormack
Senior Planning Inspector
23rd September 2025

Appendix 1 - EIA Pre-Screening

Form 1 - EIA Pre-Screening

Case Reference	320877-24
Proposed Development Summary	Change of use to family home (a protected structure) and all associated site works
Development Address	Coach House, An Gáirdín Rúndach, College Road, Fermoy, Co. Cork
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q2.
	☐ No, no further action required.
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)?	
☐ Yes, it is a Class specified in Part 1 . EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
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?	
☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8	<i>Not of a Class</i>

of the Roads Regulations, 1994.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold.	
☐ Yes, the proposed development is of a Class but is sub-threshold.	

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)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Appendix 2 - Water Framework Directive Screening Determination

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	320877-24	Townland, address	Coach House, An Gáirdín Rúndach, College Road, Fermoy, Co. Cork
Description of project		Change of use to family home (a protected structure) and all associated site works	
Brief site description, relevant to WFD Screening,		The application site is located 200m south (and drainage channel to the east at c. 200m) of the Blackwater River. There is a man-made fishpond located within the site. This feature is not referenced on www.catcements.ie	
Proposed surface water details		On site soak pit.	
Proposed water supply source & available capacity		Subsequent to RFI connection to the public network identified. A review of the Uisce Eireann Capacity website on 13/8/2025 indicated that potential capacity is available in Fermoy.	
Proposed wastewater treatment system & available capacity, other issues		Subsequent to RFI connection to the public network identified. The Commission will note that a review of the Uisce Eireann Capacity website on 13/8/2025 indicated spare capacity available at the Fermoy WWTP.	
Others?		N/A	

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	200m north of site	IE_SW_18B0 22300 -The Blackwater (Munster)	Good	Not at Risk	No pressures	Not hydrologically connected to surface watercourse
Groundwater body	Underlying Site	IE_SW_G_037 (Glenville)	Good	Not at Risk	No pressures	No –Low permeability due to conditions - Sandstone with mudstone & siltstone
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.						
CONSTRUCTION PHASE						

No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Clearance works/ Construction	IE_SW_18 B022300 - The Blackwater (Munster)	No pathway exists	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practices/conditions	No	Screened out
OPERATIONAL PHASE							
2.	Surface water run-off	IE_SW_18 B022300 - The Blackwater (Munster)	No direct pathway exists.	None	Standard construction practices/conditions	No	Screened out

4.	Discharges to ground	IE_SW_G_037 (Glenville)	Surface water disposal	None	SUDs features	No	Screened out
DECOMMISSIONING PHASE							
5.	NA	NA	NA	NA	NA	NA	NA