



An
Coimisiún
Pleanála

Inspector's Report ABP-321035-24

Development	Construction of 2 single-storey dwellings, 4 two-storey dwellings, revised entrance and associated site works.
Location	Rathgoggan South, Charleville, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	244872
Applicant(s)	Kevin & Ailish O'Herlihy
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Kevin & Ailish O'Herlihy
Observer(s)	Michael Moynihan TD
Date of Site Inspection	24 th July 2025
Inspector	Clare Clancy

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1.0 Site Location and Description

- 1.1. The appeal site is located at the south eastern periphery of Charleville town. It is located to the east of the L5498 Charter School Road and comprises of an overgrown agricultural field located to the rear of existing dwellings. Access to the site is off the adjoining L5498 via a gravel road that is located between two existing dwellings. Construction works were ongoing in regard to the existing dwelling adjoining the access road to the north. The site is located to the rear of the adjoining existing bungalow dwellings to the west, and the northern eastern and southern boundaries of the site are defined by sod/ditch boundaries with trees and hedgerow interspersed.
- 1.2. The area to the east of the site comprises of agricultural lands. There is service station on the opposite side of the road to the west with access from the N20, and there is a medical centre located to the north. The adjoining dwellings to the north and south of the site comprise of bungalows and further to west of the N20 there is low density housing.

2.0 Proposed Development

- 2.1. Permission is sought for 6 dwelling units, to connect to the public services, revised site boundary, revised entrance and all associated site works. The proposed development comprises of the following:
 - The appeal site has a stated area of 0.225 ha.
 - 2 no. single storey dwelling units – 47 m² each.
 - 4 no. two storey dwelling units – 94.4 m² each.
 - The gross floor area of the proposed works is 471.6 m²
 - Residential Density – 26.6 units per hectare.
 - Material finishes comprise of concrete tile and ridge caps, burnt timber, selected brickwork, render to walls.
- 2.1.1. Unsolicited further information (FI) was received 29th May 2024 and relates to a site layout plan indicating unit 6 for Part V.

- 2.1.2. Following a requested by the applicants, the PA extended the appropriate period for deciding the application to 09th January 2025, in accordance with Section 34(9) of the Planning and Development Act 2000 (as amended).

3.0 Planning Authority Decision

3.1. Decision

By Order dated 16th September 2024, Cork County Council refused permission for the following reasons:

1. *The proposed development by reason of its scale, form and suburban, car-dominated layout and design would result in an incongruous form of backland development which fails to respond to the site context, would fail to integrate appropriately into the site and surrounding context and would be likely to seriously injure the visual and residential amenities of residential properties in the vicinity. It is considered that the proposed development would fail to comply with the design guidance and Key Indicators of Quality Design and Placemaking as required under Policy and Objectives 4.1 and 4.2 of the 'Sustainable Residential Development and Compact Settlements' Guidelines for Planning Authorities (Dept. HLG&H, Jan 2024) and would fail to appropriately respond to policy objective PL 3-1: 'Building Design, Movement and Quality of Public Realm' and PL 3-3: 'Delivering Quality and Inclusive Places' of the Cork County Development Plan 2022 which seek to achieve a sense of place and distinctiveness. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*
2. *The proposed development would endanger public safety by reason of traffic hazard because it would involve the making of a further access point on to a road where the traffic movements likely to be generated by the development would interfere with the safety and free flow of traffic on that road.*
3. *The proposed development would endanger public safety by reason of traffic hazard because the road in the vicinity does not have any footpaths or public lighting to facilitate the pedestrian traffic which the proposed development would generate.*

3.2. Planning Authority Reports

3.2.1. Two planning reports form the basis of the assessment and recommendation as follows:

➤ Assistant Planner Primary Report (04th July 2024)

- Noted recent planning history of the site in particular P.A. Ref. 22/5236 which was refused and P.A. Ref. 22/6872 which was withdrawn on the basis that it did not address the reasons for refusal related to P.A. Ref. 22/5236.
- The intensification of use of the existing access is an ongoing concern. Concerns raised in regard to c. 12 vehicles traversing between the dwelling under construction, the proposed units and visitor parking along a narrow 35 m stretch of laneway and limited sightlines.
- The proposed footpaths and roadway widths do not comply with DMURS minimum requirements.
- Concerns raised regarding the backland nature of the proposed development vis a vis the proximity of the proposed development relative to the rear of the adjoining dwellings to the west and impacts on residential amenities.
- Concerns raised regarding the density of the site with regard to the surrounding pattern of development and consequent impacts on surrounding residential amenities.
- Expressed a desire for a design that is more vernacular in style in terms of scale, height, roof profile and material finishes. A schedule of room sizes was not provided. Private amenity space is deficient for some of the units.
- Proposed public open space is substandard, does not provide play-space, is not overlooked and does not integrate with the proposed units.
- Wastewater – Proposals are deficient in terms of details and notes the concerns of the Water Services Section and the requirement for further information in regard to the pre-connection enquiry and confirmation of feasibility from Uisce Éireann.
- Concluded that EIA and AA were not required and that the site was not within Flood Zone A or B.

➤ Senior Executive Planner Report (16th September 2024)

- Endorsed the recommendation of the Assistant Planner.
- The land use zoning of the site is 'Residential/Mixed Residential and Other Uses'. The principle of the proposed development is acceptable in terms of the land use, subject to normal planning standards being achieved.
- Notes the planning history of the site, and that the proposed site layout and housing design is broadly similar to P.A. Ref. 22/5236 which was refused, and a similar application under P.A. Ref. 22/6872 which was withdrawn.
- The layout of the proposed development fails to respond positively to the established pattern and form of development in the area and to integrate appropriately with the site context. The proposed area of public open space to the west is incidental rather than functional open space. The height will protrude above the single storey dwellings to the west.
- The proposed design and layout is contrary to policy objective PL3-1 and PL - 3-3 of the CDP 2022, and objective 4.2 of the Sustainable Residential Development and Compact Settlement Guidelines 2024.
- Access proposed to the site utilising the new access permitted under P.A. Ref. 21/5568. A shared entrance is not acceptable to serve the proposed development. The adjoining roads and footpaths are substandard in terms of widths and not acceptable for a residential development. Refusal is recommended on this basis.
- Refusal is further recommended in relation to scale, substandard design and layout and impacts on visual and residential amenities, it would give rise to a traffic hazard due to use of a new access and associated traffic movements, and the deficiencies in the existing road infrastructure in terms of widths and absence of footpaths and public lighting.

3.2.2. Other Technical Reports

➤ Area Engineer Primary Report (04th July 2024)

- Recommends refusal on the basis of traffic hazard due to the creation of a further access point onto the public road and consequent traffic movements generated, the absence of footpaths and lighting to facilitate pedestrians.
 - Notes that a stand-alone access to serve the development is required, not a shared access.
 - The roads and footpaths are not to required widths to serve a residential development.
 - The existing infrastructure on the public road is not in place, and the required budget is not available for upgrades.
 - The reasons for refusal were not addressed in the previous application.
- Liaison Officer Report (08th July 2024)
- No objection.
- Public Lighting Report (07th June 2024)
- Recommended further information (FI) seeking a proposed light scheme to comply with Cork County Council Public Lighting Manual and **Produce** Specification 2023.
 - An existing public light pole at the entrance is required to be moved. Details are required to address its replacement.
 - A light is required between the site and the lighting scheme at the main road junction.
- Housing Officer Report (17th June 2024)
- No objection raised subject to the proposed single storey unit being made fully accessible.
- Water Services Primary Report (26th June 2024)
 - Recommends refusal.
 - Charleville wastewater treatment plant (WWTP) is at Amber Status which indicates that there is potential spare capacity. The WWTP is currently not compliant with Wastewater Discharge Licence Emission Limit Values (ELV).

- Potential capacity is subject to additional loading being compliant with Regulation 43 of the Wastewater Discharge (Authorisation) Regulations 2007.
- A Confirmation of Feasibility is required from Uisce Éireann.
- Additional information would be required to show pipe work connecting each unit to the proposed network on the access road.

3.3. Prescribed Bodies

- Transportation Infrastructure Ireland – No objection raised.
- Uisce Éireann – Further information required to assess the feasibility of a connection to public water and wastewater services.

3.4. Third Party Observations

- 3.4.1. One third party observation was received from Michael Moynihan TD on behalf of the applicant.

4.0 Planning History

Appeal Site

- P.A. Ref. 22/5236 – Permission refused to 7 no. residential units for 4 no. reasons. The grounds for refusal related to (i) encroachment onto permission permitted under P.A. Ref. 21/5568 thereby diminishing the curtilage of the permitted development, (ii) would constitute backland development within the curtilage of an existing dwelling and would be out of character with the area, (iii) traffic safety due to absence of adjoining public road not having public footpaths, (iv) traffic safety due to inadequate sightlines from existing shared entrance (22nd July 2022).
- P.A. Ref. 22/6872 – Withdrawn. Relates to 7 residential units.

Adjoining Site to North

- P.A. Ref. 21/5568 – Extension to existing dwelling which included new entrance. Site boundaries overlap with appeal site with regard to the existing access and access road. Two car park spaces were permitted at the rear within

the curtilage of the dwelling and would use the existing access. (15th November 2021). Construction commenced and ongoing at time of site visit.

- Condition 4 – Sight distance of 50 m to the southeast and to northwest shall be provided from centre point of entrance 2.4 m back from edge of public road.
- Condition 6 – Entrance shall be recessed a minimum of 3.0 m.

5.0 Policy Context

5.1. National Context

5.1.1. The National Planning Framework – First Revision (April 2025)

The following National Policy Objectives (NPOs) are relevant; NPO 7 Compact Growth, NPO 9 Compact Growth, NPO 22 (standard based on performance criteria) and NPO 45 (increased density).

5.1.2. Section 28 Ministerial Planning Guidelines

- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024). The following policies are relevant:
 - Section 3.4: contains Policy and Objective 3.1 which requires that the recommended density ranges set out in Section 3.3 (Settlements, Area Types and Density Ranges) are applied in the consideration of individual planning applications.
 - Section 3.5: includes the achievement of housing standards with regard to the following:
 - SPPR 1 – Separation Distances (minimum of 16 m between opposing windows).
 - SPPR 2 – Minimum of Private Open Spaces standards for houses (1 bed 20 m², 2 bed 30 m², 3 bed 40 m²).
 - Policy and Objective 5.1 which recommends a public open space provision of between 10% - 15% of net site area (exceptions to this area outlined).

- Section 5.3.4 ‘Car Parking – Quantum, Form and Location’ sets out that the car parking approach should take account of proximity to urban centres and sustainable transport options, and car parking should be reduced at all urban locations.
 - SPPR 3 – Car Parking specifies the maximum allowable rate of car parking provision based on types of location.
 - SPPR 4 – Cycle Parking and Storage which requires a general minimum standard of 1 no. cycle space per bedroom (plus visitor spaces).

5.2. Cork Development Plan 2022-2028

5.2.1. Volume 1 Main Policy Material

The main relevant chapters and policies to this development include the following:

➤ Chapter 3 Settlements and Placemaking

- *Objective PL 3-1 Building Design, Movement and Quality of the Public Realm*

Support measures to improve building design quality, accessibility and movement including investment in quality public realm across the settlement network of the County linked to design criteria.

- *Objective PL 3-3 Delivering Quality and Inclusive Places*

In assessing future development proposals the Plan will implement and promote a series of aims outlined in the Guidelines on Sustainable Residential Development in Urban Areas and accompanying Urban Design Manual and the Design Standards for New Apartments, which seek to create high quality inclusive places including:

➤ Chapter 4 Housing

This chapter provides details on housing mix, densities.

- *Infill Housing*

Section 3.5.13 – To make the most sustainable use of existing urban land within the built envelope of a settlement, the planning authority will encourage the development of infill housing on suitable sites, subject to adherence to residential

amenity standards and avoiding any undue impacts on the established character of an area. The layout and design of infill schemes should respect existing building lines and should generally follow established roof profiles, buildings heights and use of materials within the street.

Section 3.5.15 – Infill housing is often suitable as starter homes or housing for older people given their size and locations in central locations close to services and amenities.

Section 3.5.15 – In general, infill housing should comply with all relevant development plan standards for residential development, however, in certain limited circumstances; the planning authority may relax the normal planning standards in the interest of developing vacant, derelict and underutilised land.

- *Objective HOU 4-6 Housing Mix*

(a) Secure the development of a mix of house types and sizes throughout the County as a whole to meet the needs of the likely future population across all age groups in accordance with the guidance set out in the Joint Housing Strategy and the Guidelines on Sustainable Residential Development in Urban Areas.

(b) Require the submission of a Statement of Housing Mix with all applications for multi-unit residential development in order to facilitate the proper evaluation of the proposal relative to this objective. The Statement of Housing Mix should include proposals for the provision of suitable housing for older people and the disabled in the area.

- *Approach to Density within lands zoned Existing Residential/Mixed Residential and Other Uses*

The following is relevant:

Section 4.9.8 – lands defined as Existing Residential/Mixed Residential and Other Uses may contain residential development of varied densities ranging from high density historic terraces to more modern lower density housing schemes. The Plan generally supports proposals for increased densities within this category to optimise the development of lands within the built envelope of a settlement, subject

to protecting existing residential amenities and adhering to proper planning and development standards.

Section 4.9. – The design approach should also be guided by the site's location relative to the town centre and its access to good quality public transport links as set out in the Guidelines, as well as the requirements of other policies in relation to building heights etc., and normal proper planning and sustainable development criteria. In limited situations, a reduction in the 22m separation between units may be considered where high-quality architectural responses can be delivered without undue impacts on the established residential amenities.

➤ Chapter 11 Water Management

- *Section 11.9 Wastewater Disposal*

Section 11.9.3 – In the main settlements, new developments must always connect to a public wastewater treatment system. To support the preparation of County Development Plans and to inform the Tiered Approach to Zoning, Irish Water have prepared a Wastewater Capacity Register which indicates the current treatment capacity to accommodate growth. Planned growth has been directed to those settlements with existing wastewater treatment capacity or a reasonable prospect of having such capacity within the lifetime of the Plan through listing on the Irish Water Investment Plan. As such, development may need to coordinate with the provision of planned infrastructure in a particular area or location.

Section 11.9.4 – The adoption of the Urban Wastewater Treatment and Wastewater Discharge Regulations mean that Water Services Authority discharges from wastewater facilities must accord with EPA requirements. Irish Water's Wastewater Capacity Register identifies 22 treatment plants where the Emission Limit Values of the licence issued by the EPA cannot currently be met. In parallel, the Water Framework Directive, through River Basin Management Plans requires that the water environment is managed with the aim of achieving 'good status' or restoring high status.

Section 11.10 Surface Water

- *Objective WM 11-10: Surface Water, SuDS and Water Sensitive Urban Design*

- a) Require that all new developments incorporate sustainable drainage systems (SuDS). Efforts should be taken to limit the extent of hard surfacing and impermeable paving.
- b) Encourage the application of a Water Sensitive Urban Design approach in the design of new development or other urban interventions. Opportunities to contribute to, protect or re-enforce existing green infrastructure corridors or assets should be maximised.
- c) Optimise and maximise the application of Sustainable Urban Drainage Systems (SuDS) to mitigate flood risk, enhance biodiversity, protect and enhance visual and recreational amenity; all in the most innovative and creative manner appropriate and in accordance with best practices. Proposals should demonstrate that due consideration has been given to nature based solutions in the first instance in arriving at the preferred SuDS solution for any development.
- d) Provide adequate storm water infrastructure in order to accommodate the planned levels of growth expected for the County.
- e) Where surface water from a development is discharging to a waterbody, appropriate pollution control measures (e.g, hydrocarbon interceptors, silt traps) should be implemented.
- f) The capacity and efficiency of the national road network drainage regimes will be safeguarded for national road drainage purposes.

➤ Chapter 12 Transport and Movement

The following objective is relevant:

Objective TM12-2-1 Active Travel

- (b) All new developments are to be designed to latest DMURS standards, unless precluded by space or other constraints, to be accessible and permeable for pedestrians, cyclists and those of reduced mobility.
- (c) Applications for all new developments are to be accompanied by a statement of how enhanced and inclusive permeability will be achieved, to include a statement of compliance with DMURS (2020 or later revision) and a quality audit (as referred to in DMURS).

➤ Chapter 18 Zoning and Land Use

- The site is zoned Objective ZU 18-9 Existing Residential / Mixed Residential and Other Uses.
- Section 18.3. Land Use Zoning Categories
 - *Existing Residential/Mixed Residential and Other Uses (ER)*

The following is relevant:

Section 18.3.3 – 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.

Section 18.3.4 – The Plan recognises that lands defined as Existing Residential/Mixed Residential and Other Uses may contain residential development of varied densities ranging from high density historic terraces to more modern lower density housing schemes. The Plan generally supports proposals for increased densities within this category to optimise the development of lands within the built envelope of a settlement subject to compliance with appropriate design/amenity standards and protecting the residential amenity of the area and normal sustainable planning considerations.

Section 18.3.5 – Existing Residential/Mixed Residential and Other Uses category contains a diversity of character areas ranging from established residential, transitional mixed uses, community uses and undeveloped lands along with open space within the development boundary of our towns. These are generally lands located adjacent or close to the town centre with good accessibility to services.

- *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.

5.2.2. **Volume 3 North Cork**

- The appeal site is located within the development boundary of Charleville town.
- Charleville – Identified as a ‘Main Town’ within Kanturk Mallow MD.
- The vision for Charleville is to expand its population and encourage the expansion and diversification of its employment and service base aiming to make it a more balanced and sustainable live/ work destination while further capitalising on its strategic position and connectivity between the Cork and Limerick Metropolitan Areas along the Atlantic Economic Corridor.
- Appeal Site Zoning – ‘Existing Residential / Mixed Residential and Other Uses’ (ER).

Water Management

Section 2.5.60 – Wastewater Upgrading of the Charleville WWTP planned by Irish Water is required to accommodate the proposed development in Charleville. There are assimilative capacity issues in relation to the waters receiving the treated effluent.

Section 2.5.61 – The sewers are combined sewers and are at capacity in some areas at times of heavy rainfall. Separation of storm and foul sewers is required in parts of the town. All new development will be required to address surface water disposal via sustainable urban drainage systems in line with surface water management policy.

Section 5.6.62 – Charleville has been identified as being at risk of flooding. (This does not include the appeal site).

General Objectives

- CV-GO-16 All development shall contribute to improved, safe pedestrian and cyclist connectivity and shall include proposals for the provision of improved pedestrian / cycle access routes, provision of new footpaths or improvement of existing footpaths and provision of facilities for cyclists, as appropriate.
- CV-GO-12 In accordance with Chapter 11 of the Plan, all new development will need to make provision for Sustainable Urban Drainage Systems (SuDs) and provide adequate storm water infrastructure. Surface water management and disposal should be planned in an integrated way in consideration with land use, water quality, amenity and habitat enhancements as appropriate.

5.3. Natural Heritage Designations

- SAC: 002170 - Blackwater River (Cork/Waterford) SAC – approx. 3.27 km to the south.
- pNHA: 002036 - Ballyhoura Mountains – approx. 6.82 km to the southeast.
- SAC: 002036 - Ballyhoura Mountains SAC – approx. 7.16 km to the southeast.
- pNHA: 002088 - Mountrussell Wood – approx. 6.72 km to the east.

6.0 EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 appended to 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.

7.0 The Appeal

7.1. Grounds of Appeal

The First Party grounds of appeal which relates to the reasons for refusal, may be summarised as follows:

Refusal Reason 1

- The proposed design and layout considers the characteristics of the site, transitions from single storey to two storey structures to respect the scale and massing of neighbouring properties and preserve residential amenity. No overlooking arise from first floor on adjoining private amenity space.
- The layout provides functional and aesthetic benefits, including ample garden space, pedestrian footpaths, sustainable rainwater garden system. It also considers scale, massing and privacy of adjacent properties.
- Separation distances between proposed dwellings and adjoining properties exceed required standards.
- The proposed design transitions from two storey to single storey structures which significantly reduces visual impact on adjoining properties, preventing overshadowing.
- The proposal complies with policy objectives 4.1 and 4.2 in terms of design quality, sustainability in response to local housing needs.
- The site is located outside of the town and there is a lack of public transport and there is a reliance on cars in such locations. The absence of public transport is beyond the control of the applicant, but the site is well-placed to adapt to future transport upgrades.
- Car parking is sufficient for each dwelling and caters for visitor car parking and EVCs can be provided subject to condition.
- Suburban layout can be addressed with minor design modifications making it an unnecessary grounds for refusal.
- Backland development and site integration – the reason for refusal fails to recognise the sites current zoning which is zoned for residential development

and current infrastructure existing in the area. The proposed development is not haphazard backland development and is designed to fit within the broader framework of local zoning and housing need.

Refusal Reason 2

- The proposed access will be shared with the existing family owned property which will minimise potential traffic hazards with multiple entry points. It is designed following consultation with the roads engineers, ESB and EIR. An existing ESB pole will be relocated and the roadside boundary will be recessed to enable sightlines.
- A new footpath is proposed which will link with the existing public footpath promoting safe pedestrian access from the site.
- The turning circle provided will eliminate dangerous manoeuvres for all vehicles.
- The proposed development of 6 units will not generate a high volume of traffic.

Refusal Reason 3

- There is ample room within the site to provide a link footpath directly to the existing footpath which is approx. 24 m away and has been factored into the design and the proposed development includes for this connection.
- Proposal for public lighting are included in the development.
- Public infrastructure including lighting and footpaths fall within the remit of the local authority which are funded by development contribution. The lands are zoned for housing to encourage residential development.
- Refusing permission on the grounds of public services contradicts the purpose of zoning and undermines the rationale for development contribution levies.
- The proposal to provide a new footpath to link with the public network proactively addresses safety concerns. It is the council's duty to upgrade the existing public services.

Other Matters

- The first application was refused without any engagement by the council.

- A request for further information would have been appropriate to clarify the issues.
- The site is zoned for development “Existing Residential/Mixed Residential and Other Uses”.
- A political representative was engaging with the various departments in the council prior to lodging the application and informed the applicant to seek an extension of time to resolve some issues. A meeting was held 03rd September 2024. The political representative informed the applicant that the meeting was required to revolve a number of issues however the outcome of the meeting was that the issues that related to the previous application that was refused on the site were not resolved and the application would be refused.

As part of the appeal, a site layout plan indicating a proposed footpath link and a proposed public lighting scheme for the subject site is provided.

7.2. Planning Authority Response

A response was received from the Planning Authority to the grounds appeal which notes that no further observations are made, and that all the relevant issues have been covered in the technical reports forwarded to the Commission as part of the appeal.

7.3. Observations

Two submission were received from Michael Moynihan TD.

8.0 Assessment

Having examined the application details and all other documentation on file, including all of 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 and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Layout & Design

- Access & Road Safety
- Wastewater & Surface Water Drainage

8.1. Principle of Development

- 8.1.1. This is a first party appeal against the decision of the PA to refuse permission for the proposed development for three reasons. I note that the PA refers specifically to the planning history of the site in regard to P.A. Ref. 22/5236, which was refused permission for 4 no. reasons, three of which are similar to the grounds of this appeal. I propose to address the matters raised in the grounds for refusal under the relevant headings set out below.
- 8.1.2. The appeal site is located within the development boundary of Charleville town and is zoned 'Existing Residential / Mixed Residential and Other Uses'. The objective for this zoning is that proposals for such development, should respect the pattern and grain of the existing urban development in the area, and that increased densities are encouraged, particularly within areas served by high quality public transport corridors and on sites adjoining town centre zonings. Having regard to the zoning objective of the site I consider that the overall principle of the proposed development is acceptable subject to compliance with other development plan policies and objectives and the proper planning and sustainable development of the area.

8.2. Layout & Design

- 8.2.1. The first reason for refusal relates to the design and layout of the scheme. The PA is of the view that the proposed scheme would be out of character with the surrounding pattern of development, as the area in which the site is located is semi-rural in character due to its location at the edge of the town, which is characterised by rural dwellings and agricultural lands.
- 8.2.2. The site is an infill backland greenfield site located within the existing built-up footprint of Charleville town. Adjoining lands to the southwest accommodate low density housing. I observed that the area is characterised by bungalows, dormer and two storey dwellings of varying design and material finishes (including red brick). Further beyond, the area transitions to rural hinterland. Across the road to the west there is an existing service station. In my view the appeal site is located at the edge of the town

within a suburban area and I am satisfied that the proposed development will integrate with the character of development that is established in the area. The subject lands where housing is proposed are zoned for residential development and the submitted proposal is in accordance with this.

8.2.3. The applicant submits that the design and layout of the proposal was arrived at in response to the local housing needs which is 1 and 2 bed apartments / town houses for Charleville town, and that the proposed development is consistent with the land use zoning objective for the site.

8.2.4. With regard to the density of the site, the development plan identifies Charleville for higher density. Section 4.9.8 of the development plan supports proposals for increased densities on lands zoned '*Existing Residential/Mixed Residential and Other Uses*'. In this regard, Table 3.2.7 of Volume 3 of the development plan requires 456 new units up to 2028. Since the development plan came into force, the Sustainable Development and Compact Settlement Guidelines for Planning Authorities 2024 were published which advocate for higher densities. The appeal site falls within the category of 'Small / Medium Town Edge', as described in Table 3.6 of the Guidelines. In this regard, for small to medium sized towns (1,500-5,000 population) the recommended approach as set out in Section 3.3.4 is to plan for growth arising from economic drivers within and around the settlement, and to offer an improved housing choice as an alternative, including serviced sites to housing in the countryside. Table 3.6 of the Compact Settlement Guidelines sets out the policy approach for density ranges for Small to Medium Sized Towns. The policy objective for such towns is that densities in the range of 25 dph to 40 dph (net) shall generally be applied at the edge of small to medium sized towns. As such, given Charleville towns designated as a 'Main Town' in the core strategy and the site's location at the edge of the town, a residential density of 26.6 units per hectare would be acceptable for the site in this case which the development plan supports in Section 18.3.4.

Design/Layout

8.2.5. I note that the PA had raised the matter of the design and layout in previous applications that were refused and withdrawn on the site and I note that the position of the PA remains unchanged, as the proposal is broadly the same as that previously proposed in other applications.

- 8.2.6. The applicant submits that the proposed development is not haphazard backland development as indicated by the PA. The site is zoned for residential use and the lands are intended for housing. The scheme was designed to meet with development plan standards in terms of place-making and by the provision of pedestrian linkages within the site and landscaping. Scale and massing are addressed by dwellings transitioning from single storey to two storey to minimise visual impact on adjacent residential amenities.
- 8.2.7. The proposed development provides for 6 no. units in a terrace formal layout on lands which are currently agricultural and under grass. The end units are single storey and the mid-terrace units are two storey with an overall ridge height of 9.0 m. It is bounded to the west by bungalows, and to the north by 2 no. semi-detached single storey/dormer style cottages.
- 8.2.8. The scale, form and finishes of the proposed units are generally standard. The roof profile assimilates traditional form and material finishes include for burnt timber effect which is noted to becoming a more popular material finish in areas both urban and rural. Given the site context and its suburban location, I acknowledge the concerns raised by the PA with regard to the proposed design in terms of it lacking a more vernacular style and in terms of the material finishes which it is stated could be improved. While consideration could be given to address the scale and design so that it might be more sympathetic to the sites semi-rural context, I am not as concerned about this aspect of the proposal as the PA, and in that regard, I am not satisfied that the proposed design of the units is significantly different from the character of adjacent properties having regard to the suburban nature of the general area, to warrant a refusal on grounds solely related to the design of the dwellings.
- 8.2.9. In terms of public open space (area is not stated), the layout of the scheme is dominated by the internal access road, proposed footpaths, turning area and car parking. The rear back garden boundaries of the adjoining residential properties to the west are defined by an approx. 2.0 m high steel post and timber panel fence. It is indicated that the boundaries for the development will comprise of a 2.0 high boundary wall between dwellings and an earth/hedgerow/tree boundary at the rear of the dwellings (planning drawing ref. DWG No. -03)

- 8.2.10. It is proposed to locate the area of open space between the existing dwellings to the west and unit 1. I agree with the PA that it is incidental rather than active usable open space as it fails to integrate with the proposed dwelling units. It will also facilitate a turning space and car parking and offers little amenity value as it is not directly overlooked by any of the proposed units. I therefore conclude that the site configuration would result in a substandard level of residential amenities for future residents and would not be in accordance with Policy and Objective 4.2 of the Sustainable Development and Compact Settlement Guidelines which requires the achievement of key indicators as set out in Section 4.4 with regard to quality urban design and placemaking and with specific reference to the provision of public open space. The applicant submits that the concerns raised regarding the suburban layout can be addressed with minor modifications, however I do not consider that these matters can be adequately addressed by way of condition as the alterations would be too significant.
- 8.2.11. The PA raised the matter that some of the units did not meet the minimum requirements as per SPPR 2 of the Sustainable Development and Compact Settlement Guidelines in regard to rear back garden private amenity spaces. I note from my own appraisal that units 3-5 which are 2 bed units, are less than 30 m². The Guidelines do offer some flexibility where proposals do not fully meet the minimum standards, however that is subject to the provision of high quality semi-private open space. I note that this is not offered as part of the overall development.
- 8.2.12. The Sustainable Residential Development and Compact Settlements Guidelines sets a maximum standard of 2 car parking spaces per dwelling (SPPR 3). The proposed development meets this standard. With regard to bicycle parking and storage, SPPR 4 of the Guidelines requires that all housing schemes include provision for secure cycle storage facilities for residents and visitors. Section 12.12 of the development plan also seeks to provide for sustainable transport modes that include for cycling. Having regard to the location of the site relative to the town centre, no provision is made within the layout for bicycle parking which is a requirement.
- 8.2.13. The eastern part of the town forms part of a large area identified in the development plan as 'High Value Landscape' (Figure 14-2). This includes the appeal site. The development plan notes in Section 14.8.4 that the sensitivity of each character type is defined as the ability to accommodate change or intervention without suffering

unacceptable effects to its character and values. In relation to the impact on surrounding visual amenities, the area in which the site is located is low-lying and forms part of the development boundary of the town. Having inspected the site I consider that the proposal, would not be overly visible from the public road or surrounding areas and I am satisfied that the proposed development will not give rise to undue impacts on surrounding visual amenities, or on the character of the area.

- 8.2.14. Section 4.4 of the Compact Settlement Guidelines identifies key indicators to achieve quality design and place making within the overall strategic development framework for settlements and also within individual applications for development. In particular the Guidelines require new developments to achieve connections to the wider urban area and transport links with particular emphasis on private car use being reduced and provision made for active modes of transport. I acknowledge the applicant's approach in designing the scheme to meet development plan requirements which would align with some of the provisions set out in objective TM12-2-1. I further agree that visual impact on adjacent residential amenities was adequately addressed in terms of scale, massing and in the design to obviate overlooking. Notwithstanding and having regard to the above, I consider that the proposal fails to comply with the stated policies of objectives of the Sustainable Residential Development and Compact Settlement Guidelines 2024 namely Policy and Objective 4.2 and 5.1 which require proposals to provide for adequate active and passive recreation public open space within residential developments, and SPPR 2 which requires minimum standards for the provision of private open space for dwellings. This may be due in part to site constraints in terms of its backland nature. Furthermore, in the absence of proposals to facilitate bicycle parking and storage for the proposed development, it also fails to comply with SPPR 4 of the Guidelines. For these reasons I recommend that permission is refused.

8.3. Access & Road Safety

- 8.3.1. The PA's second and third refusal reasons are based on access/road traffic safety grounds. The second reason relates to the proposal creating a further access point onto the adjoining public road resulting in traffic movements that would interfere with traffic free flow and safety. The third reason relates to the absence of public footpaths and lighting in the immediate vicinity of the site to facilitate pedestrian traffic generated

by the proposal. The report of the Area Engineer notes that the applicant did not address the matters raised in relation to the previously refused planning application on the site, P.A. Ref. 22/5236 refers. With regard to traffic safety, the third and fourth reasons for refusal of that permission broadly reflect the reasons for refused under this appeal. I propose to address each of the reasons separately below. I note that the matter of sightlines was not raised under the current application by the PA.

Reason 2

- 8.3.2. I note the concerns of the PA and in particular the area engineer who states that the applicant did not address the issues raised in the previously refused permission on the site. Therefore the issues of concern remain the same. It is specifically raised that a shared access is not desirable and a stand-alone access is required. The reason for refusal states that the proposal would result in the making of a further access point onto the main road and that traffic generation by the proposed development would impact on road traffic safety and free flow. The roads and footpaths are not to the required widths for a residential development.
- 8.3.3. It is proposed to use the existing access to serve the housing development. This is a shared access arrangement proposed with the adjoining dwelling to the north. The existing access and part of the access road permitted under P.A. Ref. 21/5568 form part of the curtilage of this adjoining dwelling.
- 8.3.4. I noted at time of site inspection that there is a public light pole located at the site entrance. The applicant submitted details of the existing site entrance which includes proposals to re-locate the existing lamp pole at the southern corner of the site further to the east, and to setback the existing pier and boundary wall of the adjoining dwelling to the south by approx. 1.0 m. A letter of consent was proposed by the ESB to the applicant to carry out this proposal. Although not raised as an issue by the PA, these proposals further enhance sightlines from the exiting entrance and I note that the area engineer was satisfied that sightlines from the entrance are acceptable.
- 8.3.5. Construction works were ongoing at time of site inspection in relation to the adjoining dwelling to the north and the access road off the main road is partially in place. It is located between two dwellings, and extends to the rear boundary of the adjoining dwelling to the west.

- 8.3.6. Regarding the inadequate width of roads and footpaths, I note that the PA clarified with the area engineer that the footpath proposed for part of the narrow laneway did not meet with required standards as set out in the Design Manual for Urban Roads and Streets (DMURS). In this regard, with the provision of a footpath for a road width of 5.0 m, two cars would not pass safely on the road. The other matter raised was the ability for larger vehicles to adequately manoeuvre within the site, in particular large service vehicles such as refuse trucks and emergency service vehicles.
- 8.3.7. Section 4.4.1 of the DMURS states that the standard carriageway width of local streets should be between 5.0 – 5.5 m (i.e. with lane widths of 2.5 – 2.75 m) and Figure 4.55 illustrates this standard for local streets.
- 8.3.8. The existing access width is indicated to be 5.0 m wide on the appeal drawings. A footpath is proposed on the northern side of the access road and a belt of landscaping with public light integrated on the southern side. The carriageway width of the access road does not fully achieve 5.0 m, particularly the section between the two existing dwellings having regard to the site layout plan drawing. Therefore I am not satisfied that the access road to serve both the existing and proposed developments (c.14-16 cars), would not be of sufficient width to adequately accommodate traffic free flow and in that regard I concur with the conclusions of the PA. I would also have concerns in regard to the suitability of the access road to accommodate large vehicles and enable the turning movements for such vehicles because of the restricted width within the site, and this has not been demonstrated. Having regard to the foregoing, I recommend that permission is refused for these reasons.

Reasons 3

- 8.3.9. The third reason for refusal refers to the absence of pedestrian infrastructure from the subject site linking to the existing public footpath to the north of the site. This matter was raised by the PA in previous applications on the appeal site.
- 8.3.10. The application has sought to address this and submits that there is sufficient space within the appeal site to provide a pedestrian link to connect directly with the existing public footpath network. DWG Ref. -01 submitted with the application details show proposals for a footpath adjacent to the adjoining dwelling to the north and proposals are indicated on appeal DWG Ref. -05 identifying the area where the new footpath will

link with the existing public footpath to the north of the site will be provided. It also shows a public lighting scheme within the appeal site.

- 8.3.11. It is acknowledged by the area engineer that road improvements have not been carried out along the road onto which the scheme is to be accessed due to the unavailability of a budget to carry out such upgrades. I note that these are works that are outside of the application site boundaries and the first party submits that the provision of such infrastructure on public lands is within the remit of the local authority funded by development contributions. I further note that the PA considered that a public footpath connection could be achieved as part of the proposed development but did not go as far to say how it could be achieved. Having regard to the foregoing, I have reviewed the development plan and note that there is no policy provision necessitating the delivery of a footpath at this location. While I acknowledge that the provision of a pedestrian linkage is an important consideration, I am of the view that the requirement for the applicant to provide a public footpath would be excessive given the infill nature of the site and the urban context. As such, I consider that a refusal of planning permission would not be warranted on these grounds.

8.4. Wastewater & Surface Water Drainage

- 8.4.1. The proposed development seeks to connect to the public foul sewer network connection.
- 8.4.2. Section 2.5.6 of Volume 3 of the development plan confirms that there are capacity issues with the Charleville WWTP and that it is planned to be upgraded to accommodate new developments. This is further noted in Table 11.3 of the development plan. This was reflected in the reports of the PA and the Water Services section who indicate that Charleville WWTP has a capacity issue and is designated Amber Status. I note that the capacity issues relate to discharging treated effluent and that the storm sewer system in the area is combined and gives rise to capacity issues during periods of heavy rainfall.
- 8.4.3. I have reviewed Uisce Éireann's Wastewater Treatment Capacity Register for Co. Cork. I note that this register provides wastewater treatment capacity which gives an indication of whether there is spare capacity available at a wastewater treatment plant to treat additional loads. I have confirmed from the register that Charleville WWTP

remains at Amber Status. Amber Status indicates potential spare capacity with applications to be considered on an individual basis considering their specific load requirements. Also potential availability of capacity would be dependent on any additional load not resulting in a significant breach of the combined approach as set out in Regulation 43 of the Waste Water Discharge (Authorisation) Regulations 2007, which is a matter for the relevant Planning Authorities to determine.

- 8.4.4. The Water Services section have stated in their report that while there is potential spare capacity in the Charleville WWTP, the WWTP is not complaint with the Wastewater Discharge Licence Emission Limit Value (ELV), but that it is capable of achieving at least Urban Waste Water (UWW) standards. Of particular note is that potential available capacity is dependent on additional loading not resulting in a breach of the combined approach as per Regulation 43(1) of the Wastewater Discharge (Authorisation) Regulations 2007, as amended. Therefore, there is a requirement to determine what the increased additional hydraulic loading on the WWTP would be. In this regard Uisce Éireann requested additional information to assess the proposal by way of a Connection of Feasibility to determine if capacity is available in the Charleville WWTP. This information was not received as the PA did not request further information and the applicant did not furnish a Confirmation of Feasibility from Uisce Éireann for a proposed connection as part of the appeal. Consequently, on the basis of the information available of the file, it is reasonable to determine that capacity is not available to facilitate a connection for the proposed development and that the additional loading arising from the proposed development would give rise to further negative impacts on waste water discharge.
- 8.4.5. The service pipe work required to connect each unit to the proposed network on the access road is not indicated. The PA noted the omission of these details. A SuDS rainwater garden planted area is proposed in the open space to the west of unit 1 however there is no other information provided in regard to discharging to the public foul sewer in terms of flow rates or measures to address pollutants. The applicant has not provided supporting documentation to the appeal to confirm that effluent discharge arrangements would comply with Uisce Éireann standards, for example a Confirmation of Feasibility of connection to confirm that Uisce Éireann has not objection to the proposal.

- 8.4.6. Having regard to the foregoing and to Section 11.9.4 of the development plan which states that the adoption of the Urban Wastewater Treatment and Wastewater Discharge Regulations require Water Services Authority discharges from wastewater facilities must accord with EPA requirements, I am not satisfied that sufficient details have been provided in regard to the wastewater and storm water drainage system proposals to serve the proposed development. Furthermore, confirmation has not been provided to demonstrate that there is adequate capacity in the Charleville WWTP to facilitate a connection from the proposed development. Therefore in the absence of Confirmation of Feasibility by Uisce Éireann, it is my consideration that this matter cannot be addressed by condition as it cannot be confirmed that Charleville WWTP would be in compliance with the required EPA standards. I therefore recommend refusal for this reason.

9.0 AA Screening

- 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 appeal site is located within the development boundary of Charleville town.
- 9.1.3. The closest European sites, relative to the appeal site are the SAC: 002170 - Blackwater River (Cork/Waterford) SAC which lies approx. 3.27 km to the south and SAC: 002036 - Ballyhoura Mountains SAC which lies approx. 7.16 km to the southeast.
- 9.1.4. The proposed development comprises the construction of 6 no. residential units, and ancillary site development works including amendments to the existing access.
- 9.1.5. The planning authority considered that there was no real likelihood of significant effects on the environment arising from the proposed development.
- 9.1.6. The proposed development will discharge wastewater to the public foul sewer and surface water via SuDS to the public foul sewer. It has not been confirmed whether or not there is adequate capacity within the Charleville WWT to accommodate the additional loading arising from the proposed development. Notwithstanding, this would be subject to Confirmation of Feasibility with Uisce Éireann and a connection

agreement. This matter has been addressed in Section 8.4 of this report and is subject to satisfying these requirements by Uisce Éireann.

9.1.7. 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:

- The nature, scale and location of the development,
- The absence of any hydrological connection to any European site,
- To the location of the project and separation distance to any European Sites,
- To the conclusion of the PA,

I consider that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on any European designated site(s). As appropriate assessment is therefore not required.

10.0 Water Framework Directive

10.1.1. The appeal site is located c 400 m to the west of River Waterbody CHARLEVILLE STREAM_010 (IE_SH_24C020780), the WFD Status for which is 'Poor' for the period 2016-2021. The status of the Charleville Ground Waterbody is IE_SH_G_055 is recorded as 'Good' for the period 2016-2021.

10.1.2. The proposed development comprises 6 no. residential units and is located within the development boundary of Charleville town on zoned lands where piped public services are available. Therefore there is no direct connection between the proposed development and any water body.

10.1.3. 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.

10.1.4. In relation to potential impacts on water quality, and from the details on the EPA website [Licence Profile EPA Online Charleville D0204-01](#), the following is noted from

the Uisce Éireann Annual Environmental Report for D0204-01 Charleville, (19th May 2025):

- Charleville WWTP has a Plant Capacity PE of 6000.
- Treatment Type – Tertiary P Removal.
- The Effluent Monitoring Report summary determined that the WWTP is non-compliant with the Emission Limit Values (ELV) set in the Wastewater Discharge Licence due to ammonia – Total (as N) mg/l.
- The ambient monitoring results do not meet the required Environmental Quality Standard (EQS) at the upstream and the downstream monitoring locations. The EQS relates to the Oxygenation and Nutrient Conditions set out in the Surface Water Regulations 2009.
- Based on ambient monitoring results a deterioration in Ammonia, BOD, ortho-Phosphate, Total Nitrogen, Temperature, concentrations downstream of the effluent discharge was noted.
- The monitoring results recorded that there was a deterioration in water quality but that it was unknown if it is or is not caused by the WWTP. Other causes of deterioration in water quality in the area were stated as unknown.
- It is stated that the discharge from the WWTP does not have an observable negative impact on the Water Framework Directive status which is identified as 'Poor Status'.

10.1.5. In reviewing the compliance records associated with the Charleville WWTP D0204-01 on the EPA website, it is evident that there are ongoing issues with regard to water quality. In this regard I note that WWTP experiences ongoing issues with regard to compliance with monitoring, in particular in relation to reoccurring ELV exceedances for ammonia and orthophosphates [EPA.ie Uisce Éireann - D0204](https://www.epa.ie/Reports/annual_environmental_report/2025/01020401) .

10.1.6. The Environmental Objective for the River Water Body is to achieve 'Good' status which is to be met by 2027. Significant issues identified related to the water body are nutrients and organic. Significant pressures identified relate to agriculture and domestic wastewater treatment systems. The Area for Action is identified as the Upper Mague.

- 10.1.7. Having considered the nature, scale and location of the project, and having regard to the assessment carried out in Section 8.4 above, and in the absence of Confirmation of Feasibility by Uisce Éireann and the PA, it is unknown if the proposed development has the potential to impede the identified water body achieving its Environmental Objective for 'Good' status by 2027.
- 10.1.8. Having regard to the foregoing, I conclude that on the basis of objective information, that the proposed development may result in the further deterioration of the existing water quality and could prevent the achievement of the environmental objective for the water body of 'Good' status by 2027 for the CHARLEVILLE STREAM_010 (IE_SH_24C020780). Given the uncertainty that arises, it is my consideration that the Commission cannot be satisfied that the proposed development may result in a risk of deterioration to the identified water body either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives. Consequently I recommend that permission is refused.

11.0 Recommendation

I recommend that permission is refused for the following reasons and considerations.

12.0 Reasons and Considerations

1. Having regard to the site's context which is an infill backland site within the existing built-up footprint of Charleville town, it is considered that the proposed development by reason of the proposed layout fails to provide for a high quality urban environment for future residents due to the layout being dominated by roads and car parking, the inadequate provision of public open space which fails to integrate with the overall scheme and in particular with the proposed housing units, and the inadequate provision of private open space to serve a number of the proposed units, thereby resulting in a substandard level of residential amenities for future occupants. The proposed development would therefore be contrary to SPPR 2 and SPPR 4 of the Sustainable Residential Development and Compact Settlement Guidelines 2024, and furthermore fails to comply with Policy and Objectives 4.2 and 5.1 of the Sustainable Residential Development and Compact Settlement Guidelines relating to quality urban

design and placemaking and public open spaces. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed development would result in the intensification of use of the existing access, and by reason of the substandard width of the proposed access and internal access road to serve both the existing and proposed developments, would endanger public safety by reason of traffic hazard and would interfere with the safety and free flow of traffic within the site and onto the adjoining public road. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. In the absence of confirmation by Uisce Éireann that the Charleville Wastewater Treatment Plan has sufficient capacity to receive the additional hydraulic loading arising from the proposed development, it is considered that the proposed development would cause serious water pollution due to the inadequate capacity of the local authority waste water treatment plant to adequately treat the waste water from the proposed development in addition to the existing load on the plant. It is considered that the proposed development would result in non-compliance with the "combined approach" -(as defined in the Waste Water Discharge (Authorisation) Regulations 2007 (S.I. No. 684 of 2007) due to the waste water from the development impacting on the local authority waste water treatment plant so that the discharge from the treatment plant in conjunction with existing discharges to the receiving waters would result in the receiving waters not achieving the environmental objectives established for these waters which is 'Good' status to be met by 2027. It is further considered that it is not possible to achieve such controls or limits by way of condition and consequently the Board must refuse permission having regard to Regulation 43 of the Waste Water Discharge (Authorisation) Regulations 2007.
4. In the absence of detailed information to demonstrate that the Charleville Wastewater Treatment Plan can facilitate a connection from the proposed development, it is considered that the proposed development may result in the further deterioration of the existing water quality of the CHARLEVILLE STREAM_010 (IE_SH_24C020780) and may impede the future attainment of

the environmental objective for the water body of 'Good' status under the Water Framework Development by 2027. The proposed development would therefore, be, contrary to the proper planning and sustainable development of the area.

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

Clare Clancy
Planning Inspector

07th October 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-321035-24
Proposed Development Summary	Construction of 6 residential units, revised entrance and associated site works
Development Address	Rathgoggan South, Charleville
	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? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, 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 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Part 2: Class 10(b)(i) Construction of more than 500 dwelling units Class 10(b)(iv) Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. Site area is 0.225 ha.

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 ☐	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	ABP-321032-24
Proposed Development Summary	Construction of 6 residential units, revised entrance and associated site works
Development Address	Rathgoggan South, Charleville
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The appeal site has a stated area of 0.225 ha and comprises the construction of 6 no. residential units, revised entrance and all associated site works. It is located within the development boundary of Charleville, and the surrounding land uses are mainly residential to the south, commercial/retail to the west and residential and medical to the north, agriculture to the east. The size of the development would not be described as exceptional in the context of the existing environment. The proposal will not provide significant waste, emissions or pollutants. No demolition works are proposed. By virtue of its development type, it does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The appeal site is located to within the development boundary of Charleville town. There are no significant environmental sensitivities in the vicinity – potential impacts on European sites is addressed under the Appropriate Assessment Screening. The site has not been identified as of particular historic, cultural or archaeological significance.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent,	Having regard to the limited nature and scale of the proposed development (i.e. 6 no. residential units on zoned lands) there is not potential for significant effects on the environmental factors listed in Section 171A of the Act.

nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).		
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA <i>[Delete if not relevant]</i>	
There is no real likelihood of significant effects on the environment.	EIA is not required.	
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.		
There is a real likelihood of significant effects on the environment.		

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

WFD – Stage 1 Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	ABP-321035-24	Townland, address	Rathgoggan South, Charleville
Description of project		Construction of 6 residential units, revised entrance and associated site works.	
Brief site description, relevant to WFD Screening,		The site is located within the development boundary of Charleville town. It is an infill, backland, greenfield site in use as agricultural lands. There is an existing access serving the site. 6 no. residential units are proposed.	
Proposed surface water details		Surface water is proposed to discharge to the public foul sewer. This is a combined sewer. Uisce Éireann require Confirmation of Feasibility.	
Proposed water supply source & available capacity		The proposed development will be serviced by piped public water mains. Uisce Éireann require connection agreement, standard condition in the event of a grant.	

Proposed wastewater treatment system & available capacity, other issues			The proposed development will be serviced by piped public wastewater connection. Uisce Éireann require Confirmation of Feasibility and requested this as further information. The WWTP has an Amber Status. This indicates potential spare capacity but is dependent on any additional load not resulting in a significant breach of the combined approach as set out in Regulation 43 of the Waste Water Discharge (Authorisation) Regulations 2007.			
Others?						
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	Lies c. 290 m to southeast of site	CHARLEVILLE STREAM_010 IE_SH_24C020780	Poor	At Risk	Nutrients, organic	Yes – Via surface water to foul sewer to WWTP which

							has a discharge licence
Ground Waterbody	Underlying site	Charleville IE_SH_G_055	Good	Not stated	Not stated		Yes – Via Surface water run-off from foul sewer to WWTP which has a discharge licence
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.	Surface	CHARLEVILLE STREAM_010 IE_SH_24C020780	Existing surface water drainage system in the area via the public	Effluent, ammonia & other	Standard construction practice	Yes – insufficient details and confirmation required by Uisce	Potentially – Yes Screened In

			foul sewer which discharges to a water body	organic compounds Siltation, hydrocarbon spillages, siltation, ph concrete	CEMP, SUDS measures proposed to address surface water run-off before discharging to public foul sewer, however absence of details on flow rates and carbon interceptors. A Confirmation of Feasibility is required from Uisce Éireann to	Éireann that the proposal is acceptable as it discharges to the public foul sewer. The PA have stated that the WWTP is currently not compliant with Wastewater Discharge Licence ELV, but is capable of achieving at least Urban Waste Water standards, but potential capacity relies on additional loading not significantly breaching the combined approach under Art. 43 of the Wastewater Discharge Regulations.	
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					determine is there is capacity in the existing WWTP.		
2.	<u>Ground</u>	Charleville IE_SH_G_055	The pathway is drainage via the public foul sewer which discharges to a water body.	Effluent, ammonia & other organic compounds, Hydrocarbon spillages	As above	Yes – as above	Potentially – Yes Screened In
OPERATIONAL PHASE							
1	<u>Surface</u>	CHARLEVILLE STREAM_010 IE_SH_24C020780	Existing surface water drainage via foul sewer which discharges to a water body	Effluent, ammonia & other organic compounds Siltation, hydrocarbon spillages, siltation, ph concrete	Standard construction practice CEMP, SUDS measures proposed to address surface water run-off	Yes – insufficient details and confirmation required by Uisce Éireann that the proposal is acceptable as it discharges to the public foul sewer. The PA have stated that the WWTP is currently	Potentially – Yes Screened In

					before discharging to public foul sewer, however absence of details on flow rates and carbon interceptors. A Confirmation of Feasibility is required from Uisce Éireann to determine if there is capacity in the existing WWTP.	not compliant with Wastewater Discharge Licence EML, but is capable of achieving at least Urban Waste Water standards, but potential capacity relies on additional loading not significantly breaching the combined approach under Art. 43 of the Wastewater Discharge Regulations.	
42	<u>Ground</u>	Charleville IE_SH_G_055	The pathway is drainage via the	Effluent, ammonia &	As above	Yes – as above	Potentially – Yes Screened In

			public foul sewer which discharges to a water body.	other organic compounds, Hydrocarbon spillages			
DECOMMISSIONING PHASE							
1.	NA	NA	NA	NA	NA	NA	NA
STAGE 2: ASSESSMENT							
Details of Mitigation Required to Comply with WFD Objectives							
Surface Water							
Development/Activity e.g. culvert, bridge, other crossing, diversion, outfall, etc	<u>Objective 1:Surface Water</u> Prevent deterioration of the status of all bodies of surface water	<u>Objective 2:Surface Water</u> Protect, enhance and restore all bodies of surface water with aim of achieving good status	<u>Objective 3:Surface Water</u> Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological potential and good surface water chemical status	<u>Objective 4: Surface Water</u> Progressively reduce pollution from priority substances and cease or phase out emission,	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)		

				discharges and losses of priority substances	
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	Describe mitigation required to meet objective 4:	
Construction works	Site specific construction mitigation methods set out in a CEMP and specifically managing surface water run-off. Adequately designed SUDs features, permeable paving etc There is an absence of detail in regard to surface water discharge and Uisce	Site specific construction mitigation methods set out in a CEMP and specifically managing surface water run-off. Adequately designed SUDs features, permeable paving etc There is an absence of detail in regard to surface water	NA	NA	No

	Éireann require a Confirmation of Feasibility connection.	discharge and Uisce Éireann require a Confirmation of Feasibility connection.			
Stormwater drainage	Subject to adequately designed SUDs features, permeable paving etc. The application lacks in sufficient details.	Subject to adequately designed SUDs features, permeable paving etc. The application lacks in sufficient details.	NA	NA	No
Details of Mitigation Required to Comply with WFD Objectives					
Groundwater					
Development/Activity e.g. abstraction, outfall, etc.	<u>Objective 1:</u> <u>Groundwater</u> Prevent or limit the input of pollutants into groundwater and to prevent the	<u>Objective 2 :</u> <u>Groundwater</u> Protect, enhance and restore all bodies of groundwater, ensure a balance between	<u>Objective 3:Groundwater</u> Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot	

	deterioration of the status of all bodies of groundwater	abstraction and recharge, with the aim of achieving good status*		proceed without a derogation under art. 4.7)
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	
Development Activity 1 :	<u>Construction Phase</u> i) Site specific construction mitigation methods to be set out in a CEMP. ii) Adequately designed SUDs features, permeable paving etc There is an absence of detail in regard to surface water discharge and Uisce Éireann require a	<u>Construction Phase</u> i) Site specific construction mitigation methods set out in a CEMP. ii) Adequately designed SUDs features, permeable paving etc There is an absence of detail in regard to surface water discharge and Uisce Éireann require a	Unknow	No – surface water run-off is proposed to discharge to the public sewer which is a combined sewer which discharges to a water body and has a discharge licence.

	Confirmation of Feasibility connection which has not been confirmed.	Confirmation of Feasibility connection which has not been confirmed		
Development Activity 2	<u>Operational Phase</u> Mitigation measures regarding effluent disposal are not applicable due to capacity issues with the existing WWTP. Confirmation of Feasibility connection is required from Uisce Éireann given the capacity issues highlighted with the Charleville WWTP.	<u>Operational Phase</u> Mitigation measures regarding effluent disposal are not applicable due to capacity issues with the existing WWTP. Confirmation of Feasibility connection is required from Uisce Éireann given the capacity issues highlighted with the Charleville WWTP.	N/A	No – The Charleville WWTP has ‘Amber Status’ and has capacity issues. No Confirmation of Feasibility of connection to the public foul sewer is provided from Uisce Éireann, therefore the development cannot proceed.