# Inspector's Report
# ABP-321405-24

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| **Development** | Construction of a dwelling house, waste water treatment system and all associated site works |
| **Location** | Cregg, Glandore, Co. Cork |
| **Planning Authority** | West Cork County Council |
| **Planning Authority Reg. Ref.** | 24112 |
| **Applicant(s)** | Orla Hickey |
| **Type of Application** | Permission |
| **Planning Authority Decision** | Grant with conditions |
| **Type of Appeal** | Third Party |
| **Appellant(s)** | Ann Deasy & Mark Foley |
| **Observer(s)** | None |
| **Date of Site Inspection** | 12th July 2025 |
| **Inspector** | Aisling MacNamara |

## 1.0 Site Location and Description

1.1. The proposed development relates to a 0.37ha site located within the rural area of Cregg, Glandore in County Cork. The site is accessed by the L4247 local primary road and is located c 0.36km from the coast at Tralong Bay. The site is bounded to the east and west by existing residential properties and to the north by existing agricultural lands. There is a stream traversing across the southern boundary of the site. The site is in a natural condition and contains rocky outcrops, grass, shrubs and trees. Ground levels vary across the site, generally rising from +9.26 at the southeastern corner of the site at the road to +13.52 at the northern/ rear boundary.

## 2.0 Proposed Development

2.1. Permission is sought for the following:

- construction of a 226sqm 2 storey split level 4 bed dwelling house
- installation of wastewater treatment system
- associated site works

At further information stage, revised site layout and house design drawings were submitted. The design of the house was altered to a single storey 3 bed c 150sqm house.

## 3.0 Planning Authority Decision

### 3.1. Decision

By order dated 14th November 2024, the planning authority granted permission subject to 19 conditions.

Condition 2 relates to section 47 agreement.

Condition 3 states that notwithstanding the exempted development provisions of the Planning and Development Regulations 2001 (as amended), no additional structures shall be erected within any dwelling curtilage save with the benefit of further planning permission.

Conditions 6 and 7 relate to existing hedgerows and landscaping scheme.

Condition 10 requires the developer to ensure provision of adequate potable water.

Conditions 12 and 13 requires sight distance of 60m in both directions from point 2m back and vegetation not exceeding 1m in the sight triangle.

Condition 17 states that foul drainage shall be in accordance with Code of Practice, Wastewater Treatment Disposal Systems Serving Single Houses (p.e.< 10) EPA 2021.

Conditions 14, 15, 16 and 18 relate to surface water drainage to prevent flooding of public road.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

- The report of the Case Planner (02/05/2024) recommends Further Information.
- Further Information was requested on 03/05/2024 in relation to four items: (1) submit revised designs to reduce the scale and impact of the dwelling, (2) clarify whether site suitability tests were performed on in fill ground – tests are to be performed on virgin ground to ensure accurate reflection of ground conditions, (3) submit engineer's report detailing the ground conditions to ensure that there is no interference / cross contamination with neighbouring downhill domestic wells, (4) submit revised site layout to show sight lines within the boundary/ in the applicants control.
- Response to FI request was submitted on 26/09/2024 as follows:
    - Revised drawings submitted showing revised house design – single storey with reduced floor area and revised finished floor levels.
    - Engineering report (Planet Surveys Ltd) submitted – provides information on the site suitability tests and wells. Report states that site suitability tests were carried out on both infill and original virgin ground in accordance with clause 6.7 of EPA Code of Practice 2021. Site improvement works were carried out in the year prior to the percolation tests of December 2022 in

order to achieve required separation distances from expected water table and bedrock level. Trial hole dug to 1.8m below ground with bedrock at 1.7m, water table at 1.55m and mottling at 1.2m. Three subsurface percolation holes were dug at 700mm, 800mm and 900mm within the original virgin subsoil, the bottom of the holes is c 500mm to 300mm above the mottling level. There are two existing wells adjoining and one proposed as part of the application. The required separation distances are achieved, as per table 6.2 and Table E2 of the EPA CoP. There is no risk of contamination of neighbouring wells in the vicinity.

  - Confirm there is 60m clear sightlines available either direction from point 2.4m back. The sightline is to the roadside face of the existing pole east of the proposed entrance. Confirm that the available sightline was to the southern edge of the surfaced road – this is a single vehicle road width and an approaching vehicle would be fully visible.
  - Further Information response was deemed 'significant' and new public notices were advertised.

- Unsolicited further information was submitted 17/10/2024. A new revised proposed site layout plan was submitted.
- The second report of the Case Planner (14/11/2024) considered the FI submission was acceptable and recommended grant of permission.

### 3.3. Prescribed Bodies

None received.

### 3.4. Third Party Observations

Two observations were received on 10/04/2024 and 24/10/2024, from the owners of the adjoining property 'Little Cregg' to the eastern boundary of the site.

The issues raised in submission of 10/04/2024 include concerns regarding proximity of the proposed house to their property and impact on privacy, potential impacts on their well water supply downhill of the proposed wastewater treatment system, concerns regarding the adequacy of the proposed wastewater treatment system

(stream traversing site, system is on in-fill ground, existing percolation areas of the family dwelling not indicated, separation distances difficult to achieve) and sightlines not achievable without traversing their property.

The issues raised in submission of 24/10/2024 relate to revised proposals at further information stage. The issues raised include concern that house has been located closer to their dwelling, impacts on privacy, light, contamination of well, concerns regarding effectiveness of waste water treatment proposals, increase in surface water to their property since alterations to course of stream, safety concerns regarding sight lines.

## 4.0 Planning History

None of relevance.

## 5.0 Policy Context

### 5.1. Development Plan

The Cork County Development Plan 2022-2028 applies. The following is of relevance:

- The site is located within the rural housing policy area 'Tourism and Rural Diversification Area'
- The site is located within a High Value Landscape
- The site is located along Scenic Route S80 'Local Roads from Kilfinnan to Cregg to Drombeg Views of Tralong Bay, Glandore Harbour and sloping hill-sides'

The following objectives are of relevance:

Chapter 5 Rural

- *RP 5-5: Tourism and Rural Diversification Area*

*This rural area has experienced high housing construction rates and above average housing vacancy rates which has led to concerns that a higher demand for holiday and second homes is depriving genuine rural communities the opportunity to meet*

*their own rural generated housing needs. Therefore, in order to make provision for the genuine rural generated housing needs of persons from the local community based on their social and / or economic links to a particular local rural area and to recognise the significant opportunities for tourism and rural diversification that exist in this rural area, it is an objective that applicants must demonstrate that their proposal complies with one of the following categories of housing need: (a) to (g)….*

- *RP 5-22: Design and Landscaping of New Dwelling Houses and Replacement Dwellings in Rural Areas*

*a. Encourage new dwelling house design that respects the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape. b. Promote sustainable approaches to dwelling design by encouraging proposals to be energy efficient in their design, layout and siting, finishes, heating, cooling, and energy systems having regard to the need to reduce reliance on fossil fuels and reduce carbon emissions. c. Foster an innovative approach to design that acknowledges the diversity of suitable design solutions in most cases, safeguards the potential for exceptional innovative design in appropriate locations and promotes the added economic, amenity and environmental value of good design. d. Require the appropriate landscaping and screen planting of proposed developments by retention of existing on-site trees hedgerows, historic boundaries, and natural features using predominantly indigenous/local trees and plant species and groupings.*

- *RP 5-23: Servicing Single Houses (and ancillary development) in Rural Areas*

*a) Ensure that proposals for development incorporating on-site wastewater disposal systems comply with the EPA Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) and Wastewater Treatment Manual - Treatment Systems for Small Communities, Business Centres, Leisure Centres and Hotels (1999), or relevant successor approved standards / guidelines (including design, installation and maintenance). The cumulative impact of such systems will also be considered in the assessment process.*

*b) Surface water should be disposed of using sustainable drainage systems and in a manner that will not endanger the receiving environment or public health. The use of permeable paving should also be considered to reduce run off.*

Chapter 11 Water Management

- *WM 11-1: EU Water Framework Directive and the River Basin Management Plan*

*a) Protect and improve the County's water resources and ensure that development permitted meets the requirements of the River Basin Management Plan and does not contravene the objectives of the EU Water Framework Directive*

Chapter 12 Transport and Mobility

- *TM 12-8: Traffic/Mobility Management and Road Safety*

*d) Ensure that all new vehicular accesses are designed to appropriate standards of visibility to ensure the safety of other road users.*

Chapter 14 Green Infrastructure and Recreation

- *GI 14-12: General Views and Prospects*

*Preserve the character of all important views and prospects, particularly sea views, river or lake views, views of unspoilt mountains, upland or coastal landscapes, views of historical or cultural significance (including buildings and townscapes) and views of natural beauty as recognized in the Draft Landscape Strategy.*

- *GI 14-13: Scenic Routes*

*Protect the character of those views and prospects obtainable from scenic routes and in particular stretches of scenic routes that have very special views and prospects identified in this Plan. The scenic routes identified in this Plan are shown on the scenic amenity maps in the CDP Map Browser and are listed in Volume 2 Heritage and Amenity Chapter 5 Scenic Routes of this Plan.*

- *GI 14-14: Development on Scenic Routes*

*a) Require those seeking to carry out development in the environs of a scenic route and/or an area with important views and prospects, to demonstrate that there will be no adverse obstruction or degradation of the views towards and from vulnerable landscape features. In such areas, the appropriateness of the design, site layout, and landscaping of the proposed development must be demonstrated along with mitigation measures to prevent significant alterations to the appearance or character*

*of the area. b) Encourage appropriate landscaping and screen planting of developments along scenic routes (See Chapter 16 Built and Cultural Heritage).*

### 5.2. Natural Heritage Designations

The subject site is not within or immediately adjacent to any areas designated for natural heritage.

## 6.0 EIA Screening

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

## 7.0 The Appeal

### 7.1. Grounds of Appeal

A third party appeal is received from the owners of the residents of the adjoining house 'Little Cregg' which adjoins the eastern boundary of the site. The issues raised are summarised as follows:

- The proposed wastewater system is c 49m from their private well. The installation of the proposed wastewater system at higher level in unsuitable ground at close proximity will pose a health hazard risk to their well supply.
- The proposed house is c 23m from their existing house with higher floor level – result in overlooking of their property.
- Future exempted development is not prohibited by condition – need for a condition to restrict all future development notwithstanding exempted development regulations, in order that scale and impact of the development on the site can be controlled.

- Lack of adequate screening to the site.
- Surface water will drain onto their land posing flood risk (has increased since improvement works and clearance of vegetation).
- Detailed survey drawing submitted - this confirms that the required 60m sightline will interfere with the outer perimeter of their property without their consent.
- An engineering report (AHEAD Engineering) was carried out to review the proposals. The report concludes that:
    - There is a significant concern in relation to the proposed water and wastewater treatment proposals and the impact on the drinking water quality of their property.
    - The site improvement works were carried out in 2021 before the site suitability assessment. There is no evidence of compliance with EPA CoP 2021 Section 6.7 re site improvement works. The need for site improvement works can only be determined following an initial site suitability assessment. Section 6.7 identifies the particular requirements and procedures for improvement works. It is not clear that the site passed the initial criteria making it suitable for improvement. There is no evidence that the works were in consultation with the local authority.
    - The site improvement works are non compliant - imported fill was not carried out with an appropriate licence.
    - The design of the proposed plant is lacking in detail and open to construction of an inadequate treatment system.
    - Inadequate provision is made for plant failure.
    - Inadequate soakaway potential – high water table, soakaways must be down gradient of treatment invert under EPA CoP and soakaway is potentially within mottled ground.
    - The existing site entrance (with undergrounding of stream) does not have planning permission and reference to ‘existing site entrance’ is

inappropriate and the application should of included for retention of this entrance.

- Recommendations set out in relation to potential grant of permission.

### 7.2. Applicant Response

None received.

### 7.3. Planning Authority Response

The planning authority has responded to the appeal, indicating that they have no further comment.

### 7.4. Observations

None received.

## 8.0 Assessment

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

- Principle of development
- Waste water treatment and disposal
- Design of entrance and traffic safety
- Impact on residential amenity
- Surface water drainage and flooding
- Design and visual amenity
- Status of works to infill the land with soil

## 8.2. Principle of development

8.2.1. The proposed development is for the construction of a single rural house and associated works. Under the Cork County Development Plan (CDP) 2022-2028, the site is located within the rural area designated 'Tourism and Rural Diversification Area'. Objective RP5-5 states that applicants in this area must demonstrate a rural generated housing need based on their social and / or economic links to the area and criteria (a) to (g) set out in the CDP.

8.2.2. The planning authority was satisfied that the applicant has a local connection to the area and a housing need and therefore qualifies for a rural house in accordance with the criteria of RP5-5.

8.2.3. I am satisfied that the proposal for a single rural house is acceptable in principle, subject to other planning considerations.

## 8.3. Waste water treatment and disposal

8.3.1. The proposed house is to be served by an on site waste water treatment system and a well drinking water supply.

8.3.2. The appellants, the residents of the house adjoining the eastern boundary of the site, have raised concerns regarding the adequacy of the proposed waste water treatment system and potential impacts on their well drinking water supply.

8.3.3. Objective RP5-23 of the CDP provides that proposals for on site wastewater disposal systems comply with the EPA Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10).

8.3.4. A site suitability assessment report is submitted. Under the Geological Survey of Ireland database, the site is at a location with an extremely vulnerable aquifer (with rock at or near the surface or karst) and within a resource protection area with a 'locally important aquifer – bedrock which is moderately productive only in local zones'. The EPA CoP Table E1 indicates that the site falls within the R2(1) category which indicates that the site is suitable for domestic waste water and treatment system subject to normal good practice and that where domestic water supplies are located nearby, particular attention should be given to the depth of subsoil over bedrock such that the minimum depths are met and microbial pollution is minimised. The trial hole was dug to 1.8m which found silt to 0.3m and gravelly silt /clay to the

base of the hole at 1.8m. The water table was found at 1.55m, bedrock at 1.7m and mottling at 1.2m. A sub surface percolation result of 19.75 min/25mm was recorded and a surface percolation result of 16.69min/25mm was recorded. The site was deemed suitable for the installation of an on site system. The proposed system is for the installation of a tertiary treatment system and infiltration / treatment area with discharge to ground water.

8.3.5. At further information stage, the planning authority requested additional information regarding the importation of soil material onto the site and details regarding the test results and potential impacts on neighbouring wells. The applicant submitted an engineers report which stated that site improvement works were carried out on the site in accordance with section 6.7 of the EPA CoP in the year prior to the percolation tests and that the separation distances between the proposed system and any existing wells and the proposed well are all in accordance with the requirements of EPA CoP. The Area Engineer was satisfied that the proposed system was in accordance with the EPA CoP and recommended grant of permission.

8.3.6. The appellant submitted an engineers report which stated that the proposed system was not in accordance with EPA CoP, raising issues including that there is no evidence of compliance with section 6.7, that the design of the system is not acceptable and that there is inadequate provision for plant failure.

8.3.7. I will consider whether or not the proposed on site waste water and disposal system is in accordance with the EPA CoP. The Commission should note that in undertaking this assessment, a report was received from the Inspectorate Environmental Scientist dated 27th August 2025 and the findings of the report have informed the following assessment.

8.3.8. It is stated that site improvement works were carried out in the year prior to percolation tests of December 2022 in order to achieve required separation distances from the expected water table and bedrock. There are no details of test results carried out on the original ground. The requirement for the site improvement works is set out in section 6.7. These improvement works are highly technical, can only be undertaken by qualified personnel and require percolation testing of each 300mm layer of lift. In this instance there is no evidence to show that the

improvement works were carried out in accordance with the relevant detailed design procedures and to show that tests were carried out as per section 6.7.

8.3.9. Appendix D of the EPA CoP sets out the Percolation Test Procedure. The percolation holes should be pre soaked twice from 4 to 24 hours before the start of the percolation test. The three subsurface percolation test holes were pre soaked at 09.25 09.26, 09.29 and at 14.35,14.30 and 14.37 on 13th December 2022. The percolation tests commenced at 08.35, 08.37 and 08.38 on 15th December 2022. Similarly, the surface percolation test holes were presoaked on the morning of 13th December and tests carried out on the morning of 15th December. The tests were carried out outside of the 4-24 hour period and this is not in accordance with the requirements of Appendix D.

8.3.10. The trial hole was excavated in an area of imported soil. The photographs in the site assessment report appear to show the infill material to 1m. The photographs show brown coloured soil with smearing which suggests 'clay' rather than 'gravelly silt/ clay'. The information suggests the original soil was shallow and wet with less than 0.2m unsaturated soil. The photographs in the site assessment report suggests that the percolation tests were carried out on imported soil. This soil was imported within the year prior to the tests. Given that the imported soil was in place for a relatively short period of time, there are concerns that the soil had not settled and compacted sufficiently to allow a representative surface percolation value to be assessed.

8.3.11. The site was originally sloped and the location and depth of infill soil across the site is unclear. This uncertainty is a concern given the presence of bedrock close to the original ground level and the presence of the watercourse to the south of the polishing filter. The uncertainty over depth to water table suggests there may be parts of the proposed polishing filter with insufficient depth of unsaturated soils.

8.3.12. The minimum separation distances outlined in Table 6.2 can be achieved for all identified features which relate to the site. In particular, the downgradient domestic well distance of 45m is achievable from this location. Groundwater flows diagonally through the site from elevated ground in the NW towards the SE direction and adjacent watercourse. Given the information and the distance from the proposed infiltration area to the neighbouring well (>45m), the proposed location of the

infiltration areas would not pose a risk to the quality of water in the neighbouring drinking water well, subject to proper treatment facility being in place.

8.3.13. Section 5.0 of the site suitability assessment submitted stated that the applicant proposed to install a packaged tertiary treatment system and infiltration area / polishing filter. Tertiary treatment is applied to wastewater already treated in a secondary system, but no details of the type of secondary treatment system proposed was included in section 6.0. The proposal is that wastewater from an unspecified tertiary treatment system would be discharged into a soil polishing filter which as been sized at 45sqm. This sizing is dependent on the surface and subsurface percolation values calculated as part of the site suitability assessment in accordance with option 2 of table 10.1 of the CoP. As highlighted above, there are issues regarding the reliability of the percolation test results. The proposed secondary and tertiary components to treat wastewater have not been clearly defined.

8.3.14. In conclusion, given the concerns raised in relation to the overall reliability of the tests carried out, the lack of information regarding imported soil and the lack of design details for the proposed system, I am not satisfied that the requirements of the EPA CoP 2021 has been complied with. The proposal is not in accordance with objective RP 5-23 and would result in a risk to public health. Accordingly, refusal recommended.

### 8.4. Design of entrance and traffic safety

8.4.1. It is proposed to provide access to the house via an entrance at the southeast corner of the site. There is an existing agricultural gate currently located at this entrance. The appellants indicate that permission is not in place for the existing entrance and in this regard any investigations regarding alleged unauthorised development is a matter for the planning authority.

8.4.2. The site layout drawing shows proposals for new side walls to existing entrance and 60m sightlines to either side of the road from a point 2.4m back from the edge of the surface roadway at the entrance.

8.4.3. At further information stage, the planning authority requested additional information requiring the applicant to confirm that sightlines are achievable within lands that are in their control. The applicant responded to state that the sightlines were measured

on the ground and that the 60 x 2.4m splay is to the southern edge of the surfaced road as this is a single vehicle road width and that an approaching vehicle would be fully visible. The Area Engineer was satisfied with the response and recommended grant of permission.

8.4.4. The appellants raise that achieving a sightline to the middle of the road would require works to their property and on land outside of the control of the applicant.

8.4.5. In the vicinity of the site, the L4247 local primary road is a narrow road serving agricultural lands, houses and farm buildings. It terminates c 385m to the east at Tralong Bay. On day of site visit I observed little traffic on the road. Furthermore, due to the narrow width of the carriageway and its alignment, car speeds are low.

8.4.6. The TII Geometric Design of Junctions DN-GEO-03060, May 2023 sets out visibility standards for the construction of new entrances. The TII standards require 'y' distance to the near edge of the road of 70m for a design speed of 50km/hour and 50m for design speed of 42km/hour. The standards require an 'x' distance of 2.4m to the nearside edge of the road, however this can be relaxed to 2m on lightly trafficked regional and local roads. I am satisfied that this is a lightly trafficked road and that the relaxation to 2m is acceptable. Due to the narrow width of the road, vehicles will travel closer to the centre line.

8.4.7. Having regard to the lightly trafficked nature of the road, the low traffic speeds and the nature of the development being for a single dwelling, I am satisfied that acceptable sightlines can be achieved and that the proposed entrance can be accommodated without traffic hazard issues. I am satisfied that an acceptable sightline can be achieved without impacting on third party lands.

8.5. **Impact on residential amenity**

8.5.1. The appellants raised concerns that the proposed new house will overlook and reduce daylight to their property and will compromise their residential amenity.

8.5.2. The proposed single storey 6.3m high house is set back 18.9m from the shared boundary. The proposed house has a finished floor level of 11.0 and the adjacent dwelling to the northeast has a lower finished floor level of 8.85. The site layout drawing indicates the shared boundary is to be planted.

8.5.3. Having regard to the location of the proposed house and the good separation to the shared boundary, I am satisfied that the proposed development would not result in any significant adverse overlooking of the adjoining property. Furthermore, due to the distance and to the design of the proposed dwelling, I am satisfied that there would be no significant adverse impacts in terms of overshadowing or loss of daylight.

8.5.4. Overall, I am satisfied, that the proposed development would not adversely impact on the amenity of the adjoining property to the northeast or any other property.

8.6. **Surface water drainage and flooding**

8.6.1. The appellant has raised concerns in relation to the adequacy of the proposed surface water disposal measures and potential flood risk to their property.

8.6.2. Objective RP5-23 (b) states that surface water should be disposed of using sustainable drainage systems and in a manner that will not endanger the receiving environment or public health.

8.6.3. It is proposed to dispose of surface water via on site soakaways. The disposal of surface water in soakaways at this location should be in accordance with BRE Digest 365. No information is provided regarding the location or design of these soakaways. No information is provided regarding site percolation tests for soakaways. There is a lack of information to show that the site surface water can be disposed on site in an acceptable manner. Given the uncertainty regarding the drainage characteristics of the soil across the site, the high water table and bedrock and the proximity of the site to adjoining boundaries including the sloped topography of lands, it is considered that it is not clear that surface water can be collected and disposed of within the site. Unmanaged storm water poses a risk to the environment by reason of flood risk. I am not satisfied that the surface water disposal measures are acceptable and for this reason, the proposed development would result in a risk to the environment.

8.6.4. There is an open stream running along the southern part of the site. The site is located outside of the flood extent areas shown on the OPW Flood Maps Viewer. The planning authority did not consider that the site was at flood risk associated with the river. I am satisfied that the proposed development is not at flood risk and will not pose an unacceptable risk to adjoining lands by reason of risk associated with the river.

## 8.7. Design and visual amenity

8.7.1. The proposed house, revised at further information stage is a single storey house with maximum ground to ridge height of 6.3m of traditional form and finished in plaster finish and slate roof. The proposed house is located at an acceptable level relative to ground levels across the site. A new fence and hedge is to be laid along the western boundary and the rear and eastern boundaries contain existing natural vegetation. The existing roadside hedge is shown retained.

8.7.2. Objective RP5-22 relates to the design of new dwelling houses in the rural area. I am satisfied that the proposed development respects the character of the area and will integrate in the surrounding area, is a suitable design, retains existing natural boundaries and that new planting can be undertaken, subject to a landscaping plan.

8.7.3. The site is located in an area designated under the CDP as 'High Value Landscape' and is located along scenic route 80 which is described as "local roads from Kilfinnan to Cregg to Drombeg – views of Tralong Bay, Glandore Harbour and sloping hill sides". Objective GI14-13 and GI14-14 relate to the protection of scenic routes and GI14-12 is to preserve the character of important views including views of coastal landscapes. I am satisfied that the proposed development would not significantly degrade or obstruct views of any sensitive feature or of the hillside and would not adversely impact on the amenity of the scenic routes or the amenity of the landscape.

8.7.4. Having regard to the size, scale and design of the proposed development, I am satisfied that the proposal will not adversely impact on visual amenity and is in accordance with RP5-22, GI14-12, GI14-13 and GI14-14 of the CDP. Should permission be granted, it is recommended that a condition be attached for a detailed landscape plan prior to development.

8.7.5. The planning authority attached condition 3 stating that no additional structures shall be erected within the curtilage save with the benefit of planning permission. The appellants argue that this restriction should be strengthened so that all future development should require planning permission. In this regard, I am satisfied that the site can accommodate the scale of development proposed and I do not consider that any restriction on exempted development rights is warranted.

### 8.8. Status of works to infill the land with soil

8.8.1. The appellant has raised concerns that soil was infilled on site without a licence.

8.8.2. The applicant states the soil was imported for site improvement works. The quantity, source, make up of the material and the precise location and extent of the infill soil is not known.

8.8.3. The planning status of the infill works is unclear. It is unclear if the infill works constitute exempted development or not under the Planning and Development Regulations 2001 (as amended). In any case, enforcement is a matter for the planning authority.

8.8.4. Furthermore, the source and volume of material is unclear and it is unclear as to whether it is or is not a waste and if authorisation is required under the Waste Management Act. This also is a matter for the local authority.

## 9.0 AA Screening

9.1.1. I have considered the proposed development in light of the requirements of section 177U of the Planning and Development Act 2000 (as amended).

9.1.2. The closest Natura 2000 site is Myross Wood SAC c 5.3km from the site.

9.1.3. Having considered the nature, scale and location of the proposed development, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any Natura 2000 site. The reasons for this conclusion are as follows:

- the small domestic nature and scale of the proposed development,
- the distance between the site and any Natura 2000 site,
- the lack of ecological or hydrological pathways between the site and the Natura 2000 site network.

9.1.4. I conclude that on the basis of objective information, the proposed development would not have a likely significant effect on any Natura 2000 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 as amended) is not required.

## 10.0 Water Framework Directive

10.1.1. I have considered the proposed development in light of the requirements of the Water Framework Directive (WFD). A screening assessment for WFD is attached to this report.

10.1.2. The site is located within the Bandon-Ilen WFD catchment and the Roury_SC_010 subcatchment. The CARRIGLUSKY_010 river crosses through the site and connects c 120m to the east to the Rosscarbery Bay coastal water body. The site overlays the Skibbereen-Clonakilty groundwater body. The CARRIGLUSKY_010 has 'good' WFD status and is 'not at risk'. The Skibbereen-Clonakilty has 'good' WFD status and is not at risk'. The Rosscarbery Bay has 'good' WFD status and is under 'review'.

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 seeks to protect and where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

10.1.4. Having regard to the nature, scale and location of the proposed development and the failure to adequately design the proposed on site wastewater treatment system in accordance with EPA CoP requirements, I consider that the proposed development will result in a risk of deterioration of the ground water body Skibbereen-Clonakilty on a permanent basis and would jeopardise the WFD objective to prevent the deterioration of the status of groundwater and to protect groundwater.

10.1.5. Having regard to the nature, scale and location of the proposed development, I consider that, subject to condition requiring the submission of a Construction and Environmental Management Plan prior to construction, that the proposed development will not result in a risk of deterioration to surface water bodies Carrisglusky_010 and Rosscarbery Bay either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise these water bodies in reaching WFD objectives.

## 11.0 Recommendation

It is recommended that permission be refused.

## 12.0 **Reasons and Considerations**

1. Objective RP5-23 (a) of the Cork County Development Plan 2022-2028 is to ensure that proposals for development incorporating on-site wastewater disposal systems comply with the Environmental Protection Agency Code of Practice Domestic (EPA CoP) Waste Water Treatment Systems (Population Equivalent ≤ 10) 2021.

   Having regard to:

   - the proposal to treat and dispose of effluent from the proposed house via on site wastewater treatment system,

   - the failure to show that percolation tests were carried out in accordance with the EPA CoP standards,

   - the lack of information regarding the location and quantity of imported soil onto the site and the lack of information to show that 'site improvement works' were carried out in accordance with section 6.7 of the EPA CoP,

   - the uncertainty that the soil has acceptable percolation value and that there is required depth of unsaturated soil and / or subsoil present to accommodate the proposed system, in accordance with the EPA CoP standards,

   - the lack of evidence to show that the design of the proposed system is acceptable and in accordance with the EPA CoP standards,

   the Commission is not satisfied that effluent from the development can be satisfactorily treated and disposed of on site. The proposed development would, therefore be prejudicial to public health and contrary to objective RP5-23 of the development plan.

   Furthermore, the inability to effectively treat and dispose of effluent would be detrimental to the quality of the Skibbereen-Clonakilty groundwater body

which has ‘good’ Water Framework Directive status and this would be contrary to Article 4 of the Water Framework Directive which requires the prevention of the deterioration of the status of groundwater bodies and the protection of groundwater bodies.

The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. Insufficient information is available to demonstrate that surface water can be collected and disposed of on site in an acceptable manner. Accordingly, it is considered that that the proposed development is a serious danger to the environment and would be contrary to the proper planning and sustainable development of the area.

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

Aisling Mac Namara
Planning Inspector

13th October 2025

## Appendix 1: Form 1 - EIA Pre-Screening

| | |
|---|---|
| **Case Reference** | 321405 |
| **Proposed Development Summary** | Construction of dwelling, waste water treatment system and site works |
| **Development Address** | Cregg, Glandore, 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?**<br><br>(For the purposes of the Directive, "Project" means:<br>- The execution of construction works or of other installations or schemes,<br><br>- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources) | ☒ Yes, it is a 'Project'. Proceed to Q2.<br><br>☐ 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.<br><br>**EIA is mandatory. No Screening required. EIAR to be requested.** | State the Class here |
| ☒ 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.<br><br>**No Screening required.** | |
| ☐ Yes, the proposed development is of a Class and meets/exceeds the threshold.<br><br>**EIA is Mandatory. No Screening Required** | |

| | |
|---|---|
| ☒ Yes, the proposed development is of a Class but is sub-threshold.<br><br>**Preliminary examination required. (Form 2)**<br><br>**OR**<br><br>**If Schedule 7A information submitted proceed to Q4. (Form 3 Required)** | Schedule 5, Part 2, 10 (b) (i) Construction of more than 500 dwelling units |

| **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)** |

**Inspector:** _____ Date: _____

## Appendix 2: Form 2 - EIA Preliminary Examination

| | |
|---|---|
| **Case Reference** | 321405 |
| **Proposed Development Summary** | Construction of dwelling house, waste water treatment system and site works |
| **Development Address** | Cregg, Glandore, Co.Cork |
| **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**<br><br>(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). | - Proposed residential use is compatible with other uses in area,<br>- Modest size and intensity of development<br>- Localised impact on natural resources<br>- Modest production of waste<br>- No significant risk of pollution or nuisance<br>- No significant risk of accidents / disasters to human health<br>- Imported soil on site. |
| **Location of development**<br><br>(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). | - Rural area<br>- Local ecology only on site<br>- No built heritage on site<br>- River along southern boundary<br>- No designated sites at the site<br>- Localised impacts on landscape |
| **Types and characteristics of potential impacts**<br><br>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation). | Having regard to the following:<br>- nature and scale of the development,<br>- lack of significant environmental sensitivities on the site,<br>- absence of significant in combination effects,<br><br>there is no potential for significant effects on the environmental factors listed in section 171A of the Act. |

| **Conclusion** | |
|---|---|
| **Likelihood of Significant Effects** | **Conclusion in respect of EIA** |
| There is no real likelihood of significant effects on the environment.<br><br>x | EIA is not required. |

**Inspector:** _____Date: _____

**DP/ADP:** _____Date: _____

(only where Schedule 7A information or EIAR required)

## Appendix 3: AA Screening Determination Template Test for likely significant effects

| Screening for Appropriate Assessment<br>Test for likely significant effects | |
|---|---|
| **Step 1: Description of the project and local site characteristics** | |
| Brief description of project | Construction of dwelling, waste water treatment system and site works |
| Brief description of development site characteristics and potential impact mechanisms | Contains undeveloped land with imported soil.<br>Rocky outcrops and natural vegetation on site.<br>Stream along southern boundary. |
| Screening report | No |
| Natura Impact Statement | No |
| Relevant submissions | None |
| Planning authority | Report of Executive Planner states the need for appropriate assessment screening is ruled out. |

**Step 2. Identification of relevant European sites within zone of influence using the Source-pathway-receptor model**

None identified. The closest Natura 2000 site is Myross Wood SAC c 5.3km from the site. No ecological or hydrological pathways between the site and the Natura 2000 site network.

| European Site (code) | Qualifying interests[1] Link to conservation objectives (NPWS, date) | Distance from proposed development (km) | Ecological connections[2] | Consider further in screening[3] Y/N |
|---|---|---|---|---|
| | | | | |

[1] Summary description / cross reference to NPWS website is acceptable at this stage in the report
[2] Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species
[3]if no connections: N

**Screening Determination**

**Finding of no likely significant effects**
In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site in view of the conservation objectives of those sites and Appropriate Assessment is therefore not required.

This determination is based on:

- the location, scale and nature of the development

- the lack of impact ecological or hydrological pathways between the proposed development and the Natura 2000 site network,
- distance from European sites.

## Appendix 4: Water Framework Directive Screening

| WFD IMPACT ASSESSMENT STAGE 1: SCREENING | | | |
|---|---|---|---|
| **Step 1: Nature of the Project, the Site and Locality** | | | |
| **An Bord Pleanála ref. no.** | 321405 | **Townland, address** | Cregg, Glandore, Co.Cork |
| **Description of project** | | Construction of dwelling, waste water treatment system and site works | |
| **Brief site description, relevant to WFD Screening,** | | Site within rural area on undeveloped land.<br>Stream along southern boundary. | |
| **Proposed surface water details** | | On site soakaways | |
| **Proposed water supply source & available capacity** | | Private well | |
| **Proposed wastewater treatment system & available capacity, other issues** | | On site treatment system | |

**Step 2: Identification of relevant water bodies and Step 3: S-P-R connection**

| Identified water body | Water body name(s) (code) | Distance to (m) | 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 | CARRIGLUSKY_010 | At site | good | Not at risk | None identified | Stream on site |
| Groundwater | Skibbereen-Clonakilty (Protected Area - Article 7 for Drinking Water) | undergrou nd | good | Not at risk | None identified | underground |
| Coastal | Rosscarbery Bay | 120m | good | Review | None identified | Via stream |

**Step 3: 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 | Waterbody receptor (EPA Code) | Pathway (existing and new) | Potential for impact/ what is the possible impact | Screening Stage Mitigation Measure* | Residual Risk (yes/no)<br><br>Detail | **Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.** |
| | surface | CARRIGLUSKY_010 | Construction runoff | Pollution and sedimentation | Construction best practice CEMP (requires condition) | no | Screened out |
| | surface | Rosscarbery Bay | Construction runoff | Pollution and sedimentation | Construction best practice CEMP (requires condition) | no | Screened out |
| | ground | Skibbereen-Clonakilty | Construction runoff | pollution | Construction best practice CEMP (requires condition) | no | Screened out |
| **OPERATIONAL PHASE** | | | | | | | |
| | ground | Skibbereen-Clonakilty | Storm water drainage | none - storm water is clean uncontaminated | soakaway | no | Screened out |
| | ground | Skibbereen-Clonakilty | On site effluent disposal | pollution | EPA CoP | yes | There is a risk |
| **DECOMMISSIONING PHASE** | | | | | | | |
| | N/A | | | | | | |

| STAGE 2: ASSESSMENT | | | | | |
|---|---|---|---|---|---|
| **Details of Mitigation Required to Comply with WFD Objectives – Template** | | | | | |
| **Surface Water** | | | | | |
| **Development/Activity** e.g. culvert, bridge, other crossing, diversion, outfall, etc | **Objective 1:Surface Water** **Prevent deterioration of the status of all bodies of surface water** | **Objective 2:Surface Water** **Protect, enhance and restore all bodies of surface water with aim of achieving good status** | **Objective 3:Surface Water** **Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological potential and good surface water chemical status** | **Objective 4: Surface Water** **Progressively reduce pollution from priority substances and cease or phase out emission, discharges and losses of priority substances** | **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)** |
| | **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:** | |
| | | | | | |
| | | | | | |
| **Details of Mitigation Required to Comply with WFD Objectives – Template** | | | | | |
| **Groundwater** | | | | | |
| **Development/Activity** e.g. abstraction, outfall, etc. | **Objective 1: Groundwater** **Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all** | **Objective 2 : Groundwater** **Protect, enhance and restore all bodies of groundwater, ensure a balance between** | **Objective 3:Groundwater** **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** |

| | | | | |
|---|---|---|---|---|
| | **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: | |
| Effluent disposal to ground | Does not comply with EPA CoP | Does not comply with EPA CoP | n/a | No |
| | | | | |