



An
Coimisiún
Pleanála

Inspector's Report

PL-500011-CK

Development

Permission to construct a new dwelling house, new vehicular entrance, install a new wastewater treatment unit & Percolation area & all associated site works. Permission to install a new treatment unit & percolation area to serve the existing dwelling house.

Location

Shanagarry South, Midleton, Co. Cork

Planning Authority

Cork County Council.

Planning Authority Reg. Ref.

25/4568

Applicant(s)

Aideen Cremin.

Type of Application

Permission.

Planning Authority Decision

Grant Permission.

Type of Appeal

Third Party

Appellant(s)

Michael and Julia Phillips

Observer(s) None.

Date of Site Inspection 04-12-2025.

Inspector Adam Kearney.

1.0 Site Location and Description

The subject 0.1 Ha site is located at Shanagarry South, Midleton, Co. Cork, approximately 500 metres east of Shanagarry village, within the designated settlement boundary. The proposed site forms the western garden area of a recently constructed two-storey family dwelling and is bounded to the south by Kilmahon House, a protected structure, and to the west by a public road serving Kilmahon House and the former Stephen Pearce Pottery and some existing pottery retail units. The wider area is characterised by one-off dwellings of mixed design along the R632 regional road.

2.0 Proposed Development

- 2.1. Permission to construct a new dwelling house, new vehicular entrance, install a new wastewater treatment unit & Percolation area & all associated site works and also permission to install a new treatment unit & percolation area to serve the existing dwelling house.

3.0 Planning Authority Decision

- 3.1. Cork County Council granted permission on the 5th of September 2025 subject to 10 No. conditions.
- 3.2. The PA considered the proposal acceptable in principle being within the settlement boundary of Shanagarry/Garryvoe, where the County Development Plan encourages limited new housing. Overall, the PA concluded that, subject to these conditions, the development would not prejudice residential amenity and would be in accordance with the proper planning and sustainable development of the area.

3.3. Planning Authority Report

- The planner accepted the principle of development as the site lies within the Shanagarry/Garryvoe settlement boundary, where the County Development Plan encourages up to 50 dwellings over the plan period. However, concerns were raised about engineering constraints (sightlines at the proposed entrance and limited space for wastewater treatment systems), potential flood risk, and the impact on the adjacent protected structure, Kilmahon House.

- The planner requested Further Information, including revised engineering drawings, proof of separation distances for treatment systems, and a Visual Impact Assessment with photomontages.
- In response, the applicant demonstrated 43m sightlines, clarified compliance with EPA separation standards, and provided photomontages showing limited visibility between the new dwelling and Kilmahon House, especially when trees are in leaf.
- The conservation officer acknowledged some winter intervisibility but recommended mitigation through landscaping and a method statement for works to the stone wall.
- The area engineer confirmed satisfaction with traffic safety and effluent treatment arrangements, while AA screening concluded no significant impact on Ballycotton Bay SPA.
- On this basis, the planner determined that the proposal could be accommodated without unacceptable impacts, provided conditions were imposed to safeguard road safety, wastewater management, flood prevention, and the protected structure's setting. Permission was therefore recommended to be granted, subject to conditions including recessed entrance design, landscaping, conservation method statements, and a development contribution

3.3.1. Other Technical Reports

- Conservation Report

The Conservation Officer's reports for Planning Application 25/04568 raised concerns about the visual and heritage impact of a proposed dwelling near Protected Structure RPS ID: 1478 in Shanagarry South, Midleton. The initial report highlights non-compliance with Cork County Development Plan policies HE 16-14 to HE 16-16, and requests a detailed Visual Impact Assessment and relocation of the proposed entrance to preserve a historic boundary wall. Following further submissions, the officer accepts the application subject to strict conditions, including a conservation-

led method statement and photographic landscaping record, to safeguard the architectural integrity of the site.

3.4. Prescribed Bodies

None

3.5. Third Party Observations

None.

4.0 Planning History

4.1. 23/4834 – Permission Granted on the subject lands for retention of existing dwelling house as constructed, entrance and site boundaries as constructed and all associated site works

18/7269 – Permission Granted for two detached dwellings with garages and wastewater treatment units, plus a dual entrance. This decision was upheld by An Bord Pleanála (ABP Ref. 305507-19)

5.0 Policy Context

5.1. Settlement Policy (Cork County Development Plan 2022 - 2028)

5.2. The site lies within the development boundary of Shanagarry/Garryvoe, where Development Objective DB-01 encourages up to 50 new dwellings during the plan period. The area is designated as a scenic landscape, requiring sensitive design and protection of visual amenity.

5.3. Protected Structures (Objective HE 16-14)

Policies require protection of structures on the Record of Protected Structures (RPS), including Kilmahon House (RPS ID 1478) adjacent to the site. Development proposals must respect the curtilage, setting, scale, and character of protected structures. High-quality architectural design and best conservation practice are mandated, with specialist input where impacts may arise.

5.4. Heritage and Amenity

The plan emphasizes safeguarding views into and out of protected structures, ensuring new development does not detract from their special character.

Non-structural heritage elements (e.g., stone boundary walls) are also to be protected.

5.5. Wastewater and Servicing Policy

No public sewer is available in Shanagarry. Development proposals must comply with EPA Code of Practice (2021) for individual wastewater treatment systems.

Broader CDP objectives (e.g., WM 11-9) require adequate wastewater infrastructure in settlements to align with the Water Framework Directive and Habitats Directive.

6.0 Natural Heritage Designations

- 6.1. The site is not located within a designated Natura 2000 site. The site is located c. 250m north of the Ballycotton Bay Special Protection Area (Site code 004022).

7.0 EIA Screening

- 7.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendix 1 of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required

8.0 The Appeal

8.1. Third Party Grounds of Appeal- Summary of Main Points

Impact on Kilmahon House (Protected Structure)

- Proposed dwelling would detract from the architectural character, setting, and curtilage of Kilmahon House.

- It would obstruct important views and injure the visual amenity of the area.

Failure to Address Heritage Concerns

- No Architectural Heritage Assessment was submitted.
- Planning Authority misinterpreted earlier conditions intended to safeguard Kilmahon House.
- Conservation Officer's warnings about impacts were not properly considered.

Loss of Historic Stone Boundary Wall

- Entrance design requires removal of part of the historic stone wall at the R632 junction.
- This wall has already been eroded by previous developments; further loss undermines its heritage integrity.

Prematurity Pending Wastewater Infrastructure

- Shanagarry lacks a public wastewater treatment facility, with no plan or timeframe for provision.
- Reliance on individual on-site treatment units is contrary to Development Plan objectives and prejudicial to public health.

Contravention of Development Plan Policy

- Proposal conflicts with Cork County Development Plan policies on heritage protection, wastewater infrastructure, and sustainable settlement growth.
- It undermines the vision for Shanagarry/Garryvoe, which emphasizes balanced residential development, tourism potential, and environmental protection

8.2. Planning Authority Response

The Planning Authority responded to the appeal stating that all relevant issues had already been addressed in the technical reports previously submitted to An Bord Pleanála, and that it had no further comment to make on the matter.

9.0 AA Screening

I have considered the proposed development of a two-storey dwelling in light of the requirements of S177U of the Planning and Development Act as amended. The subject site is not located within or adjacent to a European site. The closest European Sites, part of the Natura 2000 Network is Ballycotton Bay Special Protection Area (Site Code: 004022) 0.25 km

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

- The small scale of the development involving a single detached dwelling.
- The location of the development in a designated settlement

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

10.0 Water Framework Directive

- 10.1. The subject site is located 0.25km north of Ballycotton Special Area of Protection. The proposed development comprises to construct a new dwelling house, new vehicular entrance, install a new wastewater treatment unit & Percolation area & all associated site works and permission to install a new treatment unit & percolation area to serve the existing dwelling house
- 10.2. I have assessed the development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 10.3. No specific water deterioration concerns were raised by the PA

10.4. The reason for this conclusion is as follows:

- small scale and nature of the development]
- lack of hydrological connections

10.5. Conclusion

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Assessment

11.1. Overview

11.2. Having visited the site and reviewed the application and the appeal I consider the main issues are;

- Principle of Development and Design
- Architectural heritage and potential impact on Kilmahon House
- Wastewater provision arrangements
- Access & Sightlines

11.3. Principle of Development and Design

11.3.1. The proposed dwelling is located within the designated settlement boundary of Shanagarry/Garryvoe, where the Cork County Development Plan (CDP) expressly encourages limited new housing (Objective DB01, up to 50 dwellings over the plan period). In this context, the principle of residential development on the site is acceptable.

11.3.2. The design is a modest two-storey family dwelling, consistent in scale and form with the established pattern of one-off houses along the R632 and within the settlement. The dwelling is set back within the western garden of an existing house, ensuring adequate separation and private amenity. The architectural approach is

contemporary but restrained, with materials and finishes capable of harmonising with the surrounding built form.

11.3.3. Appellants raise concern that the proposal contravenes CDP policy and undermines the vision for the settlement. However, the scheme is clearly within the settlement boundary, contributes to the planned quantum of growth, and does not represent sporadic or premature development. On balance, the principle of development is consistent with the CDP's compact growth and settlement policies.

11.4. Architectural heritage and Setting of Kilmahon House

11.4.1. Kilmahon House, while a protected structure of architectural value, has a south-facing elevation oriented away from both the village and the proposed development site, the north facing elevation would never have served as its formal frontage.

11.4.2. The common boundary between Kilmahon House and the proposed site is comprised of a mature line of trees and established hedgerow which forms a substantial visual barrier between the house and the application site, providing effective year-round screening, as observed by the ABP inspector during the 2019 site visit and which I can also attest to, following my own visit. Consequently, views of Kilmahon House from the regional road are intermittent and limited. I do not subscribe to the views of the appellants that the development would significantly obscure views of the property.

11.4.3. The Board has previously concluded that, subject to appropriate planting and conservation measures, development in this location does not inflict serious harm on the protected structure. The PA Conservation Officer initially raised concerns regarding visual impact on Kilmahon House (RPS ID 1478) and the loss of part of the historic stone boundary wall. Further Information was requested in this regard including photomontages, revised entrance details, and a conservation method statement. The applicant's FI response demonstrated:

- Limited intervisibility between the proposed dwelling and Kilmahon House, especially when existing trees are in leaf.

- A commitment to conservation-led works to the stone wall.

11.4.4. On this basis, the Conservation Officer accepted the proposal subject to strict conditions, including a method statement for wall works and landscaping reinforcement.

11.4.5. The access road to the west historically served Kilmahon House. While the house is not visible from the regional road, the proposed dwelling will not materially alter the character of the approach. The site is separated by mature trees and hedgerow, which provide effective screening. On this basis, it is reasonable to conclude that the site lies outside the curtilage of Kilmahon House, and that its setting will not be materially compromised. The appellants refer to earlier ABP conditions intended to safeguard Kilmahon House. These included requirements for landscaping, retention of boundary planting, and conservation oversight of wall works. The current proposal mirrors these safeguards, ensuring continuity of protection.

11.4.6. The stone boundary wall is an important non-structural element. The Conservation Officer recommended a conservation-led method statement, which has been secured by condition.

11.4.7. In summary, provided conditions are in place for the retention and reinforcement of the tree line and conservation oversight of the stone wall, any impact on Kilmahon House, its curtilage and attendant structures will be negligible.

12.0 Wastewater Provision

12.1.1. The appellants have expressed concern about the reliance on individual packaged treatment systems, arguing that this approach is prejudicial to public health and premature in the absence of a public sewer for Shanagarry. The concern is that proliferation of private systems could undermine the long term sustainability of the settlement and pose risks to groundwater and the nearby Ballycotton Bay SPA.

12.1.2. The PA however did not share these concerns. There were two separate site characterisation reports submitted, one for the existing dwelling and one for the

proposed dwelling. Both reports were prepared in accordance with the EPA Code of Practice 2021 (Wastewater Treatment Systems and Disposal Systems Serving Single Houses, p.e. < 10). The results showed:

- 12.1.3. T-values of 27.28 and 26.97, which fall within the acceptable range for secondary treatment followed by a polishing filter.
- 12.1.4. The groundwater protection response identified the site as overlying a regionally important aquifer with moderate vulnerability, a context where packaged treatment systems are permissible under the Code of Practice.
- 12.1.5. The revised site layout demonstrated that minimum separation distances required by Table 6.2 of the EPA Code can be achieved on the site.
- 12.1.6. The Area Engineer reviewed these submissions and confirmed satisfaction with the proposed effluent treatment arrangements once the revised drawings were provided. Appropriate Assessment screening was also concluded, with the Local Authority satisfied that no significant impacts on Natura 2000 sites would arise once the effluent design was implemented.
- 12.1.7. It is also relevant that the board (ABP-305507-19) previously considered wastewater treatment proposals on these same lands acceptable noting that the site-specific T-values were satisfactory and granting permission subject to EPA Code compliance and maintenance conditions.
- 12.1.8. Having regard to the EPA Code of Practice, the submitted characterisation reports, the demonstrated separation distances, and the Area Engineer's imprimatur, I am satisfied that the proposed wastewater treatment systems are acceptable subject to conditions requiring installation in accordance with manufacturer's instructions, lifetime maintenance, and desludging logs, the appellants' concerns can be addressed.
- 12.1.9. With regard to prematurity, I would point to the CDP designation and the ambition for up to 50 dwellings in the plan period. It is unlikely Uisce Eireann will move to build a dedicated plant in this area in the medium term and as such the only alternative is

packaged treatment systems. Government policy has recently acknowledged that smaller settlement and villages with WWTP issues will be allowed to develop limited size schemes subject to certain parameters and this is schedules to take effect in 2026.

12.2. Road Safety & Sightlines

- 12.2.1. The entrance is onto a local tertiary cul-de-sac road with limited traffic volumes. Sightlines of 43 m in both directions from 2.5 m back have been demonstrated and accepted and I consider are adequate.
- 12.2.2. Conditions require a recessed entrance, splayed side walls, height limits for walls and vegetation in the sight triangle, and an ACO drain to prevent surface water discharge to the public road.
- 12.2.3. Works involving the stone wall will be addressed by a pre-commencement conservation method statement, ensuring safety measures so as not to erode heritage value.
- 12.2.4. I am satisfied that the access and the proposed works to form the entrance will result in a safe and sensitively created entrance.
- 12.2.5. I am also satisfied that the works to the stone boundary wall to create the entrance can be achieved subject to condition in a manner that will not impact the heritage value of the lane.

13.0 Recommendation

- 13.1. I recommend that permission be Granted for the proposed development

14.0 Reason and Considerations

Having regard to the location of the site within a designated settlement it is considered that subject to compliance with the conditions set out that the proposed development would not impact on the integrity or setting of the adjacent Protected

Structure, would not impact on the residential amenities of the surrounding area and would therefore be in accordance with the proper planning and sustainable development of area.

1.	<p>The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by the further plans and particulars received by the planning authority on the 12/08/2025 and except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars</p> <p>Reason: In the interest of clarity</p>
2.	<p>The entrance shall be recessed a minimum of 4.5m from the boundary and walls shall be splayed at an angle of 45 degrees. Walls and piers shall not exceed a height of 1m over the level of the adjoining public road.</p> <p>Reason: In the interest of Road Safety</p>
3.	<p>Prior to the commencement of development, the applicant /developer shall submit, for the written agreement of the planning authority a detailed method statement compiled by a suitably qualified accredited conservation architect/consultant. This is to include a full detailed schedule of works in relation to the existing stone boundary wall.</p> <p>Reason: In the interests of the protection of the architectural heritage</p>
4.	<p>All existing boundary trees and hedgerow with the neighbouring property (Kilmahon Houses) shall be retained on the site unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of visual amenity.</p>

5.	<p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>Reason: in the interest of public health.</p>
6.	<p>Foul drainage for the proposed and existing dwellings shall be by means of proprietary wastewater treatment systems. This treatment units and percolation areas shall meet all the requirements of the Code of Practice, Wastewater Treatment Disposal Systems Serving Single Houses (p.e.< 10) EPA 2021 and shall be installed and maintained in accordance with the manufacturers instructions.</p> <p>Reason In the Interest of public Health</p>
7.	<p>Prior to the commencement of development, the developer shall enter into water and/or wastewater connections agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health</p>
8.	<p>Site development and building works shall be carried out only between 0800 to 1900 hours Mondays to Fridays inclusive and 0800 to 1400 on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: in order to safeguard the residential amenities of property in the vicinity.</p>
9.	<p>Prior to commencement of development, the developer shall submit details of a Construction Management Plan for the written agreement of the planning authority. The plan shall provide details of intended construction practice for the proposed development, including traffic management, working hours, noise and dust management, and off-site disposal of construction/demolition waste. The proposed development shall be carried out in accordance with the written agreed details.</p>

	Reason: In order to ensure a satisfactory standard of development, in the interest of residential amenity and public safety.
10.	The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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.

Adam Kearney

Planning Inspector

16th December 2025

Appendix A: Form 1 EIA Pre-Screening

Case Reference	PL-500011-CK
Proposed Development Summary	Permission to construct a new dwelling house, new vehicular entrance, install a new wastewater treatment unit & Percolation area & all associated site works. Permission to install a new treatment unit & percolation area to serve the existing dwelling house.
Development Address	Shanagarry South, Midleton, 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? (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)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	<input checked="" type="checkbox"/> Yes, it is a Class specified in Part 1. Class 10(b) of Part 2, Schedule 5 (i) Construction of more than 500 dwelling units
	<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q

<p>3..Is the proposed development of a CLASS specified in <u>Part 2</u>, 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?</p>	
<input checked="" type="checkbox"/> X 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.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> X 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)	1 dwelling on 0.1 HA
<p>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)?</p>	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/> X	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Appendix B: Form 2 - EIA Preliminary Examination

Case Reference	PL-500011-CK
Proposed Development Summary	Permission to construct a new dwelling house, new vehicular entrance, install a new wastewater treatment unit & Percolation area & all associated site works. Permission to install a new treatment unit & percolation area to serve the existing dwelling house
Development Address	Shanagarry South, Midleton, 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 (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 proposal comes forward as a stand-alone project. The development does not require any demolition works. The development does not require the use of substantial natural resources or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
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 site is not located within a designated Natura 2000 site. The site is located c. 200m north of the Ballycotton Bay Special Protection Area (Site code 004022).

Types and characteristics of potential impacts (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 nature of the proposed development, consisting of a two-storey dwelling, its location removed 0.25km from sensitive habitats/features, likely limited magnitude and spatial extent of effects, intensity and complexity, duration, cumulative effects, and opportunities for mitigation). absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
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Conclusion

Likelihood of Significant Effects	Conclusion in respect of EIA
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)