



An  
Coimisiún  
Pleanála

## Inspector's Report PL-500278-CC-25

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<b>Development</b>	Extensions and alterations to existing dwelling, and all associated site works.
<b>Location</b>	Glen Carrig, Ballysheedy, Lee Road, Co. Cork.
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	2543818
<b>Applicant(s)</b>	Garth Hunter
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party Normal Planning Appeal
<b>Appellants</b>	Garth Hunter
<b>Observers</b>	None
<b>Date of Site Inspection</b>	28 <sup>th</sup> January 2026
<b>Inspector</b>	Siobhan Carroll

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## 1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.114 hectares is located at Glen Carrig, Ballysheedy, Lee Road, Co. Cork. It is situated on the northern side of the Lee Road the L2781 circa 2km to the east of the junction with the R579. It lies approximately 5km to the west of the Cork City Centre.
- 1.2. The site contains a bungalow which has been extended to the side and rear. The appeal site has frontage of circa 28m along the Lee Road. The roadside boundary is defined by a mature hedgerow. The property is served by a vehicular entrance which is recessed to the west of a shared section of driveway. The River Lee is situated circa 90m to the south of the site. The property is served by a terraced front and rear garden. There are wide views from the site across the Lee valley. The site is bounded by residential properties to the east and west.

## 2.0 Proposed Development

- 2.1. Permission is sought for a new first floor extension to existing single storey dwelling, a new two storey extension with vaulted ceiling to the south elevation, 2 no. new extensions to the rear of existing ground floor underneath new first floor extension, elevational alterations including new windows to sides and rear of existing dwelling and all associated site works.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Cork City Council decided to refuse permission by Order dated the 16<sup>th</sup> of October 2025. Permission was refused for the following reasons;
  1. Domestic wastewater treatment systems are not permitted to be constructed on slope angles in excess of 1:8. The area in which the new percolation area is proposed appears to be in a steep sloped area. Note that if the existing slope exceeds 1:8, site improvements works will not be acceptable. Having regard to the steeply sloping nature of the terrain, the proposals for foul drainage including a percolation area would be prejudicial to public health. 38

2. The proposed development would be prejudicial to public health as the site separation distances for the proposed new on-site waste water treatment system have not been met, as outlined in Table 6.2 of the EPA Code of Practice 2021 and therefore the on-site foul drainage system would not be to acceptable standards.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

- 3.2.2. Further Information was requested by the Planning Authority on the 16/06/2025 in relation to the following;

1. It is considered that there is not enough information submitted with the planning application to allow the Planning Authority adequately to assess the proposal. In this regard, the applicant is requested to submit scaled and dimensioned drawings reflecting the following;

(a) It is noted that the Proposed Site Layout Plan (drawing no. A3-200-1400) indicates 2 no. septic tanks on the subject site which may be an error in the drawing as the Existing Site Layout Plan only indicates a singular septic tank. The applicant is requested to clarify if there are one or two septic tanks located on the subject site. Revised drawings should be submitted accurately showing the number and location of septic tanks on the subject site.

(b) The applicant is requested to submit full details of the proposed sewage disposal on the subject site. The applicant is requested to submit full details confirming that the existing septic tank can accommodate the intensification of use and complies with required EPA regulations in relation to extending dwellings with existing septic tanks, taking into consideration the substantial increase in the floor area of the dwelling. Revised drawings, including detailed site sections and drainage layout plans showing percolation areas, etc .. should be included as part of the response to this item.

- 3.2.3. Report of Executive Planner: dated 15/10/2025 – The report of the Executive Engineer for Rural Water dated (14/10/2025) is noted which recommends a refusal

of permission for 2 no. reasons. In this regard, it is considered that the proposed application should be refused.

- 3.2.4. Report of Senior Executive Planner: dated 15/10/2025 – Refusal of permission recommended.
- 3.2.5. Report of Senior Planner: dated 16/10/2025 – Reports of the Executive Planner and Senior Executive Planner noted following the response to the request for further information. The development as proposed seeks to build a first floor extension on an existing single dwelling and consequently a new waste water treatment system. While an opportunity was afforded to the applicant to address the concerns via a request for further information, the report of the Executive Engineer for Rural Water having considered the further information response dated 14<sup>th</sup> October 2025, recommends a refusal of permission for two reasons. The Senior Planner concurs with the recommendation to refuse permission as set out in the reports of the Executive Planner and Senior Executive Planner.
- 3.2.6. Other Technical Reports
- 3.2.7. Area Engineer – No objection subject to conditions.
- 3.2.8. Contributions Section – No objection subject to conditions.
- 3.2.9. Rural Water-Operations (Roads & Env): Report dated 14/10/2025 – A refusal of planning permission recommended.

### 3.3. **Prescribed Bodies**

- None

### 3.4. **Third Party Observations**

- 3.4.1. The Planning Authority received two submissions/observations in relation to the planning application. The issues raised concern the following;
- Overbearing impact of proposed first floor extension.
  - Overlooking and loss of privacy.
  - Proximity of the proposed development to adjacent dwellings.

- Impact of construction works and excavation on adjacent properties.
- Two septic tanks were indicated on the site.

## 4.0 Planning History

- 4.1.1. None on the site
- 4.1.2. Reg. Ref. TP 22/41551 – Permission was granted for the construction of a two-storey split level extension to side of existing single-storey dwelling, internal and external alterations to existing dwelling, new domestic garage and all associated works at Loretta, Lee Road, Co. Cork, which is located to the north of the appeal site.
- 4.1.3. Reg. Ref. TP 18/4133 – Permission was granted for (a) Alterations and extensions to existing dwelling including, (b) single storey extension to rear, (c) single storey extension to front (d) 3 no. bay windows to west elevation, (e) External terrace with glazed balustrading to front and sides at Treetops, Mount Desert, Lee Road, Co. Cork, which is located to the west of the appeal site.

## 5.0 Policy Context

### 5.1. Cork City Development Plan 2022-2028

- 5.1.1. The subject site is zoned “Objective 20 City Hinterland”, which has the stated objective to protect and improve rural amenity and provide for the development of agriculture.
- 5.1.2. Chapter 9 refers to Environmental Infrastructure
- 5.1.3. Objective 9.3 – Group Water Schemes, Private Wells and Individual Treatment Systems
- (a) To require that all developments where public watermains are available or likely to be available and have sufficient capacity, shall connect to them.
  - (b) To ensure that all new developments connect to the public wastewater infrastructure, where available, and to encourage existing developments that

are in close proximity to a public sewer, subject to a connection agreement with Irish Water.

- (c) To discourage the provision of single house septic tanks and treatment plants to minimise the risk of groundwater pollution in line with the rural housing policy of this Plan. Where such facilities are permitted, full compliance with the prevailing regulations and standards, including the EPA Code of Practice for Domestic Wastewater Treatment Systems (Population Equivalent  $\leq$  10)(2021), will be required.
- (d) Residential development that requires the provision of private wastewater treatment facilities (i.e. Developer Provided Infrastructure), other than single house system will generally not be permitted.
- (e) To ensure that private wastewater treatment facilities, where permitted, are operated in compliance with their wastewater discharge license, in order to protect water quality.

5.1.4. Chapter 11 refers to Placemaking and Managing Development

5.1.5. Paragraph 11.12 – Development proposals will be assessed on the visual characteristics of the built form and related elements such as aspect and orientation, proportion, the balance of solid to void, the shapes and details of roofs, chimneys, windows and doors and the materials used.

5.1.6. Paragraph 11.141 – In order to ensure that existing homes are utilised by occupation Cork City Council supports the retention and adaption of the existing housing stock to suit the evolving needs of society.

5.1.7. Paragraph 11.142 – The design and layout of extensions to houses should have regard to the amenities of adjoining properties particularly as regards sunlight, daylight and privacy. The character and form of the existing building should be respected, and external finishes and window types should match the existing.

5.1.8. Paragraph 11.143 – Extensions should:

1. Follow the pattern of existing buildings as much as possible;
2. Be constructed with similar finishes and similar windows to the existing building so that they would integrate with it;

3. Roof form should be compatible with the existing roof form and character. Traditional pitched roofs will generally be appropriate when visible from the public road. Given the high rainfall in Cork the traditional ridge roof is likely to cause fewer maintenance problems in the future than flat ones. High quality mono-pitch and flat-roof solutions will be considered appropriate providing they are of a high standard and employ appropriate detailing and materials;
4. Dormer extensions should not obscure the main features of the existing roof, i.e. should not break the ridge or eaves lines of the roof. Box dormers will not usually be permitted where visible from a public area;
5. Traditional style dormers should provide the design basis for new dormers;
6. Front dormers should normally be set back at least three-tile courses from the eaves line and should be clad in a material matching the existing roof;
7. Care should be taken to ensure that the extension does not overshadow windows, yards or gardens or have windows in flank walls which would reduce the privacy of adjoining properties.

5.1.9. Paragraph 11.258 – For individual on-site wastewater treatment systems, the standards and guidance on design, operation and maintenance of on-site wastewater treatment systems as set out in the EPA Code of Practice for Domestic Wastewater Treatment Systems (Populations Equivalent  $\leq 10$ ) (2021), shall be complied with. Details of the location of any private well or connection to a mains water supply shall be indicated on a site layout plan.

## 5.2. Natural Heritage Designations

- 5.2.1. Cork Harbour SPA (Site Code 004030) is located 9.87km to the east.
- 5.2.2. Great Island Channel SAC (Site Code 001058) is located 14.2km to the east.

## 5.3. EIA Screening

- 5.3.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 in the Appendix of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no

real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A first party appeal was submitted by the applicant Garth Hunter. The issues raised are as follows;

- The applicant states that he and his family moved into the property which was previously vacant in 2023 with the intention of accessing the Vacant Property Refurbishment Grant and renovating the property.
- The refusal of permission prevents the applicant from upgrading the existing outdated wastewater treatment system.
- The refusal reason cites non-compliance with slope and separation distance requirements under the EPA Code of Practice (2021). Those provisions are acknowledged however the appellant highlights Section 1.3 of the EPA Code of Practice which allows for discretion for upgrades: “If existing DWWTS’s are being upgraded, variances to the requirements set out within this CoP may be considered by the local authority where the authority is satisfied that the proposed upgrade will protect human health and the environment.”
- The proposed application refers to such an upgrade on a constrained site, and the design incorporates a modern treatment system that significantly reduces risk compared to the existing septic tank.
- It is submitted that the proposed development represents a reduction of risk. The continued occupation of the dwelling would be with the existing wastewater treatment system that does not meet the EPA standards.
- The proposed new effluent treatment system comprises SBR Secondary treatment (EN 12566-3/S.R. 66) and tertiary unit (EN 12566-7). The installation of the proposed system would result in improved environmental protection which aligns with the EPA Code’s objectives.

- Regarding the matter of the slope on site as referred to in the visual assessment of the Site Characterisation Form, page 14 noted “Slope: Steep (>1:5)” and referenced the rear garden in the slope comment.
- The infiltration area, approximately 26.25m<sup>2</sup> in size with 300mm gravel is situated in the front garden on a terraced section that is effectively level and complies with the EPA Code requirement of not exceeding a slope of 1:8. The total terrace area available for the septic tank and infiltration area is 86 m<sup>2</sup>. While the overall front area of the site has a steep gradient of >1.8 the site is a series of terraces.
- The rear garden is recorded as having a slope greater than 1:8 as noted on page 21 of the Site Characterisation Form. The area is not part of the proposed works and was incorrectly referenced in the slope assessment.
- The proposed infiltration area is located in the front garden, therefore the inclusion of the rear garden detail in the site assessment was misleading. This wording may have influenced the Planning Authority refusal which states, “The area in which the new percolation area is proposed appears to be in a steep sloped area.”
- The use of the word ‘appears’ would suggest that this conclusion was based on evidence other than a site inspection. The proposed infiltration area in the front garden is compliant with slope requirements. The site specific design includes a terraced layout and engineered infiltration area ensuring stability and compliance with EPA Code objectives.
- In relation to the matter of the technical justification for adjacent steep slopes, it is stated that the presence of adjacent steep slopes does not inherently breach the Code because its intent is to ensure structural stability, prevent soil failure and mitigate hazards.
- It is submitted that the proposal is in compliance with stability requirements because the geotechnical assessment confirms factors of safety exceed the Code minimums for slope stability and bearing capacity.
- The following risk mitigation measures are proposed, retaining structures with proper drainage prevent soil movements hydrostatic pressure buildups.

Surface treatments and vegetative stabilization reduce erosion risk. Subsurface and surface drains systems divert water away from slopes minimising saturation and instability.

- Monitoring provisions include an inspection chamber for effluent sampling, allow early detection of settlement or slope movement.
- There are at least ten houses on Lee Road sharing the same hillside slope with four positioned closer to the road than the subject property Glen Carrig. There appears to be two new builds and three recent planning approvals. Based on the information available these sites met slope requirements by incorporating terraced infiltration areas. Therefore, this would indicate that adjacent slopes do not in themselves constitute a breach of the Code.
- Drop manholes are needed to manage the elevation change and maintain effective flow. This engineer solution prevents solids deposition and complies with best practice standards for wastewater systems on sloping sites.
- The proposed septic tank is positioned adjacent to the existing non-EPA compliant tank with the new pipework aligned to match the location of the existing system.
- It is stated that a series of existing drop manholes currently manage the steep gradient efficiently without issue, these will continue to service the new septic tank installation.
- In relation to the matter of separation distances and hydraulic gradient the applicant acknowledges that some setbacks fall short of Table 6.2 in the EPA Code. As confirmed by the FETAC certified Site Assessor the proposed system is engineered to minimise risk under actual site conditions. It is stated that no sensitive receptors are in immediate proximity. Deep well drained mineral soils indicate low surface water risk.
- The existing dwelling on the site and neighbouring houses are served by mains water and the two closest neighbouring houses are located approximately 35m away and upgradient. It is stated that although the separation distance to the existing dwelling on site is less than the guideline in

Table 6.2 in the EPA Code the house is on a level approximately 3.5m higher than the infiltration area which creates a favourable hydraulic gradient.

- Effluent will migrate downward and away from the structure, significantly reducing any potential risk to the dwelling.
- It is submitted that this site specific condition combined with tertiary treatment and controlled infiltration area with associated percolation meets the Code's intent to protect health and the environment.
- It is stated that the EPA Code treats separation distances as design considerations, not absolute prohibitions and in Section 1.3 it expressly allows variances for upgrades where protection of human health and the environment are achieved.
- In response to the reasons for refusal in relation to the proposed infiltration area it complies with the EPA Code requirement of not exceeding a slope of 1:8. The overall site is steep however, the infiltration area is terraced and level. The refusal appears to have been based on an incorrect assumption that the infiltration area was steep.
- In relation to the matter of separation distances Table 6.2 provides general minimums for new systems. For upgrades, the Code permits variance if health and environmental protection are achieved. It is submitted that a conclusion of "prejudicial to health" without site specific analysis of receptors, hydrogeology and treatment performance does not meet the duty to adequate reasons.
- It is submitted that conditions such as operation and maintenance contracts, alarms, desludging schedules and as built certification can fully address residual risk.
- The consequences of a refusal of planning permission are the continued occupation of the house with a wastewater system that does not meet current EPA standards. The applicant states that there are financial implications, that a refusal of permission would jeopardise their eligibility for the Vacant Property Refurbishment grant. The grant is a key measure to tackle Ireland's housing crisis by restoring vacant homes.

- The applicant states that their home urgently requires renovation and if the proposed development is not carried out the cold and difficult living conditions will continue.
- The applicant respectfully requests that An Coimisiún Pleanála overturn the decision of the Planning Authority to refuse permission and grant planning permission subject to the attachment of appropriate conditions referring to operation and maintenance contracts, desludging records, installation to specification with as built certification and drop manhole.

## 6.2. **Planning Authority Response**

- The Planning Authority maintains that, with regard to Planning Application TP 25/43818, it has carried out its duties accordingly in terms of the provisions of the Planning and Development Acts 2000 (as amended) and the Planning and Development Regulations 2001 (as amended), and that its decision to refuse planning permission for TP 25/43818 is consistent with the provisions of the Cork City Development Plan and the proper planning and sustainable development of the area. The Planning Authority has no further comments to make on this application.

## 7.0 **Assessment**

Having examined the application details and all other documents 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/national policies and guidance, I consider that the substantive issue in this appeal to be considered is as follows:

- Principle of development
- Effluent treatment and disposal

## **7.1. Principle of development**

- 7.1.1. The proposed development comprises the extension to and refurbishment of an existing single storey dwelling situated circa 5km to the west of Cork City Centre. The subject site is zoned “Objective 20 City Hinterland”, which has the stated objective to protect and improve rural amenity and provide for the development of agriculture.
- 7.1.2. Chapter 11 of the Cork City Council Development Plan 2022-2028 refers to Placemaking and Managing Development. Regarding the matter of the occupation of the existing housing stock paragraph 11.141 of the Development Plan advises that in order to ensure that existing homes are utilised by occupation Cork City Council supports the retention and adaption of the existing housing stock to suit the evolving needs of society. The appellant highlighted in the appeal that he and his family moved into the property which was previously vacant in 2023 with the intention of accessing the Vacant Property Refurbishment Grant and renovating the property. Therefore, the proposed refurbishment and extension of the property would be in accordance with this development plan policy which seeks to support the occupancy of the existing housing stock.
- 7.1.3. Accordingly, the principle of development is considered acceptable subject to all other relevant planning considerations being satisfactorily addressed.

## **7.2. Effluent treatment and disposal**

- 7.2.1. The proposed development comprises the construction of a new first floor extension to existing single storey dwelling, new extensions to the rear of existing ground floor underneath new first floor extension, elevational alterations including new windows to sides and rear of existing dwelling and all associated site works. The existing dwelling has a floor area of 123sq m and the area of the proposed extensions as stated in the application form is 223.5sq m. The proposed development includes proposals to decommission the existing septic tank and the installation a new wastewater treatment system.
- 7.2.2. It is proposed to install a “Euro-Bio” secondary wastewater treatment system and a Circle 7 Prefabricated Tertiary Treatment Unit. It is proposed to dispose of treated effluent via a polishing filter to groundwater. It is proposed that the final effluent from

tertiary treatment system would discharge to a 300mm deep gravel distribution area within the infiltration area, which has an area of 26.25sq m.

- 7.2.3. The site is located in an area identified with a “Extreme” vulnerability classification in the GSI Groundwater maps and is located within area defined “Locally Important” Aquifer category, representing a Groundwater Protection Response of R2<sup>1</sup> under the EPA Code of Practice Waste Water Treatment Systems (Population Equivalent ≤ 10) (2021) (Annex E). Category R2<sup>1</sup> of Groundwater Protection provides that the installation of a DWWTS is acceptable subject to good practice. It advises 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 required in chapter 6 of the Code of Practice are met and the likelihood of microbial pollution is minimised. It is detailed in the site characterisation form that the site is served by an on-site septic tank and that the septic tank is not compliant with the EPA Code of Practice 2021 guidelines.
- 7.2.4. The trial hole had a depth of 1.8m and the assessment submitted by the applicant indicates that bedrock was not encountered and that no water table or water ingress was encountered at a depth of 1.8m below ground level. The submitted site characterisation records provides details of the testing carried out on site. Subsurface percolation testing was carried out and a T-test value of 19.67 was recorded. As detailed in the site characterisation form the results indicate that the site is not suitable for a conventional septic tank system but is suitable for the development of a tertiary treatment system and infiltration/treatment area discharging to groundwater.
- 7.2.5. The Planning Authority refused permission for two reasons referring to the proposed new on-site effluent treatment system. The first reason for refusal refers to the location where the new percolation area is proposed and it states that the area appears to be in a steep sloped area and that if the existing slope exceeds 1:8 that site improvement works will not be acceptable. It was concluded in the refusal reason that on the basis of the steeply sloping nature of the terrain that the proposals for foul drainage including a percolation area would be prejudicial to public health.
- 7.2.6. The second reason for refusal refers to the separation distances. It states that for the proposed new on-site wastewater treatment system the separation distances as set

out in Table 6.2 of the EPA Code of Practice – Domestic Waste Water Treatment Systems, 2021 have not been met and that therefore the on-site foul drainage system would not be to acceptable standards.

- 7.2.7. The appellant in response to the refusal of permission has highlighted that the dwelling on the site is being served by an existing septic tank which is not in compliance with the EPA Code of Practice, 2021. In relation to the matter of the gradient of the site, it is detailed in the appeal that the rear garden is recorded in the site characterisation form as having a slope of 1:8. The appellant highlights that the rear garden is not the location where the infiltration area is proposed. The infiltration area is proposed in the front garden of the property. The appellant considers that use of the wording ‘appears’ in the first refusal reason, which states “the area in which the new percolation area is proposed appears to be in a steep sloped area” would suggest that the conclusion was based on evidence other than a site inspection.
- 7.2.8. It is submitted in the appeal that the proposed infiltration area would be located on a terraced area of the site in the front garden and that the site-specific design includes a terraced layout and engineered infiltration area which would ensure stability and compliance with the EPA Code of Practice objectives.
- 7.2.9. In relation to the matter of separation distances the second refusal reason states that the proposed development would be prejudicial to public health as the site separation distances for the proposed new on-site wastewater treatment system have not been met as outlined in Table 6.2 of the EPA Code of Practice.
- 7.2.10. In response to the matter the appellant acknowledges that some of the separation distances fall short of the minimum separation distances set out in Table 6.2 of the EPA Code of Practice. They highlighted that there are no sensitive receptors in the immediate vicinity of the site. In relation to the location of neighbouring houses, it is stated in the appeal that the closest properties are 35m away and that the properties are served by mains water supply.
- 7.2.11. In relation to the separation distance from the polishing filter to the existing house on site it would be 7m and the requirement under the Table 6.2 of the EPA Code of Practice, 2021 is 10m. The appellant submits that the proposed polishing filter would be at a level of 3.5m below the finished floor level of the dwelling and therefore that the shortfall in required separation should be acceptable.

- 7.2.12. It is argued in the appeal that Table 6.2 of the EPA Code of Practice provides general minimums for new treatment system and that for upgrades the Code of Practice permits variance if health and environmental protection are achieved. Section 1.3 of the Code of Practice is highlighted in the appeal. It refers to variances for existing systems, sensitive areas and new technologies. It is advised under Section 1.3 that existing domestic waste water treatment systems may not meet the performance requirements as set out in this CoP and if existing domestic waste water treatment systems are being upgraded, variances to the requirements set out in this CoP may be considered by the local authority where the authority is satisfied that the proposed upgrade will protect human health and the environment.
- 7.2.13. The polishing filter as indicated on the Proposed Site Layout Plan, Drawing No: A3-200-1400 submitted to the Planning Authority on the 19/09/2026 is located to the east of the dwelling and downhill. Regarding water supply the property is served by the public mains. Table 6.2 of the EPA Code of Practice – Domestic Waste Water Treatment Systems sets out the minimum separation distances required from the entire domestic waste water treatment system (DWWTS).
- 7.2.14. I note that it specifies the minimum separation distances from the entire DWWTS for a range of features. A number of different distances are provided for domestic wells. The appellant confirmed in the appeal that the existing dwelling and neighbouring properties are served by public mains water supply and therefore separation distances to private wells are not applicable in this case. The minimum distance from a watercourse or stream to is stated as 10m and the minimum distance from a road is stated as 4m. In relation to this, I note that there are no watercourses or streams within the immediate vicinity and that the DWWTS would be located a minimum of 4m from the Lee Road to east.
- 7.2.15. In terms of the shortfall in separation distance, I would note that it refers to a shortfall of a distance 3m between the front of the dwelling and the proposed polishing filter. In relation to the location of the proposed polishing filter relative to the dwelling, the appellant has highlighted it is down gradient and circa 3.5m below the finished floor level of the dwelling. Accordingly, on that basis I would accept the case made by the appellant that a shortfall of separation should be considered having regard to the topography of the site and site size.

- 7.2.16. In relation to the matter of the gradient, I would note the following points, that the existing dwelling has been built on a sloping site which has been terraced to provide for the siting of the dwelling with the provision of a front and rear garden and that the existing septic tank is located to the rear of the dwelling. The proposed effluent treatment system will be located down gradient of the existing dwelling, and the proposed polishing filter will be located on a section of the site which is terraced and level. Furthermore, I would note that the new on-site effluent treatment system would represent an environmental improvement based on the fact that it would be replacing an existing septic tank.
- 7.2.17. Accordingly, on that basis I would consider that the proposal should be granted planning permission as it would represent an environmental improvement which is in accordance with Section 1.3 of the EPA Code of Practice which does provide a level of discretion where existing DWWTS's are being upgraded and where the upgrade will protect human health and the environment.

## 8.0 AA Screening

- 8.1. I have considered case PL500278-CC-25 in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.2. The closest European Sites, part of the Natura 2000 Network, is Cork Harbour SPA (Site Code 004030) which is located circa 9.87km to the east of the appeal site and Great Island Channel SAC (Site Code 001058) which is located circa 14.2km to the east of the appeal site.
- 8.3. The proposed development comprises refurbishment and extension to a dwelling. 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.
- 8.4. The reason for this conclusion is as follows:
- The nature and scale of the proposed development.
  - The absence of any ecological pathway from the development site to the nearest European Site.
  - Location-distance from nearest European site.

- 8.5. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 8.6. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

## 9.0 **Water Framework Directive**

- 9.1. The subject site is located at the Glen Carrig, Ballysheedy, Lee Road, Co. Cork. It is situated on the southern side of the Lee Road, L2781, circa 5km to the west of Cork City Centre. The River Lee (IE\_SW\_19L030800) is located 90m to the south of the appeal site. The Shournagh River (IE\_SW\_195010500) a tributary of the River Lee is located 1.56km to the west of the appeal site. The ground waterbody Ballinhassig East (Code IE\_SW\_G\_004) underlies the site.
- 9.2. The proposal comprises the refurbishment and extension to a dwelling including the decommissioning of the existing septic tank and installation a new wastewater treatment system at Glen Carrig, Ballysheedy, Lee Road, Co. Cork. The grounds of appeal have not raised the matter of the Water Framework Directive.
- 9.3. 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. 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 waterbodies either qualitatively or quantitatively. The reason for this conclusion is as follows:
- The nature and small scale of the development.
  - The proposed secondary and tertiary treatment of on-site effluent.

## **Conclusion**

- 9.4. 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.

## **10.0 Recommendation**

- 10.1. I recommend that permission be granted subject to the conditions set out below.

## **11.0 Reasons and Considerations**

- 11.1.1. Having regard to the provisions of the Cork City Development Plan 2022-2028, and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **12.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 19<sup>th</sup> day of September 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interests of clarity.

2. The existing dwelling and the proposed extension shall be jointly occupied as a single residential unit and the extension shall not be used, sold, let or otherwise transferred or conveyed, save as part of the dwelling.

**Reason:** To restrict the use of the extension in the interest of residential amenity.

3. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

5.

- (a) The septic tank/wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on the 19<sup>th</sup> of September 2025 and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) ” – Environmental Protection Agency, 2021.
- (b) Treated effluent from the septic tank/ wastewater treatment system shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document

entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.

- (c) Within three months of the first occupation of the extensions to the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/ wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

**Reason:** In the interest of public health and to prevent water pollution.

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

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

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Siobhan Carroll  
12<sup>th</sup> of March 2026

## Appendix 1 - Form 1

<b>Case Reference</b>	PL 500278-CC-25
<b>Proposed Development Summary</b>	Extensions and alterations to existing dwelling & all associated site works.
<b>Development Address</b>	Glen Carrig, Ballysheedy, Lee Road, Co. Cork
<b>In all cases check box /or leave blank</b>	
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (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.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	
<p><b>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)?</b></p>	
<p>Yes <input type="checkbox"/></p>	<p><b>Screening Determination required (Complete Form 3)</b></p>
<p>No <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_