



An  
Coimisiún  
Pleanála

## Inspector's Report PL-500629-CK-26

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<b>Development</b>	Construction of 10 dwelling, wastewater treatment systems and associated site works.
<b>Location</b>	Garryvoe Lower, Ladysbridge, Co. Cork,
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	254052
<b>Applicant(s)</b>	Edmond O'Keeffe
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Niall McCarthy
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	1 <sup>st</sup> April 2026
<b>Inspector</b>	Jennifer McQuaid

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## 1.0 Site Location and Description

1.1. The subject site (1.2ha) is located on the eastern end of the Shanagarry/Garryvoe settlement boundary, Co. Cork. The site is relatively flat and is broadly a rectangular shape and is directly accessed of the Garryvoe Lower public road. To the south of the site, there is a housing estate known as “An Tra Gael” and Garryvoe caravan park is located further south along Garryvoe beach. The subject site is approximately 250metres north of Garryvoe Beach.

## 2.0 Proposed Development

- 2.1. The proposed development consists of:
- 10no. two storey dwellings
  - 10no. individual wastewater treatment units
  - All ancillary site works.

## 3.0 Planning Authority Decision

### 3.1. Decision

Grant subject to 28no. conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

##### Planners Report

- The site is located on unzoned lands and within the designated settlement of Shanagarry/Garryvoe “village”. Since the adoption of the CDP, <25 units have been permitted, and the proposed scale of 10 units falls within the identified growth target of 50no. additional units for the village as identified in the general development objective DB-01. It also complies with the wider objective approach to density in villages as set out in section 4.9.2 of the CDP which states “it is recommended that the size of the site of any individual residential scheme should not normally be over 50% of the overall scale of

development within the plan period” in order to ensure some diversity in design and to encourage the delivery of units. Therefore, the principle of development is acceptable.

- The proposed density of 8 units per hectare falls within the criteria as set out in Table 4.1 of the CDP set out a Settlement Density Location Guide based on Settlement Type and identifies a Medium C density (5-20 units/ha) for villages as applicable on edge of centre sites. It is acknowledged that the requirement to provide on-site individual wastewater treatment impacts on the density provision.
- The proposed layout is unsuitable and recommend a change of layout.
- A possible footpath link to the local hotel and shop should be explored by the applicant.
- The existing Garryvoe WWTP is at capacity with no facility to accommodate further loading nor does there appear to be any capital investment plan for the imminent improvement of same. Individual tertiary treatment wastewater treatment systems are proposed and associated infiltration areas. This has occurred elsewhere in the settlement due to lack of public services. Water Services require that the necessary infrastructure to allow/facilitate connection to public services should be provided should an upgrade occur in time. This shall include a gravity sewer network within the estate and an area to construct a future pumping station which can connect to the Garryvoe WWTP.
- The underlying aquifer appears to have a “moderate” vulnerability rating. There is no recommended maximum number of systems/hectare for “moderate” vulnerability aquifers in the EPA COP (2021). Each individual site suitability assessment appears satisfactory although site no. 5 is missing, 10 individual suitability assessments does not have regard to the risk from such a concentration of systems. Further information required.
- The Environment Officer has reviewed the proposal and noted that the proposed treatment systems should satisfactorily provide quality effluent discharge to groundwater. The Groundwater (IE\_SW\_G\_028) at the proposed development is currently of “Good” status and considered “Not at Risk” to fail

to meet the WFD objectives by 2027. A Level Tier 2 Groundwater Impact Assessment is required.

- The site is outside a flood risk area but directly adjacent a Flood Risk Zone A. The applicant has submitted a Stage 1 SSFRA which concludes that the site is not at risk of flooding and therefore can be classed as being within “Flood Zone C”. Based on the submission received (and supporting photographic evidence) this conclusion is erroneous as it appears the SW section of the site is within flood zone A. Residential development is not compatible with a flood zone A area and there may also be issues in respect of percolation areas/ ST location and the proposed attenuation tank. Remaining dwellings on the site fall outside the flood zone may also require adjustments to FFL’s to ensure climate change protection. In any event, the flood risk conclusions put forward by the applicant will need to be re-visited/reconsidered.
- Having regard to the flood risk concern elements of the surface water proposal may need to be revisited. The Estates Engineer also requested that the applicant identify on the proposed site layout plan where it is intended to discharge attenuated storm flows to, survey the system and confirm it is in good working order and capable to accepting additional flows.
- In regard to landscaping the eastern boundary treatment is likely to be altered following a redesign and shall be submitted as part of the further information request.

#### Senior Executive Planner’s Report

- The Executive Planner’s report is endorsed. However, concerns raised in relation to the number of wastewater treatment units on a site over just over 1 hectare and the potential to impact groundwater.
- Flooding is also a concern. A revised flood risk assessment is required, given the evidence submitted by observer.
- Noted poor footpath network, it is recommended that the applicant explore the feasibility of enhancing connectivity.
- In regard to the open space, the gables face the strip of open space and road, this will need to be addressed.

- Appropriate Assessment required given the proximity to the SPA.
- Given the size of the site, an Archaeological Impact Assessment is required.

#### Planner Further Information Report

- The Flood Risk Assessment highlights a number of errors, and a revised flood risk assessment is required along with a Justification Test.
- A revised Appropriate Assessment is required following the updated Flood Risk Assessment.
- The gable elevation of House No. 4 beside the proposed open space shall be amended to overlook the space.

#### Senior Executive Planner Further Information Report

- A Site-Specific Flood Risk Assessment was submitted. Part of the site is in Zone B. The submitted SSFRA considers the development as commercial and deems it less vulnerable development from a flood risk perspective. Accordingly, no justification test is included. However, residential is a highly vulnerable use as set out in the Guidelines, and in Zone B, a justification test is required if development is to be considered. Clarification of further information will be necessary to address this deficiency in the FRA.
- An AA screening report is submitted, it concludes no significant effects on any Natura site, given the issues raised in the SSFRA, the AA Screening document should be updated/reviewed as necessary.
- The layout proposed and the location of the proposed dwelling no. 4 beside an area of public open space, it would appear prudent to also add animated gable elevation to this dwelling such that the adjacent area of public open space receives greater supervision.

#### Planner's Clarification of Information Report

- The SSFRA has been updated, and the main body of the site has been considered to constitute "flood zone B". accordingly, a "justification test" has been submitted as required. As the land is part of the designated "settlement boundary", the proposal passes part 1 and 2 of the justification test. The Area Engineer has specified that minimum FFL be 5.0m OD (4.6m OD has been

proposed by the applicant). This FFL would ensure a min. 1.4m freeboard between highest known flood levels in the area to ensure greater potential flood protection.

- Area Engineer also recommended that an area of land be reserved to South of dwellings 1-4 to allow potential access to the watercourse in the event of a flood event. This issue can be dealt with by way of condition.
- The submitted Appropriate Assessment has been updated. The report concludes that no significant impacts on integrity of Natura 2000 sites will occur. Requirements for AA can therefore be fully screened out.
- The house types have been revised and a more animated gable end now provided.

#### Senior Executive Planner Clarification of Further Information Report

- An updated SSFRA submitted and confirms that part of the site is in flood zone B in the southwestern corner. In the proposed layout, this area is within the public open space and does not overlap with housing, attenuation facilities or the area reserved for a pumping station. The minimum FFL of any house will be 1100mm above the zone B flood level on site. An existing open drainage channel along the southern boundary is to be utilised as a discharge point for surface water runoff from the development. A justification test, as required under the Guidelines is included. The Area Engineer requires that the minimum FFL be 5.0m OD. This will necessitate raising the levels above those shown on the layout (21/11/2025) at sites 3-6 inclusive and will ensure a minimum freeboard of 1.4m.
- The Area Engineer recommends that an area of land be reserved to the rear of dwellings 1-4 to allow access to the watercourse for maintenance etc.
- The Appropriate Assessment was updated.
- House at Site 4 updated.

#### 3.2.2. Other Technical Reports

- Area Engineer: Further information requested in relation to revised drainage proposals and layout to provide for access for maintenance of all stormwater

pipes and the watercourse along the southern boundary. A Site-Specific Flood Risk Assessment is required given the evidence of flooding on part of the site. Further information received and no objection subject to 1. The proposed attenuation tank shall be constructed in reinforced concrete (to reduce the risk of ground subsidence or floatation). 2. The minimum FFL shall be 0.5m OD. 3. A 4-metre-wide accessway shall be provided between the watercourse and adjusted rear boundaries of Sites 1 to 4 inclusive. An entrance complete with a vehicular gate shall be provided onto the public road. Details shall be agreed with the Planning Authority prior to development commencing. This is to provide suitable access for the inspection and maintenance of the watercourse to prevent flooding.

- Environment: Further information required in relation to site suitability assessment for site no. 5, site specific Construction and Environmental Management Plan and a Level Tier 2 Groundwater impact assessment in accordance with the EPA Manual “Guidance on the Authorisation of Discharges to Groundwater (EPA, 2011).
- Water Services: Further information required in relation to wastewater infrastructure shall be laid as part of the development so a future connection to the public wastewater system is possible when the existing Garryvoe WWTP is upgraded. This shall include a gravity sewer network within the estate and an area to construct a future pumping station which can connect to the Garryvoe WWTP. All wastewater infrastructure constructed shall be to Uisce Eireann standards and specifications. Further information received and no objection subject to conditions.
- Estate Engineer: Further information required in relation to where it is proposed to discharge attenuated storm flows to, survey the public system and confirm it is in good working order and capable to accepting additional flows.
- Public Lighting: Further information required in relation to public lighting requirements. The further information was not addressed; however, the issues can be addressed via an appropriate condition.
- Housing Officer: Part V required.

### 3.2.3. Conditions

- Condition 4: Wastewater infrastructure to facilitate a potential public sewer connection shall be installed on site by the developer as per the details submitted by the applicant. In the event of a public sewer connection becoming available then the individual wastewater treatment systems serving each of the proposed dwellings shall be decommissioned and connected to the public mains. The responsibility of decommissioning each treatment plant shall be carried out by the developer or transferred to the individual purchasers as a condition of sale. Full details in relation to same shall be subject to the written agreement of the Planning Authority.

Reason: In the interests of public health.

- Condition 12: The Minimum finished floor level of the proposed dwellings shall be 5.0m OD.

Reason: In the interest of mitigating potential flood risk.

- Condition 13: The proposed attenuation tank shall be constructed in reinforced concrete (to reduce the risk of ground subsidence or floatation).

Reason: In the interests of public health.

- Condition 14: A 4-metre-wide accessway shall be provided between the watercourse and adjusted rear boundaries of Sites 1 to 4 inclusive. An entrance complete with a vehicular gate shall be provided on to the public road. Full details shall be agreed with the Planning Authority in writing prior to the Development commencing. This is required to provide suitable access for the inspection and maintenance of the watercourse to prevent flooding.

Reason: In order to help manage flood risk.

- Condition 24: The future pumping station to be positioned a minimum of 25m from any residence.

Reason: To accord with Objective WM 11-9 of the 2022 County Development Plan.

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

Two observations were received. The following concerns were raised:

- Water supply will be impacted particularly when water pressure at peak or busy times.
- Flood risk assessment is flawed. Photographic evidence submitted and indicated the southwestern section of the site has flooded three times in the past decade. Plot 5 is too close to flood susceptible area.
- Attenuation tank and two wastewater units are in the proposed flood risk area.
- The drainage ditch on the southern boundary needs to be cleared/dredged to aid water flows.

## 4.0 Planning History

No planning history on site.

### Adjacent sites:

**PA Reg. No: 234100:** Permission granted for 7no. single storey dwelling and all associated site works.

**PA Reg. No: 215957:** Permission granted for 9no. dwelling and all associated site works.

**PA Reg. No: 214006:** Permission granted for change of house type to site's no. 10 and 11 under planning reference 17/6060 to detached four-bedroom house.

**PA Reg. No: 195360:** Permission granted for 19no. dwelling (change to plans under planning reference: 17/6060) and retention of front porch at site no. 1 and all associated site works.

**PA Reg. No: 176060:** Permission granted for residential development of 22 no. detached dwelling, each served by an individual wastewater treatment unit and all ancillary site works.

## 5.0 Policy Context

### 5.1. Development Plan

#### Cork County Development Plan 2022-2028 (CDP)

The site is located within the village of Shanagarry/Garryvoe which is identified in the East Cork MD, Volume 4. A population target growth of 50 housing units has been identified for the settlement with an overall vision “to promote tourist potential or the area in tandem with a balanced provision of services and permanent residential development, and to protect the special environmental and coastal setting of the area” as per section 3.19.1 of the CDP.

The objectives for Shanagarry/Garryvoe are as follows:

DB-01: Within the development boundary of Shanagarry/Garryvoe encourage the development of up to 50 houses during the plan period.

DB-02: The green infrastructure features of Shanagarry/Garryvoe include its marine, coastal and the Ballycotton, Ballynamona and Shanagarry proposed Natural Heritage Area. The area supports high numbers of overwintering wetland bird species.

New development should be sensitively designed and planned to provide for the protection of these features and will only be permitted where it is shown that it is compatible with the requirements of nature conservation directives and with environmental, biodiversity and landscape protection policies as set out in Volume One Main Policy Material and Volume Two Heritage and Amenity.

DB-03: Appropriate and sustainable water and waste-water infrastructure, that secures the objectives of the Water Framework Directive and the ensures the protection of the Ballycotton Bay SPA and associated wetlands, must be provided and be operational in advance of the commencement of any discharges from development. Wastewater infrastructure must be capable of treating discharges from development to ensure that water quality in the receiving water does not fall below legally required levels.

DB-04: Part of the settlement is at risk of flooding. See flood risk objectives in Volume One, Chapter 11, Water Management.

The following objectives/provision of the CDP apply:

HOU 4-7: Housing Density on Residentially Zoned Lands.

Table 4.1: Settlement Density Location Guide

Table 4.1 sets out the Settlement Density Location Guide based on Settlement Density Type and identifies a Medium C density for (5-20 units/ha) villages as applicable on edge of centre sites.

HOU 4-6: Housing Mix

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

g) Development may only proceed where appropriate wastewater treatment is available which meets the requirements of environmental legislation, the Water Framework Directive and the requirements of the Habitats Directive.

WM 11-9: Wastewater Disposal

- a) Require that development in all settlements connect to public wastewater treatment facilities subject to sufficient capacity being available which does not interfere with Council's ability to meet the requirements of the Water Framework Directive and the Habitats Directive. In settlements where no public wastewater system is either available or proposed, or where design, capacity or licensing issues have been identified in existing plants, new developments will be unable to proceed until adequate wastewater infrastructure is provided.
- b) In assessing proposals for development, it is a requirement that adequate assimilative capacity in the receiving waterbody be retained so as to allow for the overall growth of the settlement.
- c) Development proposals incorporating proposals for management of wastewater through use of Integrated Constructed Wetlands should be designed to comply with national guidelines.
- d) Development in and around Wastewater Treatment Plants will not generally be permitted within 100m of a treatment works or 25m of a pumping station. This distance may be increased if significant environmental issues are likely to

arise and will be judged on a site-by-site basis. The buffer area may be used to fulfil open space requirements.

#### WM 11-10 Surface Water, SuDs and Water Sensitive Urban Design

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

#### WM 11-15 Flood Risk Assessments

To require flood risk assessments to be undertaken for all new developments within the County in accordance with The Planning System and Flood Risk Management – Guidelines for Planning Authorities (2009) and the requirements of DECLG Circular P12/2014 and the EU Floods Directive,

- For sites within Flood Zone A or B, a site-specific Flood Risk Assessment will be required.

- For sites within Flood Zone C, an examination of all potential sources of flooding, and consideration of climate change (flood risk screening assessment), will be required. In limited circumstances where the “Flood Risk Screening Assessment” identifies potential sources of flood risk, a site-specific flood risk assessment may also be required.
- All proposed development must consider the impact of surface water flood risks on drainage design through a Drainage Impact Assessment. The drainage design should ensure no increase in flood risk to the site, or the downstream catchment.

BE 15-2 refers to Protect sites, habitats and species.

BE 15-6 refers to Biodiversity and New Development.

HE 16-9 refers to Archaeology and Infrastructure Scheme

HE 16-21 refers to Design and Landscaping of New Buildings

## 5.2. National and Regional Policies

- Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2023)
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023)
- National Planning Framework (NPF) 2040
- Regional Spatial and Economic Strategy for the Southern Region (RSES) 2018.

## 5.3. Natural Heritage Designations

The subject site is not located within a natura 2000 site. The following are located within close proximity:

- Ballycotton, Ballynamona and Shanagarry pNHA (site code: 000076) is located approximately 150 metres south and east of the subject site.
- Ballycotton Bay SPA (site code: 004022) is located approximately 260m south of the subject site.

- Ballycotton Islands pNHA (site code: 001978) are located approximately 3.7km south of the subject site.

#### 5.4. EIA Screening

- 5.4.1. 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.

### 6.0 The Appeal

#### 6.1. Grounds of Appeal

The grounds of appeal have been received from a local resident. The following concerns were raised:

- Flooding: Photographic evidence submitted of recent flooding on the southwestern portion of the subject site. Flooding has occurred three times over an 8-year period on 30<sup>th</sup> December 2015, 27<sup>th</sup> February 2016 and 19<sup>th</sup> October 2023, the day after Storm Babet.

Given the frequency and expanding area of flooding events shown, the site could be a Flood Zone A not a Flood Zone B as per OPW flood maps and CDP.

Sites 4 & 5 are in proximity to the southwestern flood area. Site no. 5 is just over 5 metres from the western boundary ditch. A significant portion of sites 4 and 5 lie between the 3.5m OD and 4.0m OD contour lines. The proposed ground levels of 4.3m at both sites may not be adequate for future extreme rainfall events.

There is potential for flood risk at appellant property to the southeast if the attenuation tank sediment builds up.

- Wastewater: There is no public wastewater in Garryvoe. The proximity of the septic tanks to the southern drain is a concern.
- Surface Water: The Engineering Infrastructure Report notes the lack of SuDs measures which only include two measures such as permeable paving and an attenuation tank. Cork County Council (CCC) state underground tanks present future management and maintenance burden. The tank should be inspected for sediment build-up and should be completed every 5 years. Request that this is changed to every 2 years.

The proposed ground levels in the southwestern green space and at sites 1-4 should preserve existing ground levels. Note in the surface water plan that the invert level, the elevation of the base of the existing drainage ditch hasn't been confirmed yet. The capacity of the drainage ditch has not been determined. A full hydraulic assessment is required.

- Public Water: In regard to the public water supply, the main pipes are in poor condition with leaks every few months and upgrading is required. Request that the water mains pipe is upgraded prior to construction.
- Access: The accessway should be unpaved. A paved or tarmacked track so close to the drainage ditch is not good for overall drainage. A 4-metre-wide exclusion zone of trees should be put in parallel with the drainage ditch to allow for inspection and maintenance.

## 6.2. Applicant Response

- None

## 6.3. Planning Authority Response

- The Planning Authority is of the opinion that all the relevant issues have been covered in the technical reports already forwarded to the Board as part of the appeal documentation and has no further comment to make in this matter.

## 6.4. Observations

- None

## 6.5. Further Responses

- None

## 7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s 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 issues in this appeal to be considered are as follows:

- Flooding
- Wastewater
- Surface water
- Other issues
- Appropriate Assessment
- Water Framework Directive

### 7.2. Flooding

7.3. The subject site is located within a greenfield site within the development boundary of Garryvoe/Shanagarry. The subject site is directly adjacent to a Flood Zone A and Flood Zone B is partially located to the southwest of the subject site as designated area as per Cork County Development Plan 2022-2028 and in accordance with the OPW Flood Risk Maps.

7.4. The grounds of appeal have submitted photographic evidence of flooding on the southwestern portion of the subject site. Flooding has occurred three times over an 8-year period on 30<sup>th</sup> December 2015, 27<sup>th</sup> February 2016 and 19<sup>th</sup> October 2023, the day after Storm Babet. The appellant has stated the site could be in Flood Zone A.

Site's 4 & 5 are in close proximity to the southwestern flood area. Site no. 5 is just over 5 metres from the western boundary ditch. The proposed finish floor level may not be adequate.

There is potential for flood risk at appellant property to the southwest if the attenuation tank sediment builds up.

- 7.5. I have reviewed the information submitted with the planning application and I have carried out a site visit. I note the southwestern portion of the site was dry underfoot with little evident of wet soil (i.e. no rushes) and adjacent to an open drain. The applicant has carried out a Flood Risk Assessment, the assessment outlines that no recorded flood incidents are documented directly at the subject site, however, the site lies in close proximity to areas where past flood events have been identified. Nearby areas have experienced coastal and pluvial (surface water) flooding, especially during periods of intense rainfall combined with high tides. The CDP identifies a portion of the northwestern and southern site boundaries as laying within Flood Zone B. There is no overlapping on the proposed housing, attenuation facilities or pumping station. Flood Zone A is immediately adjacent to the site boundary. In accordance with The Planning System and Flood Risk Management, the site is considered to be in conservatively Flood Zone B, and the proposed development is described as “highly vulnerable development” based on the CFRAM study. Therefore, the development is deemed to require a Justification Test.
- 7.6. A justification test was carried out and I have reviewed same, it is considered as the proposed site lies within the Shanagarry/Garryvoe Development Area as per Cork County Development Plan 2022-2028 which was subject to a detailed Flood Risk Assessment and Justification Test, therefore, it is considered that the Justification Test has passed part 1 of Box 5.1 Justification Test for development management of “The Planning System and Flood Risk Management Guidelines for Planning Authorities”. In regard to part 2, any new flow generated from the proposed hardstanding areas and buildings on the site will be alleviated by the introduction of an attenuation tank and hydrobrake which will reduce overflow from the site in storm events, thus, there is no increase to flood risk elsewhere. The proposal will not result in the net loss of flood storage. The measures to minimise the potential flood risk to people, property and the economy will include the proposed finished floor levels (FFLs) of all proposed buildings set at a minimum of 4.6m OD, over 1.0m above the nearby flood levels. The proposal to ensure that residual risk is managed in described in the “proposed Flood Protection Measures” of the Flood Risk Assessment dated 21st November 2025. I consider that the proposal is consistent

with the requirements of the CDP. Therefore, I consider that the Justification Test is passed.

- 7.7. I note the southwestern section of the site is in flood zone B and is currently at approximately +3.50m OD, while the minimum floor level for any dwelling will be set at +4.60m OD, providing a 1100mm freeboard in the event of a flood. The Area Engineer of CCC requires the minimum FFL shall be 5.0m OD. A condition was attached in order to comply with this requirement. I consider the further increase in the finished floor level will offer further protection from any potential flood event and I am satisfied that the dwellings and residents are substantially protected with an increase in the proposed finished floor level to 5.0m OD.
- 7.8. There is an existing open drain along the southern boundary of the site, it is proposed to utilise this drain as the discharge point for surface water runoff from the development. Surface water will be collected and conveyed through the on-site drainage network, attenuated within a storage system, and then released at a controlled rate into this existing ditch. The channel ultimately connects to the wider local drainage system, providing a natural outfall for runoff. The Area Engineer of CCC has requested a 4-metre-wide accessway shall be provided between the watercourse and the rear boundaries of Sites 1 to 4 inclusive. Details shall be agreed with the Planning Authority prior to development commencing. This is to provide suitable access for the inspection and maintenance of the watercourse to prevent flooding. I am satisfied that this measure is sufficient to provide maintenance of the existing watercourse and will prevent any potential future flooding occurring elsewhere of site.
- 7.9. Having regard to the Flood Risk Assessment submitted, including the Justification Test, I am satisfied that the site lies within Flood Zone B and passes the justification test. The subject site will utilise the existing drain to the south of the subject site with controlled surface water runoff. There are minimal risk of tidal flooding and no anticipated risk of fluvial flooding as the proposed finished floor levels will be increased to +5.0mOD and this is approximately 1.4m above the corresponding existing flood zone level. Therefore, I consider that the proposed development is in accordance with the Cork County Development Plan 2022-2028 and the Planning System and Flood Risk Management Guidelines for Planning Authorities.

## 7.10. **Wastewater**

- 7.11. The subject site is located within the village of Garryvoe/Shanagarry. The existing wastewater facility is at capacity, and the Planning Report states that there is currently no further investment proposed in order to upgrade the wastewater treatment facility.
- 7.12. The grounds of appeal state there is no public wastewater capacity in Garryvoe and the proximity of the septic tanks to the southern drain is a concern. Planning condition 14 states that an accessway be provided bordering the drainage ditch for inspection and maintenance.
- 7.13. The applicant is proposing 10 no. individual wastewater treatment units for proposed 10no. dwellings. I have assessed the 10no. individual Site Suitability Assessments and I note these were carried out in accordance with EPA 2021 Code of Practice and will be installed at least 10 metres from the adjoining watercourse. It is proposed to install Circle 7 Tertiary Systems and a small infiltration area of 45sqm for each site. I note no concerns were raised by the Environment Section and that Water Services section of CCC require the applicant to install wastewater connection for possible future connection to the wastewater treatment facility.
- 7.14. In accordance with Volume 4 South Cork of the CDP, section 3.19 Shanagarry/Garryvoe, objective no. DB-03 states “Appropriate and sustainable water and waste-water infrastructure, that secures the objectives of the Water Framework Directive and that ensures the protection of the Ballycotton Bay SPA and associated wetlands, must be provided and be operational in advance of the commencement of any discharges from development. Wastewater infrastructure must be capable of treating discharges to ensure that water quality in the receiving water does not fall below legally required levels. Therefore, Environment section required the applicant to carry out a Level Tier 2 Groundwater impact assessment in accordance with the EPA Manual “Guidance on the Authorisation of Discharges to Groundwater (EPA, 2011).
- 7.15. I have reviewed the Groundwater Impact Assessment submitted and it concluded that on the basis of a desk study, 10 EPA Site Suitability Assessments and the source-pathway-receptor appraisal, the proposed scheme of 10 individual secondary treatment units (Euro-Bio 6) followed by Circle 7 tertiary filtration with discharge to

gravel infiltration areas is considered suitable for the proposed site. The subsoils comprise tills derived from Devonian sandstones with percolation values in the range 25-40min/25mm, and groundwater vulnerability is mapped as moderate.

Groundwater flows generally from north-west to south-east; the Rooskagh Stream lies approximately 250m west and Ballycotton Bay approximately 300m south. The local groundwater body (IE\_SW\_G\_028) and the receiving surface water body (IE\_SW\_19A200870) both hold Good status for 2016-2021. Certified treatment performance to IS EN 12566-3 and IS EN 12566-7, together with ALS results demonstrating E. coli below 1,000 cfu/100ml at the tertiary outlet, indicates that the designed treatment train will achieve a high level of polishing prior to infiltration. It is concluded with the design controls outlined in the report, the overall risk to groundwater quality, Ballycotton Bay bathing waters and SPA features is assessed as low, and no significant deterioration of status is predicted. Therefore, I am satisfied that the proposal will not impact on water quality in the area.

7.16. In addition, an Appropriate Assessment was carried out, no impact predicted on the Natura 2000 site, please refer to section 8 for further details.

7.17. Having regard to the Site Suitability Assessments, the Area Engineer and Environment of CCC comments, I consider the proposed wastewater treatment systems will be installed as per EPA 2021 Code of Practice and will not impact the groundwater in the area. Therefore, I am satisfied that the proposed wastewater treatment units are appropriate for the subject site.

7.18. **Surface water**

7.19. Surface water on site will be dealt with by a range of sustainable urban drainage systems and discharged to the local watercourse drain to the south of the subject site.

7.20. The grounds of appeal state the Engineering Infrastructure Report lacks SuDs measures which only include two measures such as permeable paving and an attenuation tank. CCC state underground tanks present future management and maintenance burden. The tank should be inspected for sediment build-up and should be completed every 5 years. Request that this is changed to every 2 years.

The proposed ground levels in the southwestern green space and for sites 1-4 should preserve existing ground levels. Note in the surface water plan that the invert

level, the elevation of the base of the existing drainage ditch hasn't been confirmed yet. The capacity of the drainage ditch has not been determined. A full hydraulic assessment of the ditch is needed.

7.21. I have reviewed the Engineering Infrastructure Report and Drainage Impact Assessment submitted. The SuDs measures include permeable paving. A below-ground online attenuation tank (257m<sup>3</sup>) is proposed for the management of surface water from the roofs, road and paved areas within the development. Discharge from the attenuation tank will be controlled by the hydrobrake manhole, which will limit outflow to the calculated greenfield runoff rate (Qbar) of 6.87l/s. this design ensures that post-development runoff rates will not exceed pre-development conditions, in accordance with sustainable drainage principles. A Kingspan Aquaoil Full Retention Separator NSFA0110 will also be introduced after the hydrobrake manhole which will help remove any contaminants from the surface water before it discharges off the site.

The attenuation tank holds storage capacity for a 1-in-100 year storm event and includes a 20% increased allowance for climate change.

The controlled and treated surface water runoff will discharge into the existing drainage drain situated to the south of the site. This drain forms part of the local drainage network, and the proposed outfall connection will be subject to approval by the relevant local authority.

7.22. I note section 11.10.3 of the CDP advises that “while engineered attenuation in underground tanks may be necessitated in limited circumstances, a range of solutions should be considered in a SuDs scheme which are designed to manage, treat, and make best use of surface water, prioritising nature-based solutions and embracing opportunities to enhance green infrastructure and create attractive, nature rich open space. This would also have the effect of minimising the future management and maintenance burden that underground tanks present. Where SuDs measures are being proposed, the chosen solution should be fully justified having regard to a hierarchy of nature-based solutions”. In this particular site an attenuation tank is the best solution for surface water and the Engineer of CCC has not raised any issues, therefore, it is my opinion that the proposed attenuation tank is appropriate to deal with surface water on this particular site.

7.23. The appellant raised concerns in relation to the ongoing maintenance of the attenuation tanks, this will be carried out in accordance with best practice standards to minimise the risk of blockage or backflow. I note section 2.5.2 of the Engineering Infrastructure Report and Drainage Impact Assessment refers to the maintenance of the attenuation tank. It will be constructed as reinforced concrete underground tank or a Storm Tech tank. This tank will be provided with an access chamber on both ends, with a sump located within to allow for jet wash cleaning and extraction of silt for maintenance purposes. Maintenance plans and schedules are developed based on the type of tank adopted. These specific maintenance needs should be monitored, and schedule adjusted to suit requirements. It is outlined that every 5 years or as required a survey of the inside of the tank for sediment build-up will be carried out and removed if necessary. Therefore, I consider the proposed maintenance plan is acceptable.

7.24. Having regard to the proposed use of permeable paving and attenuation tank in accordance with the Sustainable Urban Drainage Systems for the Greater Dublin Area and in accordance with Objective 11.10.4 of the Cork County Development Plan 2022-2028, I am satisfied that the proposed measures are sufficient to treat surface water which will be discharged to the nearby watercourse at greenfield rate to the south of the subject site and therefore, will not negatively impact the adjacent property or cause flooding elsewhere.

7.25. **Other issues**

7.26. Public Water Supply

7.27. In regard to the public water supply, the grounds of appeal state the main pipes are in poor condition with leaks every few months and upgrading is required. The appellant requests that the water mains pipe is upgraded prior to construction. The applicant submitted a pre-connection enquiry with Uisce Eireann regarding the proposed water supply and a Confirmation of Feasibility was received for the development on the 13<sup>th</sup> March 2024 (Ref: CDS24000307). It is noted that the watermain works will be undertaken in accordance with Uisce Eireann standard details and codes of practice for water as required. Therefore, I am satisfied that adequate water connection can be made without upgrades.

7.28. Access

- 7.29. The grounds of appeal also outline that the accessway should be unpaved. A 4-metre-wide exclusion zone of trees should be put in parallel with the drainage ditch to allow for inspection and maintenance.
- 7.30. The applicant has outlined that permeable paving will be provided to the driveway for each dwelling and a tarmacked surface will be provided for the access road, this is considered the most suitable surface road finish for a proposed development. Surface water runoff will be disposed of via an attenuation tank to discharge to the local watercourse. In the event of a grant of permission, a condition will be attached stating a 4-metre-wide accessway shall be provided between the watercourse and adjusted rear boundaries of Sites 1 to 4 inclusive shall be provided. A landscaping plan has been provided, and details native specimen trees will be planted along the watercourse to the south. However, I consider given that a 4 metres corridor shall be provided to allow access to the watercourse, a revised landscaping plan shall be submitted as part of the planning conditions in the event of a grant of permission to provide planting to reflect the corridor required and provided outside the 4-metre corridor.

## 8.0 AA Screening

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

The proposed site is not located within a designated site, Ballycotton Bay SPA (site code: 004022) is located approximately 260m south of the subject site.

The proposed development comprises permission for 10no. residential units and all associated site works. No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- Scientific information provided in the Screening Report.

- Scale and size of the proposed development within a village settlement boundary.
- Distance to the nearest European site Ballycotton Bay SPA (site code: 004022) is located approximately 260m south of the subject site.
- No ex-situ impacts on wintering birds.
- The lack of pathways to the SPA.
- Connection to on-site individual wastewater treatment units in accordance with EPA Guidelines.
- Surface water disposal in accordance with standard construction methods during construction and operation
- Potential impacts identified would not be significant in terms of site-specific conservation objectives for the Ballycotton Bay SPA and would not undermine the maintenance of favourable conservation status for those qualifying interest features of unfavourable conservation status.

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

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

## 9.0 Water Framework Directive

- 9.1. The subject site is located in the village settlement of Garryvoe, Co. Cork. Ballycotton Bay is located approximately 260 metres south of the subject site. The proposed development comprises permission for 10no. residential units with connections to individual wastewater treatment systems, public water and discharge of surface water via an attenuation tank to watercourse. No water deterioration concerns were raised in the planning appeal.

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 & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows.

- Scale and size of the proposed development within a village settlement boundary.
- Distance to the nearest waterbody at 260 metres south of the subject site.
- Connection to public water
- Construction of individual wastewater treatment systems in accordance with EPA guidelines.

Taking into account WFD screening report 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 planning permission should be granted, subject to conditions for the reasons and considerations as set out below.

## 11.0 Reasons and Considerations

11.1. Having regard to the provisions of the Cork County Development Plan 2022-2028, the location of the subject site within the village settlement boundary of Garryvoe/Shanagarry and to the nature, scale and design of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of surface water

disposal and it has been adequately demonstrated that the proposed development is outside of a flood risk area and is therefore an acceptable form of development at this location. The proposed development would not seriously injure the residential amenity of the adjacent properties and would therefore, be in accordance with the proper planning and sustainable development of the area.

## 12.0 Conditions

1	<p>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 21<sup>st</sup> day of January 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.</p> <p><b>Reason: In the interest of clarity.</b></p>
2.	<p>(a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on 17<sup>th</sup> October 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.</p> <p>(b) Treated effluent from the 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 Wastewater Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.</p> <p>(c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified</p>

	<p>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.</p> <p><b>Reason: In the interest of public health and to prevent water pollution.</b></p>
3.	<p>Wastewater infrastructure to facilitate a potential public sewer connection shall be installed on site by the developer as per the details submitted by the applicant. In the event of a public sewer connection becoming available then the individual wastewater treatment systems serving each of the proposed dwellings shall be decommissioned and connected to the public mains. The responsibility for decommissioning each treatment plant shall be carried out by the developer or transferred to the individual purchasers as a condition of sale. Full details in relation to same shall be subject to the written agreement of the Planning Authority.</p> <p><b>Reason: In the interests of public health.</b></p>
4.	<p>The future pumping station to be positioned a minimum 25m from any residence.</p> <p><b>Reason: To accord with Objective WM11-9 of the 2022 County Development Plan.</b></p>
5.	<p>Proposals for an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p><b>Reason: In the interest of urban legibility.</b></p>
6.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an</p>

	<p>agreement in writing with the planning authority [in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.</p> <p><b>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.</b></p>
7.	<p>(a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p>

	<p>(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p> <p><b>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</b></p>
8.	<p>Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA’s Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p><b>Reason: In the interest of reducing waste and encouraging recycling.</b></p>
9.	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason: In the interest of public health and surface water management.</b></p>
10.	<p>Soil, rock and sand excavated during construction shall not be left stockpiled on-site following completion of works. Details of treatment of stockpiled materials shall be submitted to and agreed in writing with the planning authority prior to commencement of development.</p>

	<b>Reason: In the interest of visual amenity and sustainably re-use materials.</b>
11.	<p>All over ground tanks containing liquids (other than water) shall be contained in a waterproof bunded area, which shall be of sufficient volume to hold 110 per cent of the volume of the tanks within the bund. All water contaminated with hydrocarbons, including stormwater, shall be discharged via a grit trap and three-way oil interceptor with sump to a watercourse. The sump shall be provided with an inspection chamber and shall be installed and operated in accordance with the written requirements of the planning authority.</p> <p><b>Reason: To prevent water pollution.</b></p>
12.	<p>There shall be no interfering with, bridging, piping, draining or culverting of any watercourse its banks or bankside vegetation to facilitate this development without the prior written approval of the Planning Authority.</p> <p><b>Reason: To safeguard the amenities and prevent pollution and/or erosion.</b></p>
13.	<p>Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following:</p> <ul style="list-style-type: none"> <li>• collection and disposal of construction waste,</li> <li>• surface water run-off from the site,</li> <li>• on-site road construction,</li> <li>• and environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures.</li> <li>• A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority.</li> </ul>

	<ul style="list-style-type: none"> <li>The agreed CEMP shall be implemented in full in the carrying out of the development.</li> </ul> <p><b>Reason: In the interest of environmental protection, residential amenities, public health and safety and environmental protection.</b></p>
14.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason: In order to safeguard the residential amenities of property in the vicinity.</b></p>
15.	<p>The minimum finished floor level of the proposed dwellings shall be 5.0m OD.</p> <p><b>Reason: In the interests of mitigating potential flood risk.</b></p>
16.	<p>The proposed attenuation tank shall be constructed in reinforced concrete (to reduce the risk of ground subsidence or floatation).</p> <p><b>Reason: In the interests of public health.</b></p>
17.	<p>A 4-metre-wide accessway shall be provided between the watercourse and adjusted rear boundaries of Sites 1 to 4 inclusive. An entrance complete with a vehicular gate shall be provided onto the public road. Full details shall be agreed with the Planning Authority in writing prior to the development commencing.</p> <p><b>Reason: In order to help manage flood risk.</b></p>
18.	<p>The landscaping scheme shown on drawing number 25-01-P.005 as submitted to the planning authority on the 17<sup>th</sup> day of October 2025 shall be carried out within the first planting season following substantial completion of external construction works.</p>

	<p>In addition to the proposals in the submitted scheme, the following shall be carried out:</p> <ul style="list-style-type: none"> <li>Planting along the southern boundary shall be provided outside the required 4 metre buffer zone required to provide maintenance and access to the watercourse.</li> </ul> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason: In the interest of residential and visual amenity.</b></p>
19.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason: To ensure the satisfactory completion and maintenance of this development.</b></p>
20.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.</p>

	<b>Reason: In the interest of traffic safety and the proper planning and sustainable development of the area.</b>
21.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason: To ensure the satisfactory completion and maintenance of this development.</b></p>
22.	<p>No dust, mud or debris from the site shall be carried onto or deposited on the public road/footpath. Public roads and footpaths in the vicinity of the site shall be maintained in a tidy condition by the developer during the construction phase.</p> <p>Reason: To protect the amenities of the area and in the interests of road safety.</p>
23.	<p>Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within the drawing landscape plan drawing no. 25-01-P.005. Such lighting shall be provided prior to the making available for occupation of any residential unit.</p> <p><b>Reason: In the interest of amenity and public safety.</b></p>
24.	<p>Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply.</p> <p><b>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</b></p>

25.	<p>(a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p> <p><b>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</b></p>
26.	<p>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</p>

<p>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.</p> <p><b>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.</b></p>
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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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Jennifer McQuaid  
Planning Inspector

21<sup>st</sup> April 2026

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

<b>Case Reference</b>	PL-500629-CK-26
<b>Proposed Development Summary</b>	Construction of 10 dwelling, wastewater treatment systems and associated site works.
<b>Development Address</b>	Garryvoe Lower, Ladysbridge, 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 checked="" 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 type="checkbox"/> 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.  <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	<p>Schedule 5, Part 2, Class 10b(i) Construction of more than 500 dwelling units.</p> <p>The proposal consists of 10 no. residential units on a site size of 1.2 hectares.</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>	
<b>Yes</b> <input type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>
<b>No</b> <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

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

## Appendix A: Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	PL-500629-CK-26
<b>Proposed Development Summary</b>	Construction of 10 dwelling, wastewater treatment systems and associated site works.
<b>Development Address</b>	Garryvoe Lower, Ladysbridge, Co. Cork.
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<p><b>Characteristics of proposed development</b></p> <p>(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).</p>	<p>The proposed development consists of planning permission for 10 no. dwellings and all associated site works.</p> <p>The development consists of typical construction and related activities and site works. The proposed works do not result in the production of significant waste, emissions or pollutants.</p> <p>Surface water will be treated on site and discharged to local water course.</p> <p>Wastewater will be discharged via individual wastewater treatment system, constructed in accordance with EPA Guidelines.</p> <p>Public water mains are available.</p>
<p><b>Location of development</b></p> <p>(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).</p>	<p>The proposed site is located in the village settlement of Garryvoe/Shanagarry. There are no significant sensitivities in the immediate area. The subject site is not located within a designated site, the nearest are as follows:</p> <ul style="list-style-type: none"> <li>Ballycotton Bay SPA (site code: 004022) is located approximately 260m south of the subject site.</li> </ul> <p>My appropriate assessment screening concludes that the proposed development would not likely have a significant effect on any European site.</p> <p>The subject site is located directly adjacent a flood risk area, however, a Flood Risk Assessment was carried out and stated once mitigation measures are implemented there is no risk of flooding.</p>

	Minimal Tidal flooding is confined to the southwestern corner of the proposed development but does not overlap with on-site buildings/infrastructure.
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	The site size measures 1.2ha. The size of the development is not exceptional in the context of an urban environment.  The proposed development is a relatively small development in the urban context. There is no real likelihood of significant cumulative effects within the existing and permitted projects in the area.
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
<b>There is no real likelihood of significant effects on the environment.</b>	EIA is not required.

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

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

## Appendix B – Appropriate Assessment Screening.

Screening for Appropriate Assessment Test for likely significant effects				
<b>Step 1: Description of the project and local site characteristics</b>				
<b>Brief description of project</b>	Construction of 10 dwelling, wastewater treatment systems and associated site works.			
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>The site is not located within the Natura 2000 area. Ballycotton Bay SPA is located 260m south/southeast of the subject site.</p> <p>The site is currently greenfield.</p> <p>The proposed development will consist of 10 no. individual wastewater treatment units constructed in accordance with EPA Guidelines.</p> <p>Surface water will be disposed via an attenuation tank to discharge to watercourse.</p> <p>The subject site will be connected to public water.</p>			
<b>Screening report</b>	Yes (Prepared by Kelleher Ecology Services Ltd)			
<b>Natura Impact Statement</b>	No			
<b>Relevant submissions</b>	None			
<b>Step 2. Identification of relevant European sites using the Source-pathway-receptor model</b>				
<p>One European site (Ballycotton Bay SPA) was identified as being located within a potential zone of influence as detailed in Table 1 below. I have only included those sites with any possible ecological connection of pathway in this screening determination.</p>				
European Site (code)	Qualifying interests Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections	Consider further in screening. Y/N

<p>Ballycotton Bay SPA (site code: 004022)</p>	<p>Teal (<i>Anas crecca</i>) Ringed Plover (<i>Charadrius hiaticula</i>) Golden Plover (<i>Pluvialis apricaria</i>) Grey Plover (<i>Pluvialis squatarola</i>) Lapwing (<i>Vanellus vanellus</i>) Black-tailed Godwit (<i>Limosa limosa</i>) Bar-tailed Godwit (<i>Limosa lapponica</i>) Curlew (<i>Numenius arquata</i>) Turnstone (<i>Arenaria interpres</i>) Common Gull (<i>Larus canus</i>) Lesser Black-backed Gull (<i>Larus fuscus</i>) Wetland and Waterbirds. <a href="#">Ballycotton Bay SPA   National Parks &amp; Wildlife Service</a> Dated: 30<sup>th</sup> March 2026</p>	<p>c.260metres south of the subject site.</p>	<p>Surface water runoff – indirect link via the existing stream to the southern boundary.</p>	<p>Yes</p>
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**Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites**

**AA Screening matrix**

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Ballycotton Bay SPA (site code: 004022)	<u>During Construction</u>	The site is not of significant ex-situ ecological value for waterbirds in general,

	<p>Temporary Indirect water quality impacts for potentially surface water runoff.</p> <p><u>During Operation</u>          Indirect surface water runoff.          Wastewater potential runoff</p>	<p>including the qualifying interest species of the nearby Ballycotton Bay SPA.          No non-native invasive plant species were noted on site.</p> <p>No indirect significant adverse habitat loss/deterioration effects are considered likely via surface water run-off drainage associated with the proposed development.          No significant adverse impact-receptor pathway on any Natura 2000 site regarding potential impacts from wastewater/foul effluent arising at the proposed development.          No significant adverse impact-receptor pathway associated in regard to potential disturbance/displacement impact.          There is no impact-receptor pathway on any Natura 2000 site regarding potential habitat loss/damage impacts related to the spread of invasive plants due to a lack of invasive plant species.          No significant adverse impact -receptor pathway regarding flooding/floodplain and any Natura 2000 site.</p>
Yes	<b>Likelihood of significant effects from proposed development (alone):</b>	
	No	
Yes	<b>Possibility of significant effects (alone) in view of the conservation objectives of the site.</b>	

	No
<p><b>Further Commentary/discussion</b></p> <p>Surface water drainage strategy will be designed in accordance with standards construction methods.</p> <p>Wastewater will be treated in accordance with EPA Guidelines Code of Practice 2021.</p>	
<p><b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site.</b></p>	
<p>Based on the information provided in the screening report, site visit, review of the conservation objectives and supporting documents, I conclude that the proposed development (alone) would not result in likely significant effects on Ballycotton Bay SPA (site code: 004022). The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project.</p>	
<p><b>Screening Determination</b></p> <p><b>Finding of likely significant effects</b></p> <p>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 Ballycotton Bay SPA in view of the conservation objectives of this site and is therefore excluded from further consideration. Appropriate Assessment is not required.</p> <p>This determination is based on:</p> <ul style="list-style-type: none"> <li>• Scientific information provided in the Screening Report.</li> <li>• Scale and size of the proposed development within a village settlement boundary.</li> <li>• Distance to the nearest European site Ballycotton Bay SPA (site code: 004022) is located approximately 260m south of the subject site.</li> <li>• No ex-situ impacts on wintering birds.</li> <li>• The lack of pathways to the SPA.</li> <li>• Connection to on-site individual wastewater treatment units in accordance with EPA Guidelines.</li> </ul>	

- Surface water disposal in accordance with standard construction methods during construction and operation
- Potential impacts identified would not be significant in terms of site-specific conservation objectives for the Ballycotton Bay SPA and would not undermine the maintenance of favourable conservation status for those qualifying interest features of unfavourable conservation status.

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

**Appendix C: Water Framework Directive Screening**

<b>WFD IMPACT ASSESSMENT STAGE 1: SCREENING</b>			
<b>Step 1: Nature of the Project, the Site and Locality</b>			
<b>An Bord Pleanála ref. no.</b>	<b>PL-500629-CK-26</b>	<b>Townland, address</b>	Garryvoe Lower, Ladysbridge, Co. Cork.
<b>Description of project</b>		Construction of 10 dwelling, wastewater treatment systems and associated site works.	
<b>Brief site description, relevant to WFD Screening,</b>		<p>The site is located within the settlement boundary of Garryvoe/Shanagarry, Co. Cork; the site is a greenfield site. The proposed development will be connected to public water, on-site individual wastewater treatment units and surface water will be treated via an attenuation tank and discharged to nearby watercourse.</p> <p>There are no water features on site or adjacent the subject site.</p> <p>The site is directly adjacent a flood risk area and a flood risk assessment have been carried out. Minimal Tidal flooding is confined to the southwestern corner of the proposed development but does not overlap with on-site buildings/infrastructure.</p>	

<b>Proposed surface water details</b>	Surface water will be treated via an attenuation tank and discharged to nearby watercourse.
<b>Proposed water supply source &amp; available capacity.</b>	Public mains are available.
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>	10no. individual wastewater treatment systems will be installed as per EPA Guidelines.
<b>Others?</b>	

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

<b>Identified water body</b>	<b>Distance to (m)</b>	<b>Water body name(s) (code)</b>	<b>WFD Status</b>	<b>Risk of not achieving WFD Objective e.g.at risk, review, not at risk</b>	<b>Identified pressures on that water body.</b>	<b>Pathway linkage to water feature (e.g., surface run-off, drainage, groundwater)</b>

Groundwater	The site is on the groundwater.	Cloyne site code: IE_SW_G_028 Karstic.	Groundwater status is described as Good (period for GW 2019-2024)	Groundwater is described as Not At Risk.	None identified.	Potential surface water run-off.  Potential contamination from runoff of percolation area of wastewater treatment units.
	Coastal	The site boundary is located approximately 260m north from the Ballycotton Bay	Ballycotton Bay Code IE_SW_040_0000	Coastal water status is described as High (period for GW 2019-2024)	Coastal is described as Not At Risk.	None Identified.  Potential surface water run-off and run-off from percolation area of wastewater treatment units.

**Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.**

**CONSTRUCTION PHASE**

No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	<b>Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.</b>
1.	Surface	Ballycotton Bay Code IE_SW_04 0_0000	The site boundary is located c.260m north from Ballycotton Bay. There is a stream to the south of the subject site which flows into Rooskagh River and into Ballycotton bay.	Spillages	Standard Construction practice	No due to separation distance	Screened Out

2.	Ground	Cloyne site code: IE_SW_G_028	Pathways exist through drainage underground	Spillages	Standard Construction practice	No	Screened Out
<b>OPERATIONAL PHASE</b>							
3.	Surface	Ballycotton Bay Code IE_SW_040_0000	The site boundary is located c.260m north from Ballycotton Bay. There is a stream to the south of the subject site which flows into Rooskagh River and into Ballycotton bay.	Spillages	SuD features including permeable paving and the use of an attenuation tank and discharge at greenfield rate to nearby stream.	No	Screened Out
4.	Ground	Cloyne site code: IE_SW_G_028	Pathways exist through drainage underground & seepage.	Spillages/seepage	SuD Features. Connection to public water	No	Screened Out

					Wastewater treatment system will be installed as per EPA guidelines.		
<b>DECOMMISSIONING PHASE</b>							
5.	N/A						