



Inspector's Report

PL-500650-CK-26

Development

Demolition of existing single storey garage, existing boundary wall to north, existing site walls and steps, removal and decommission of existing fuel tank and construction of a dwelling and all associated works.

Location

Lands Adjoining "Portelet", Fennels Bay, Myrtleville, Co. Cork

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

256243

Applicant(s)

Richard O'Carroll

Type of Application

Permission

Planning Authority Decision

Grant Permission + Conditions

Type of Appeal

Third Party Normal Planning Appeal

Appellant(s)

Jennifer Downey

Observer(s)

Con Sheehan

Date of Site Inspection

2nd April 2026

Inspector

Carol Smyth

1.0 Site Location and Description

- 1.1. The appeal site is located within the administrative boundary of Cork County Council. The site is located on Fennells Bay Road, Myrtleville, a settlement within Cork Harbour approximately 15 km to the southeast of Cork City. The subject site is located within a residential area to the south of Crosshaven village. The area is elevated overlooking the harbour and characterised by a variety of housing types of differing scales.
- 1.2. The site has a stated area of 0.104 hectares and forms part of the side garden of an existing single storey dwelling and a detached single storey garage. It is proposed to sub-divide the site and demolish the garage to accommodate the proposed dwelling. In terms of topography the site slopes downwards from Fennells Bay Road to the southern boundary at the coast.

2.0 Proposed Development

- 2.1. Permission is sought for the demolition of an existing single storey garage, existing boundary wall to north, existing site walls and steps, removal and decommission of existing fuel tank and the construction of a single storey dwelling, new vehicular entry with associated driveway, new fences to eastern boundary, an on site domestic wastewater treatment system and all associated site and landscaped works.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a decision to grant permission on the 17th December 2025, subject to 6 no. conditions.

3.2. Planning Authority Reports

3.2.1. Area Planners Report

The Area Planners report dated 9th December 2025 is consistent with the decision notice issued.

3.2.2. Area Engineers Report

None on file.

3.3. Prescribed Bodies

None on file.

3.4. Third Party Observations

One third party observation was received in relation to the application. The issues raised in relation to the planning application also form the third-party grounds of appeal and are addressed below in Section 7.

4.0 Planning History

4.1. There is no recent relevant planning history relating to the subject site.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is located within the development boundary of Crosshaven and the Bays as identified in the Cork County Development Plan 2022-2028.
- 5.1.2. The site is zoned 'Existing Residential/Mixed Residential/Other Uses', Objective 'ZU-18-9' applies.
- 5.1.3. Objective ZU 18-9 requires that new residential development should normally respect the pattern and grain of existing urban development in the surrounding area.
- 5.1.4. Section 18.3.3 – Existing Residential/ Mixed Residential/Other Uses, sets out that the objective for this zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities. Infill developments will be considered where they are appropriate to the character and pattern of development in the area and do not significantly affect the amenities of surrounding properties.
- 5.1.5. The site is located in a designated 'High Value Landscape', Objectives GI 14-9 and GI 14-10 apply.
- 5.1.6. The site is visible from designated 'Scenic Route S59' which runs along the R612 to the north of the site, Objectives GI 14-13 and GI 14-14 apply.

- 5.1.7. The site is located within the Crosshaven and Bays Area as set out in Volume 4 of the Development Plan. Section 1.8 Crosshaven and Bays applies.
- 5.1.8. Fennell's Bay, Section 1.8.22 of the Development Plan states that capacity for new development in the Bays area is limited by its complex topography and sensitive environmental setting.
- 5.1.9. Section 1.8.32 sets out that any new development in the Bays area will be restricted to low density, individual infill development or the appropriate redevelopment or refurbishment of existing dwellings and brownfield sites subject to satisfactory sewage disposal arrangements. Medium and high density development is not considered appropriate for the Bays area.
- 5.1.10. Section 1.8.33 states that there are opportunities to deliver compact growth in Crosshaven and Bays which would include infill developments, backlands developments, and through addressing vacancy.
- 5.1.11. Objective CS-GO-08 - The level of development permitted within the Bays will include appropriate individual residential development only. New dwelling house design and scale needs to be respectful of the character and pattern of existing dwellings while fitting appropriately into the elevated setting of this coastal area of high value landscape overlooking Cork Harbour.
- 5.1.12. Objective RP 5-23 of the Development Plan seeks to ensure that proposals for development incorporating on-site wastewater disposal systems comply with the EPA Code of Practice Domestic Waste Water Treatment Systems.

5.2. **Natural Heritage Designations**

The site is located approximately 1.6 metres from the Cork Harbour SPA (Site Code: 004030)

6.0 **EIA Screening**

- 6.1. 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.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. This is a third party appeal against the Planning Authority's decision to grant permission for the demolition of an existing single storey garage and the construction of a single storey dwelling, new vehicular entry and on-site domestic wastewater treatment system. The grounds of appeal have been summarised as follows:

- The applicant has not demonstrated a need for housing in an area designated A3 rural/agriculture.
- The development is not in accordance with the proper planning and sustainable development of the area
- The proposed development is not in accordance with the Development Plan in terms of development in the Bays area.
- The proposed development has no architectural merit and will be visible from the road.
- Visual impact concerns that the proposal is not in keeping with the character of the area.
- The proposed density is inappropriate and adequate separation distances have not been achieved.
- Concerns regarding overlooking and loss of views.
- Concerns regarding property devaluation
- Concerns regarding landscape proposals and the financial burden of ongoing maintenance issues relating to the same on adjoining property boundaries.
- Concerns regarding surface water flood risk.
- Contend that the drainage impact assessment submitted with the planning application was not thorough.

- Considers that the development will block access for emergency vehicles

7.2. Applicant Response in the case of a 3rd Party Appeal

7.2.1. The applicant response to the third party grounds of appeal have been summarised as follows:

- The proposed development accords with the provisions of the Development Plan.
- The design approach utilises the site topography to provide is a modestly scaled dwelling which sits well within the landscape.
- The proposed building line provides a transition between the existing building lines of the property to the west and the existing property to the east.
- The proposal will be visible from the road but is lower than the appellants property, which is more visible in the landscape.
- Materials including timber cladding and a green roof are naturalist to ensure the proposed building is absorbed into the landscape.
- The green roof also serves as a sustainable drainage solution by managing stormwater runoff.
- Contemporary and modern dwellings have been granted in Myrtleville, precedents outlined.
- The proposal complements the character of the area.
- In terms of design all elevations are appropriately articulated.
- The subject site is an infill site which is sufficiently sized and can comfortably accommodate the proposed dwelling without negatively impacting upon adjoining residential amenity.
- There is sufficient separation distance between the proposed dwelling and the appellants property.
- Similar separation distances occur on the northern side of Fennells Bay Road.
- The provision of screen planting will ensure that no overlooking, overbearance or overshadowing will occur.

- The development accords with provisions of in relation to the Bays area as set out in Section 1.8 and Objective CS-GO-08, Volume 4 of the Development Plan.
- No injury of the appellants property will occur as a result of the proposed development as sufficient separation distances have been adopted, the proposed property is at a lower level than the appellants property, screen planting has been provided for privacy, high level windows and louvers have been applied to the western elevation.
- The proposal accords with the zoning objective for the site which encourages infill development which does not affect the amenities of surrounding properties.
- The proposal will not negatively impact upon property price as the appellants privacy will not be impacted upon.
- The appellant will maintain expansive views from their property and garden across the bay and coastline.
- The proposal will not negatively impact upon views from scenic route S59.
- New planting will be entirely located within the applicant's side of the mutual boundary and the same will be fully maintained by the applicant.
- The site is not located within flood zone A or B and there is no recorded historic flooding of the subject site.
- The submitted Drainage Impact Assessment also includes a section on Flood Risk Assessment. Flood risk of the site is deemed remote and presents no foreseeable impact on surrounding developments.
- The proposed drainage design includes SuDs measures.
- The subject site is located within an urban area and therefore the applicant is not required to demonstrate a housing need.

7.3. Planning Authority Response

7.3.1. The Planning Authority has no further comment to make on this matter.

7.4. Observations

7.4.1. One observation was received in relation to the proposed development. The concerns raised have been summarised as follows:

- The location of the existing septic tank serving the site has not been provided.
- Concerns regard the scale of the proposal and site area.
- Views to the southwest from the appellants property will be compromised.
- Boundary alignment issues and land registry maps require rectification.

7.5. **Further Responses**

None on file.

8.0 **Assessment**

8.1. Having examined the applications details and all other documentation on file, including the submission 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:

- Principle of Development
- Design and Visual Impact
- Residential Amenity
- Access and Servicing

8.2. **Principle of Development**

8.2.1. The third party appellant sets out that the site is designated A3 rural/agriculture in the Development Plan. Both the grounds of appeal and the third party observations state that the applicant has not demonstrated a need for housing in the area. In response to the grounds of appeal the applicant contends that the site is in an urban area and that the applicant is therefore not required to demonstrate a housing need.

8.2.2. The site is located within the settlement boundary of Crosshaven and Bays and has the land use zoning objective 'existing residential/mixed residential and other uses.' Section 18.3.3 – Existing Residential/ Mixed Residential/Other Uses of the Development Plan sets out that the objective for this zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities. Infill developments will be considered where they are appropriate to

the character and pattern of development in the area and do not significantly affect the amenities of surrounding properties. I note there is no requirement for the applicant to demonstrate a housing need.

- 8.2.3. Having regard to the land use zoning of the site, I am satisfied that the development is acceptable in principle subject to no adverse impacts on the character of the area and/or the amenities of surrounding properties. In this regard, I refer the Commission to Sections 8.3 and 8.4 below where I have assessed the impacts of the proposed development on the character of the area and on residential amenity and concluded that no such adverse impacts would occur.

8.3. **Design, Scale and Visual Impact**

- 8.3.1. The grounds of appeal contends that the proposed development does not comply with Development Plan policy with regard to the location of the site in the Bays area. It is further contended that in terms of design and scale the proposed dwelling negatively impacts upon the character of the area. Both the grounds of appeal and the third party observation consider that the area of the site is insufficient to accommodate the proposed dwelling. In response to the grounds of appeal, the applicant contends that the Development Plan allows for limited infill development and that in terms of scale the proposal is low density and appropriately scaled and proportionate to the site area. The applicant states that the proposal while contemporary does not negatively impact the character of the area.
- 8.3.2. Volume 4 Section 1.8 of the Development Plan relates to the settlement of Crosshaven and Bays. This section of the Development Plan outlines that there is limited scope for further housing in the area and that any further development should not detract from the high amenity landscape. The Development Plan further states that any new development shall be restricted to *inter alia* low density infill development and that in terms of design, proposals are required to be respectful of the character and pattern of development in the area.
- 8.3.3. Objective CS-GO-08 of Volume 4 states that the level of development permitted within the Bays will include appropriate individual residential development only and that new dwelling house design and scale needs to be respectful of the character and pattern of existing dwellings while fitting appropriately into the elevated setting of this coastal area of high value landscape overlooking Cork Harbour.

- 8.3.4. Having regard to the nature and scale of the development which comprises the subdivision of the garden of a single storey detached dwelling to construct the proposed development, and the existing detached residential dwellings immediately to the west of the subject site, I am satisfied that the proposed development is infill in nature.
- 8.3.5. In terms of scale, the 2 bedroom single storey dwelling has a stated floor area of 110sqm, on a site with a stated area of 0.1044 hectares. I consider the proposed dwelling to be modest in scale and I am satisfied that the proposal is low density.
- 8.3.6. The proposed dwelling is contemporary in design. The Planning Authority considered the proposal to be of architectural merit. The proposed dwelling takes advantage of the expansive views of the coast from the living area of the dwelling with a large glazing screen on the southern elevation. I am satisfied that the elevations have been appropriately articulated. In terms of materiality, glazing, render, timber cladding and a green roof are proposed. I am satisfied that in terms of form, proportion, detailing and materiality that the proposal has been carefully considered. I note that the character of the area is residential and comprises differing architectural typologies and styles. I consider that the proposal will not negatively impact upon the established character and pattern of development in the area and I am satisfied that the proposal therefore accords with the provisions of Objective CS-GO-08 of the Development Plan.
- 8.3.7. The appellant further considers that the proposal would negatively impact upon visual amenity and will be visible from the road. In response to the grounds of appeal, the applicant states that the proposal does not negatively impact the views from the road and has been designed and positioned on the site to respond to its context.
- 8.3.8. The site is located within a High Value Landscape and is visible from Scenic Route S59, the R612 which runs along the north of the site. This route is designated because of its attractive coastal views of the Harbour, Atlantic Ocean and scenic coastal landscape. Objective GI 14-9 – Landscape, of the Development Plan seeks to protect visual and scenic amenities, while Development Plan Objective GI 14-10 – Draft Landscape Strategy, seeks to ensure that development has regard for the value of the landscape, its character, distinctiveness and sensitivity. Furthermore, Development Plan Objective GI 14-13 - Scenic Routes seeks to protect the character

of the views and prospects obtainable from scenic routes and Objective GI 14-14 – Development on Scenic Routes, seeks applicants to demonstrate that there will be no adverse obstruction or degradation of the views towards and from vulnerable landscape features. In addition, in relation to Fennells Bay, Volume 4, Section 1.8.19 of the Development Plan requires that any future development will need to be sensitively designed and ensure it does not detract from the High Value Landscape designation. I consider these objectives to be reasonable.

- 8.3.9. The proposed dwelling comprises a low flat green roof, which is lower than the ridge heights of the adjacent dwellings. In accordance with Development Plan Objective GI 14-14 Development on Scenic Routes, the applicant has submitted photomontages of the proposed development from the R612. While I note that the proposed dwelling is visible, I consider that the flat green roof and muted pallet of materials mitigates any adverse impact on the view. I further note that there are 12 no. houses along this stretch of the R612, many of which have higher roof lines and are therefore more visible.
- 8.3.10. The entire area of Crosshaven and the Bays is designated as a High Value Landscape. Having visited the site and having regard to the application documentation including drawings and photomontages, I am satisfied that the proposed development will not interfere with the views and prospects along the R612. Furthermore, having regard to the level of existing residential development in the area which comprises a variety of architectural style and scales, I am satisfied that the proposal would not adversely impact on the High Value Landscape and would not negatively impact upon the visual amenity, or the character and pattern of development in the area.
- 8.3.11. To conclude this section, having regard to the infill nature of the development and to the scale and design of the proposal, and to the level of existing residential development in the area, I am satisfied that the proposed development would not negatively impact upon the character or pattern of development in the area. I do not consider that the proposed development would adversely impact the High Value Landscape or views and prospects from the designated scenic route along the R612. I consider the proposal to be in accordance with Section 1.8 – Crosshaven and the

Bays, Volume 4 of the Development Plan and the policy and objectives of the Development Plan.

8.4. Residential Amenity

- 8.4.1. The grounds of appeal set out that insufficient separation distances have been achieved and that the proposed development will overlook their property. It is further contended that the proposal will result in loss of views and a devaluation in property. The third party observation further outlines that views of the coast from the appellants property will be compromised.
- 8.4.2. In response to the grounds of appeal the applicant states that there is sufficient separation distance between the proposed dwelling and the appellants property and that similar separation distances occur on the northern side of Fennells Bay Road. It is further contended that the provision of screen planting will ensure that there will be no negative impact on adjoining residential amenity. The Applicant further states that expansive views of the coast from the appellants property remain and that the proposed development will not devalue the appellants property.
- 8.4.3. The rear building line of the proposed dwelling is positioned 2 metres forward to the south of the appellants property to the west. Separation distances of range between 3 and 6 metres. I highlight to the Commission that high level windows and louvers have been applied to the western elevation to mitigate any overlooking. The submitted drawings indicate that the proposed property is situated at a lower level than the appellants property. Given the differences in site levels, the design of the fenestration on the west facing elevation and the setback from the western mutual boundary. I am satisfied that no overlooking issues of adjoining property will occur.
- 8.4.4. In terms of boundary treatment, screen planting has been provided along the mutual side boundary with the property to the west. I note the concerns of the third party in relation to maintenance costs in relation to screen planting. In this regard I note that the planting is located on the applicant's side of the boundary. It is my view that the screen planting will also improve any overlooking issues in relation to the rear private open space of both the proposed dwelling and the appellants property. Having regard to the separation distance proposed and the single storey nature of the proposed development I am satisfied that no overlooking issue will occur.

- 8.4.5. The third party observation also raises concerns regarding the mutual side boundary alignment. In this regard I note that boundary issues are civil matters and are outside the remit of An Coimisiún Pleanála.
- 8.4.6. Having visited the site and having regard to the drawing submitted I am satisfied that the expansive views towards the coast from the appellants property will remain. Furthermore, I have no information before me which demonstrates that the appellants property will be devalued by the proposed development.
- 8.4.7. Overall, I am satisfied that the proposal will not negatively impact upon the residential amenity of adjoining property and I consider that the development proposal is in accordance with the policies contained in the Development Plan.

8.5. **Access and Servicing**

- 8.5.1. I highlight to the Commission that the Councils Area Engineer did not assess the proposal. The Area Planners report notes that in the absence of a report from the Area Engineer that the proposal has not been assessed in terms of access, surface water drainage, waste water treatment system and water supply.
- 8.5.2. The grounds of appeal have raised concerns regarding flooding, and emergency access. Third party observations have also raised concerns regarding vehicular access and the location of existing waste water treatment systems and impacts of the development on the same.
- 8.5.3. With regard to waste water treatment I refer the Commission to Section 8.5.13 where I have concluded that the proposed on-site wastewater treatment system is not in accordance with the EPA Code of Practice Domestic Waste Water Treatment Systems and that the proposed development should be refused for this reason. This issue was not raised in the grounds of appeal and the applicant has not been given the opportunity to comment. This is therefore a new issue and the Commission may wish to seek the views of the parties.
- 8.5.4. Water Supply
- 8.5.5. The applicant proposes to connect to the public mains. I note there are no comments on file from Uisce Éireann in relation to the proposed development. Notwithstanding, I highlight to the Commission the Uisce Éireann capacity register indicates that there is capacity in the area. I am therefore satisfied that there is

capacity on the public mains for a connection to the development. Should the Commission be mindful to grant permission than a condition should be attached requiring a connection agreement with Uisce Éireann.

8.5.6. Access

8.5.7. The Appellant has raised concerns regarding vehicular access for emergency vehicles. Furthermore, third party observations raise concerns regarding the turning vehicle movements on the site. In this regard I note that a new vehicular access is proposed onto the R612.

8.5.8. Having visited the site I note that the proposed vehicular entrance is located within the 50kph speed limit. Table 4.2 of DMURS indicates that sightlines on the road should be 45 metres. Having reviewed the planning application drawings I am satisfied that the existing vehicular entrance accords with DMURS in terms of sightlines.

8.5.9. Having regard to the width of the proposed vehicular entrance at circa 4 metres I am satisfied that emergency vehicles can be accommodated. I have no information before me that the proposed development will block access and I am satisfied that the existing vehicular entrance can accommodate traffic movement to and from the development and will not impact on traffic safety.

8.5.10. Surface Water Drainage

8.5.11. The grounds of appeal contends that the proposed development will increase flooding in the area and considers that the drainage impact assessment submitted with the planning application was not thorough.

8.5.12. In response to the grounds of appeal the applicant states that the site is not located within a flood zone and there is no recorded historic flooding of the subject site. It is further stated that a section on Flood Risk Assessment is included in the submitted Drainage Impact Assessment which concludes that risk of flooding on the site is low, the proposed development does not reduce flood storage capacity or disrupt natural surface water flows, and no adverse impacts on surrounding properties are anticipated.

8.5.13. The site is not located within Flood Zone A or B as set out in the Development Plan. I further note that the proposed development includes SuDs mitigation measures

including green roofs, water butts, planter boxes, permeable paving, and a rain garden. Surface water discharges into two soakaways on the site. I note that one of the soakaways is located proximate to the proposed vehicular entrance and is connected to a drainage channel and silt trap along the proposed driveway.

8.5.14. I have no information before me which demonstrates that the proposed development would increase the risk of flooding or would negatively impact upon surrounding property in terms of flooding. On the basis of the information submitted, I consider the proposed surface water drainage to be acceptable.

8.5.15. Waste Water Treatment – New Issue

8.5.16. A waste water treatment system is proposed to serve the development which comprises a secondary waste water treatment system discharging to a tertiary treatment system and infiltration treatment area. A Site Suitability Assessment was carried out for the proposed on-site wastewater treatment system and a Site Characterisation Form in accordance with the EPA Code of Practice was prepared and submitted with the application. The submitted form states that it is proposed to install a 5-person wastewater treatment unit.

8.5.17. The site overlies the Bandon ground waterbody which is classified as 'Not at Risk' and 'Good Status'. EPA data in relation to the ground water aquifer outlines that it has extreme vulnerability at the location of the site, there is near surface nitrate susceptibility and bedrock is indicated as being at or close to the surface. The location of the trial hole was not visible on the occasion of the site visit.

8.5.18. A trial hole was opened on the 23rd of January 2025 to a depth of 1.4 metres. I have concerns regarding the depth from the ground surface to top of hole indicated in Section 3.39(a) Subsurface Percolation Test for Subsoil in the submitted Site Characterisation Form which is indicated as 200mm. Having regard to the EPA Code of Practice this would be expected to be 400mm. Furthermore, in relation to the pre-soaking of test holes, I have concerns regarding the lapse of timing between the pre-soaking of the test holes and the carrying out of the percolation test. The EPA Code of Practice outlines that the test hole should be pre-soaked twice from 4 to 24 hours before the start of the percolation test. The submitted Site Characterisation Form indicates that approximately 48 hrs has elapsed between the first pre-soak and commencement of the percolation test. I am therefore not satisfied with the validity

of the result of the subsurface percolation test which is indicated as 33.39 min/25mm, and I consider that the figure would be higher if the test was carried out in accordance with the EPA Code of Practice. I highlight to the Commission that photographs of the test holes were submitted with the Site Suitability Assessment, but the quality of same made it difficult to assess. I note that Table 10.1 of the EPA Code of Practice outlines infiltration/treatment surface area requirements based on percolation values and trench length design for tertiary treatment per population equivalent. In the likelihood of a higher percolation value >41 min/25mm, which is likely where the testing was carried out in accordance with the EPA Code of Practice, then the infiltration area required would be double in size the surface area of that proposed.

8.5.19. Table 6.3 of the EPA Code of Practice requires a minimum thickness of 0.6 metres between the invert of the polishing filter and ground water response requirements. Vertical separation of 600mm depth is only applicable when infiltration areas following a tertiary filter. While this is referred to in the submitted Site Characterisation Form, I highlight to the Commission that site-specific sectional drawings of the proposed wastewater treatment system were not provided and as such it is difficult to visualise the vertical separations being proposed. Given the location of bedrock close to the surface and the depth of trial hole at 1.4 metres to bedrock it would appear that 800mm vertical separation exists beneath the invert of the gravel layer.

8.5.20. Third party observations raise concerns regarding the wastewater treatment system with respect to the location of existing treatments systems. In this regard I note that the Area Planners report states it is unclear, based on the information provided, whether the reduction in the site area of the original property to the east affects the existing septic tank system serving it, and whether, as a result of this reduction, the system continues to meet EPA standards.

8.5.21. A site location plan was included with the submitted Drainage Impact Assessment. The layout indicates the location of septic tanks on the adjoining properties to the east and west. I note that the location of the percolation area of these septic tanks has not been indicated. The proposed percolation area on the subject site is located approximately 5 metres from the septic tank to the west and 7 metres to the septic

tank to the east. In this regard it is difficult to assess whether the separation distances between treatment systems/septic tanks and percolation areas/polishing filters can be achieved in accordance with the EPA Code of Practice requirement of 10 metres. In this regard I note that Table 6.2 of the EPA Code of Practice requires minimum separation distances of 10 metres to adjacent wastewater treatment systems.

- 8.5.22. Objective RP 5-23 of the Development Plan seeks to ensure that proposals for development incorporating on-site wastewater disposal systems comply with the EPA Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) and Wastewater Treatment Manual - Treatment Systems for Small Communities, Business Centres, Leisure Centres and Hotels (1999), or relevant successor approved standards / guidelines (including design, installation and maintenance). The cumulative impact of such systems will also be considered in the assessment process.
- 8.5.23. In this regard I highlight to the Commission that the EPA Code of Practice requires that any potential impact of the proposed system due to the increased pathogen or nutrient loads on the groundwater quality in the area should be assessed in areas of high-density housing. Densities of domestic waste water treatment systems greater than six per hectare in areas of 'extreme' or 'high' groundwater vulnerability may mean a negative effect on groundwater quality, particularly with respect to levels of E. coli and nitrate. It would appear that there would exist 6 residences within one hectare not including the proposed development and as such the applicant would need to be able to demonstrate that the subject development would not cause a deterioration in the groundwaters.
- 8.5.24. The proposed development and surrounding dwellings to the south of the Fennells Bay Road have a density of 6.36 waste water treatment systems per hectare. Having regard to the EPA Code of Practice, I highlight to the Commission that the applicant has not provided any evidence that nitrate levels from the proposed waste water treatment system in combination with other waste water treatment systems within one hectare of the site.
- 8.5.25. The EPA Code of Practice further states that this is of particular importance in areas where groundwater already has elevated nitrate concentrations and in water bodies

at risk of failing to meet nitrate limits as set out in the Water Framework Directive classification of groundwater-body chemical status. It should be noted that the ground water body is not failing to meet its objectives, however this does not remove the obligation of the applicant to demonstrate the impact of the proposed wastewater treatment system given the vulnerability at the site. In such cases, more detailed hydrogeological investigations by a specialist qualified person may be required to demonstrate whether the site is suitable for a domestic waste water treatment system.

- 8.5.26. Having regard to the nature, scale, and location of the proposed development, and the extreme ground water vulnerability of the Bandon ground water body underlying the site, I am not satisfied that the applicant has demonstrated that the proposed development would not give rise to a risk of deterioration in the ecological and/or chemical status of the ground water body. The Outer Cork Harbour Coastal waters are presently Good status and deemed to be at risk of not meeting the objectives of the Water Framework Objective, given that the 50 metre separation distance from the foreshore cannot be met I cannot rule out potential impact on these waters.
- 8.5.27. To conclude this section, I am not satisfied that it has been adequately demonstrated that the proposed on-site wastewater treatment system has been designed and located to ensure the safe and adequate disposal of effluent on site in accordance with current EPA standards requirements and in accordance with Policy Objective RP 5-23 of the Development Plan. Having regard to the documentation available to me, including the Site Characterisation Form and drawings, I consider that it has not been adequately demonstrated that wastewater generated by the proposed development can be appropriately disposed of on this site in accordance with the EPA Code of Practice. Furthermore, I am not satisfied that the proposed development would not give rise to a risk of deterioration in the ecological and/or chemical status of the said water body, I therefore consider that the proposed development would be contrary to the requirements of Article 4 of the EU Water Framework Directive. I cannot conclude on the basis of the information before me that the development may be provided without risk to public health or to the environment. I therefore consider that permission should be refused for this reason.

9.0 AA Screening

- 9.1. 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 the Cork Harbour SPA (Site Code: 004030) in view of the conservation objectives of this site and is therefore excluded from further consideration. Appropriate Assessment is not required.

10.0 Recommendation

- 10.1. I recommend that permission be refused for the following reasons

11.0 Reasons and Considerations

1. Having regard to the information on file, the Commission is not satisfied, that the proposed waste water treatment system has been designed and located to ensure the safe and adequate disposal of effluent on site in accordance with the EPA Code of Practice Domestic Waste Water Treatment Systems (2021) and in accordance with Policy Objective RP 5-23 of the Development Plan. The proposed development would, therefore, be prejudicial to public health and inconsistent with the proper planning and sustainable development of the area.
2. Having regard to the nature, scale, and location of the proposed development, and in particular its location within the Bandon ground waterbody which is designated as 'Not at Risk' and 'Good Status' waterbody with extreme vulnerability, and the Outer Cork Harbour coastal water body, which is designated as a moderate status water body under the Water Framework Directive, the Commission is not satisfied that the proposed development would not give rise to a risk of deterioration in the ecological and/or chemical status of the said water bodies, the proposed development would therefore be contrary to the requirements of Article 4 of the EU Water Framework Directive (2000/60/EC), as transposed into Irish law by the European Communities (Water Policy) Regulations 2003 (S.I. No. 722 of 2003), as amended, and would be

inconsistent with the objectives of the Water Action Plan 2024 and the proper planning and sustainable development of the area.

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

Carol Smyth

Planning Inspector

27th April 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500650-CK-26
Proposed Development Summary	Demolition of existing single storey garage, existing boundary wall to north, existing site walls and steps, removal and decommission of existing fuel tank and construction of a dwelling and all associated works.
Development Address	Lands Adjoining "Portelet", Fennels Bay, Myrtleville, Co. Cork
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(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)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input checked="" type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	

3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?

<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. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10(b)(i) Construction of more than 500 dwelling units – Sub Threshold

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?

Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-500650-CK-26
Proposed Development Summary	Demolition of existing single storey garage, existing boundary wall to north, existing site walls and steps, removal and decommission of existing fuel tank and construction of a dwelling and all associated works.
Development Address	Lands Adjoining "Portelet", Fennels Bay, Myrtleville, Co. Cork
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The c.0.104 ha site is located in an urban area, adjacent to a cluster of existing dwellings. The proposed development would therefore not be exceptional in the context of the existing environment in terms of its nature.</p> <p>The development would not result in the production of any significant waste, emissions or pollutants due to the nature of the proposed uses.</p>
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g.	<p>The site is not located within any protected areas.</p> <p>The following natural heritage area are located in proximity to the site:</p> <ul style="list-style-type: none"> • Cork Harbour SPA (Site Code: 004030) is located 1.6km to the southwest. <p>The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from existing surrounding developments.</p>

<p>wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>Given the nature, scale and mass of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area.</p>
<p>Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>The development would generally be consistent with the scale of surrounding developments and would not be exceptional in the context of the existing rural environment.</p> <p>There would be no significant cumulative considerations with regards to existing and permitted projects/developments.</p>
<p>Conclusion</p>	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>

Inspector: _____ **Date:** _____

Appendix 3: Standard AA Screening Determination Template 2

Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects	
Case Reference Number: PL-500650-CK-26	
Step 1: Description of the project and local site characteristics	
Brief description of project	Demolition of existing single storey garage, existing boundary wall to north, existing site walls and steps, removal and decommission of existing fuel tank and construction of a dwelling and all associated works.
Brief description of development site characteristics and potential impact mechanisms	<p>The 0.104 ha infill site is located in an urban area within a cluster of existing dwellings. The site is not located within any protected areas.</p> <p>Cork Harbour SPA (Site Code: 004030) is located 1.6km to the southwest.</p> <p>Surface water is proposed to be managed on site via SUDS features, with runoff collected and drained to a soakaway.</p> <p>A septic tank and percolation area is proposed, downslope to the south of the dwelling.</p> <p>No details of construction timing or duration have been provided.</p>
Screening report	<p>None submitted.</p> <p>The Planner's Report includes an Appropriate Assessment Screening Report which concludes that, having regard to the nature of the development proposed, existing development on the site and the distance from any SAC or SPA, there is no likely potential for significant effects to Natura 2000 sites, therefore AA is not required. Y/N</p>

Natura Impact Statement	No			
Relevant submissions	None			
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections²	Consider further in screening³ Y/N
Cork Harbour SPA Site Code: 004030	<p>Little Grebe (<i>Tachybaptus ruficollis</i>) [A004]</p> <p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Grey Heron (<i>Ardea cinerea</i>) [A028]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p>	1.6 km to the southwest	<p>Indirect</p> <p>There is connectivity via ground water. There is no connectivity via surface water.</p> <p>Potential use of the site as habitats</p> <p>Disruption from noise and visual presence during construction phase</p>	Yes

	<p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Wigeon (<i>Mareca penelope</i>) [A855]</p> <p>Shoveler (<i>Spatula clypeata</i>) [A857]</p> <p>Wetland and Waterbirds [A999]</p>			
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Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites		
Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<p><u>Cork Harbour SPA</u> <u>Site Code: 004030</u></p> <p>Little Grebe (<i>Tachybaptus ruficollis</i>) [A004] Great Crested Grebe (<i>Podiceps cristatus</i>) [A005] Cormorant (<i>Phalacrocorax carbo</i>) [A017] Grey Heron (<i>Ardea cinerea</i>) [A028] Shelduck (<i>Tadorna tadorna</i>) [A048] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Red-breasted Merganser (<i>Mergus serrator</i>) [A069] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Lapwing (<i>Vanellus vanellus</i>) [A142] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160]</p>	<p>Direct: No direct impacts and no risk of habitat loss, fragmentation or any other direct impact.</p> <p>Indirect: Potential use of the site for habitats, pollutants and particulate matter carried by ground water to enter SPA, resulting in impacts on water quality, and for disturbance from noise and visual presence during construction phase.</p>	<p>Given the separation distance to the SPA, the lack of direct surface water connections, the limited scale of the proposed works, the use of standard construction practices and standard measures designed into the scheme, it is highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the qualifying interests listed.</p>

<p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Wigeon (<i>Mareca penelope</i>) [A855]</p> <p>Shoveler (<i>Spatula clypeata</i>) [A857]</p> <p>Wetland and Waterbirds [A999]</p>		
<p>Likelihood of significant effects from proposed development (alone): No</p>		
<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</p>		
<p>Step 4: Conclude if the proposed development could result in likely significant effects on a European site</p>		
<p>I conclude that the proposed development (alone) would not result in likely significant effects on [insert European site(s)]. 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>No mitigation measures are required to come to these conclusions.</p>		