



An
Coimisiún
Pleanála

Inspector's Report PL-500712-CK-26

Development	Permission for the construction of dwelling house and attached garage, new wastewater treatment unit and all associated site works.
Location	Shanagarry South, Midleton, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	255884
Applicant(s)	Josh Beausang
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Michael & Julia Philips Michael & Celine Walsh
Observer(s)	None
Date of Site Inspection	1 st April 2026
Inspector	Jennifer McQuaid

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1.0 Site Location and Description

1.1. The subject site (0.44ha) is located in the townland of Shanagarry South, approximately 500m east of the village of Shanagarry, Co. Cork. The subject site is within the designated development boundary of Shanagarry and accessed off the R632 regional road. There are mature trees running along the western boundary providing a visual screen to the adjacent Kilmahon House. Kilmahon House, Protected Structure, (RPS ID: ID01478) is located to the immediate west of the subject site. There are two detached houses to the immediate east of the subject site.

2.0 Proposed Development

2.1. The proposed development consists of:

- Construction of dwelling house & attached garage
- New wastewater treatment unit
- All associated site works.

Following further information request, the applicant submitted revised plans:

- Reduced dwelling size from 382sqm to 241sqm.
- Reduced garage size from 64sqm to 48sqm.
- The dwelling front elevation reduced from 16 metres in length to 12 metres.

3.0 Planning Authority Decision

3.1. Decision

Grant subject to 11 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The subject site is part of designated settlement for Shanagarry/Garryvoe where development is encouraged and the settlement objective for up to 50 dwelling units over the lifetime of the plan has not yet been exceeded. The principle of development is acceptable.
- The subject site is outside the curtilage of Kilmahon/Glebe House as there is a mature tree row on the western boundary and any development in the open field subject site shall be considered when taking into consideration landscaping and appropriate scale of development. It is also considered that the subject site would likely be the last development that would be considered in such proximity to the RPS Structure.
- There are concerns the proposed design does not reflect the adjacent Kilmahon/Glebe House RPS and modifications to the proposed design are required.
- The proposed access might impact on the stone boundary wall. The access/impact needs to be re-considered.
- A wastewater treatment system is required as there is no public sewer available.
- An Appropriate Assessment screening has been submitted, and it is concluded that significant impacts on Natura 2000 sites can be ruled out, and Appropriate Assessment is not required.

Further Information report

- The proposed entrance is as per permitted under planning reference 21/6056.
- The scale of the dwelling has been reduced from 382sqm to 241sqm. In addition, the proposed attached garage has been reduced from 64sqm to 48sqm. The length of the dwelling has been reduced from 16m to 12m, and material choices (rainwater goods) have been improved.
- Photomontages have been updated.
- The Planner notes the concerns raised by the Conservation Officer in relation to the revised design, however it has been demonstrated in the updated photomontages that there is limited intervisibility between the proposed

dwelling and the protected structure. In addition, the site has a private character, and the proposed dwelling will not be readily visible from the public road. The Planner is overall satisfied with the revised design and scale.

- As one of the objectors' concerns were not addressed in the initial planning report, these are addressed in the further information report.

3.2.2. Other Technical Reports

- Conservation Officer: Further Information required in relation to the proposed entrance location and details, dwelling design and revised photomontages carried out in "winter view" and distinguish between the existing and proposed planting. Further information submitted. The main dwelling has not been simplified in design which still presents a faux Georgian-type dwelling. It is accepted that there is limited visibility between the two structures, and this has been demonstrated, this is still a new development in the former Glebe, and it completes with the protected structure. Advise that simplifying the design may require a new design approach.
- Ecology: No objection subject to conditions.
- Area Engineer: No objection subject to conditions.

3.2.3. Conditions

Condition 11: The garage shall be used for purposed incidental to the use/enjoyment of the main dwelling.

Reason: In the interests of clarity.

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

Two no. observations were received. The concerns raised were:

- Proliferation of wastewater treatment units and premature development until public service in place.

- Lack of pedestrian and active travel connectivity
- Ecological impacts
- Built Heritage
- Scale, Design and purpose
- Planning history
- Noise, Light and Air pollution

4.0 Planning History

PA Reg: No. 216056: Permission granted for new agricultural entrance.

ACP: PL04.233002: (PA Reg: No. 088510): Permission refused for 21no. serviced residential sites for detached dwellings with garages, new entrance, wastewater plant & all associated site works.

1. The Middleton Electoral Area Local Area Plan (in relation to the village of Shanagarry/Garryvoe) includes strategic aims to protect the special environment and coastal setting of the village and stresses the need to protect the natural heritage and amenities of the area. The Local Area Plan has zoned a significant area of land for housing development, generally on the northern side of the regional route (R632). The proposed development would facilitate a suburban style housing development on a sensitive coastal site (adjacent to coastal environment designated as both a Special Protection Area and a proposed Natural Heritage Area) which is visible from nearby scenic routes, which is only partially within the village development boundary, and which has not been zoned for housing development. It is considered that the proposed development would conflict with the objectives of the Local Area Plan, would seriously injure the amenities of the area and the character of the landscape in the area and would be contrary to the proper planning and sustainable development of the area.
2. The proposed development would be in close proximity to a historical building (Glebe House, listed as being of regional importance in the National Inventory of Architectural Heritage survey of County Cork) and would introduce

development between this structure and the sensitive coastal area to the south and southeast of the house. It is considered that the proposed housing development which would include houses backing onto Glebe house, an unimaginative suburban layout of plots, inadequate landscaping/boundary treatment, an inappropriate gated entrance and lacking in detail as regards the architectural style of future housing would seriously injure the amenities of the area and of property in the vicinity and would represent an inappropriate form of development in this sensitive location. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3. Having regard to the scale of development proposed and the sensitive location of the site (adjacent to coastal environment designated as both a Special Protection Area and a proposed Natural Heritage Area and overlying a regionally important aquifer), it is considered that the proposed development, which would include a private communal wastewater treatment system discharging to ground, would be premature pending the provision of public wastewater collection and treatment facilities for the area.

Note: The Board noted the Inspector's comments concerning the possibility of development in the northern and eastern sections of the development site. The Board considered that given the sensitivity of the site any future proposals should provide more detail on the built form proposed and how this would integrate with the character of the village.

Adjacent site to the west:

PA Reg. No: 244083: Permission granted for change of use, alterations and extension of former Coach House, which is in the curtilage of Kilmahon House, a Protected Structure (RPS ID01478).

PA Reg. No: 134408: Permission granted to upgrade and relocate existing wastewater treatment system serving the coach house and associated site works.

Adjacent site to the northeast:

PA Reg. no: 255233: Permission granted for construction of a dwelling house attached carport and all associated site works.

ACP Ref. No. 248697 (PA Reg. No: 167168): Permission granted for dwelling house, detached domestic garage, new entrance, wastewater treatment plant and all associated site works.

PA Reg. No: 215347: Permission granted for conversion and extension of existing single storey detached domestic garage to an independent dwelling unit as ancillary family accommodation and all ancillary site works.

PA Reg. No: 156258: Permission granted for detached garage and associated site works.

ACP Ref. No. PL04.243315 (PA Reg. No: 144222): Permission granted for dwelling, new entrance, wastewater treatment plant and associated site works.

Site at entrance:

ABP: 305507-19 (PA Reg. No: 187269): Permission granted for two detached dwellings and all associated site works.

Along Local Road

ACP: PL-500011-CK (PA Reg. No. 254568): Permission granted for construction of dwelling, vehicular entrance, wastewater treatment unit and associated site works.

PA Reg. No: 234834: Permission granted for retention of existing dwelling, entrance, site boundaries and all associated site works.

5.0 Policy Context

5.1. Development Plan

Cork County Development Plan 2022-2028 (CDP)

The site is located within the development boundary of the settlement of Shanagarry/Garryvoe.

Volume 3 of the CDP states:

The vision for Shanagarry/Garryvoe is to promote the tourist potential of the area in tandem with a balanced provision of services and permanent development and to protect the special environmental and coastal setting of the area.

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, Ballynamone 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 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 doesn't fall below legally required levels.

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.

Objective HE16-14: Record of Protected Structures

- a) The identification of structures for inclusion in the Record will be based on criteria set out in the Architectural Heritage Protection Guidelines for Planning Authorities (2011).
- b) Extend the Record of Protected Structures in order to provide a comprehensive schedule for the protection of structures of special importance in the County during the lifetime of the Plan as resources allow.
- c) Seek the protection of all structures within the County, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. In accordance with this objective, a Record of Protected Structures has been established and is set out in Volume Two Heritage and Amenity, Chapter 1 Record of Protected Structures.
- d) Ensure the protection of all structures (or parts of structures) contained in the Record of Protected Structures.
- e) Protect the curtilage and attendant grounds of all structures included in the Record of Protected Structures.
- f) Ensure that development proposals are appropriate in terms of architectural treatment, character, scale and form to the existing protected structure and not detrimental to the special character and integrity of the protected structure and its setting.
- g) Ensure high quality architectural design of all new developments relating to or which may impact on structures (and their settings) included in the Record of Protected Structures.

- h) Promote and ensure best conservation practice through the use of specialist conservation professionals and craft persons.
- i) In the event of a planning application being granted for development within the curtilage of a protected structure, that the repair of a protected structure is prioritised in the first instance i.e. The proposed works to the protected structure should occur, where appropriate, in the first phase of the development to prevent endangerment, abandonment and dereliction of the structure.

Objective HE16-15: Protection of Structures on the NIAH.

Protect where possible all structures which are included in the NIAH for County Cork, that are not currently included in the Record of Protected Structures, from adverse impacts as part of the development management functions of the County.

Objective HE16-16: Protection of Non-Structural Elements of Built Heritage

Protect non-structural elements of the built heritage. These can include designed gardens/garden features, masonry walls, railings, follies, gates, bridges, shopfronts and street furniture. The Council will promote awareness and best practice in relation to these elements.

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.
- Design Manual for Urban Roads and Streets (DMURS)

5.3. Natural Heritage Designations

The subject site is not located within a Natura 2000 site. The following designated sites are located within close proximity:

- Ballycotton Bay SPA (site code: 004022) is located approximately 40m south of the subject site.
- Ballycotton, Ballynamona and Shanagarry pNHA (site code: 000076) is located approximately 40 metres south and east of the subject site.
- Ballycotton Islands pNHA (site code: 001978) are located approximately 3km south of the subject site.
- Clasharinka Pond pNHA (site code: 001183) are located approximately 6.8km north of the subject site.
- Ballymacoda (Clonpriest and Pillmore) pNHA & SAC (site code: 000077) is located approximately 7.3km northeast of the subject site.
- Loughs Aderry and Ballybutler pNHA (site code: 000446) is located approximately 8km north of the subject site.
- Ballymacoda Bay SPA (site code: 004023) is located approximately 8.6km northeast of the subject site.
- Carrigacrump Caves pNHA (site code: 001408) is located approximately 9km northwest of the subject site.
- Ballyquirk Pond pNHA (site code: 001235) is located approximately 9.2km north of the subject site.
- Capel Island and Knockadoon Head pNHA is located approximately 9.6km east of the subject site.
- Rostellan Lough, Aghada Shore and Poul nabibe Inlet pNHA is located approximately 9.7km west of the subject site.
- Cork Harbour SPA (site code: 004030) is located approximately 9.8km west 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 local adjacent residents. The concerns raised are:

- **Planning History:** Previous refusal on site under planning reference 088510 by An Bord Pleanála for 21 no. dwellings and under planning reference 216056 permission was granted for a new agricultural entrance. The applicant's father is an active home builder and will continue with incremental development in order to achieve what was previously refused permission.

Wastewater: The proposal is premature pending the development of wastewater treatment facilities in the settlement. No treatment facilities available and no current plan or timeframe to resolve this. Public health and environmental concerns raised regarding the number of individual wastewater treatment facilities in the area and those proposed under planning reference 255884, 254568 and 255233. The proposal directly contravenes objective DB-03 which states Appropriate and sustainable water and waste-water infrastructure, that secures the objectives of the Water Framework Directive, and this 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.

Objective WM11-9 requires development in all settlements to connect to public wastewater treatment facilities. Objective WM11-1: EU Water Framework Directive and the River Basin Management Plan also state 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.

It is further stated that in settlements where no public wastewater system is either available or proposed new developments will be unable to proceed until adequate wastewater infrastructure is provided.

- Ecology: Potential impact on the adjacent Ballynamona “bog” and environmentally protected areas. The site is in close proximity to Ballycotton Bay and Ballynamona Bird Sanctuary. There is a diverse gathering of birds and wildlife on this site and has become a bird sanctuary. The construction of a dwelling will have a negative influence on the wildlife in the area. Permission refused in 2008 by An Bord Pleanála as given the sensitive location (adjacent to coastal environment designated as both a Special Protection Area and a proposed Natural Heritage Area and overlying a regionally important aquifer), the wastewater treatment system discharging to ground, would be premature pending the provision of public wastewater collection and treatment facilities for the area. Planning application 235053 was refused due to lack of sufficient data to reach any reasonable conclusions in relation to the potential for these impacts.

The value and ecological merit of the existing trees along the eastern and northern boundaries of Kilmahon House, including the potential to support bats, has been acknowledged in the assessment of previous applications, both on this site and in the immediate area. It is noted that the Planning Authority raised a similar matter in planning reference 255233. A letter submitted from Doherty Environmental as part of the initial submission to the Planning Authority and concludes the Planning Authority assessment is deficient in terms of demonstrating that no undue negative impacts will arise as a result of the proposed development on the ecology of the area.

- Residential Amenity: Overlooking in the rear gardens of the adjacent dwellings. Additional concerns noise, light and air pollution. The appellant dwelling is used as a bed and breakfast, and the proposal will impact their business and service. The access drive will be less than 10m from their dwelling and access is totally unsuitable as an access point onto a busy public road. Loss of views to the south and impact quality of life and value of the property.
- Design: The size, scale and mass of the dwelling is not in keeping with the character of the area and will injure the visual amenity of the area and not consistent with the advice and guidelines in the Cork Rural Design Guide. The ground levels are higher to the rear, further impacting the dwellings to the north. Although the dwelling will have a lower floor level, the ridge height will be higher. The dwelling will negatively impact on the adjacent listed building.
- Heritage: The proposal would seriously detract from the architectural character and setting of Kilmahon House (Glebe House) Protected Structure PRS Ref. 01478 and NIAH Reg. 20908920. The proposal would therefore, materially and adversely affect the character of the area, would seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.

In accordance with Objective HE16-2, no Historic Landscape Report was requested or carried out, therefore the Commission cannot be reassured or satisfied that the proposed development would not adversely affect the character of the curtilage and attendant grounds of Kilmahon House. The proposal would therefore contravene Objective HE16-20 which seeks to protect the archaeological, architectural, historic and cultural elements of the historic/heritage landscape of the County of Cork and ensure that all new developments within historic landscape should be assessed in accordance with and giving due regard to Cork County Council's "Guidance Notes for the Appraisal of Historic Gardens, Demesnes, Estates and their Settings".

The Commission is asked to give consideration to the policy context and to the professional opinion of the Conservation Officer particularly having regard to the recent decision of the High Court under *Deirdre Condon v An Bord*

Pleanála (HJR.2022.672) where it was considered that the Board had failed to correctly apply Objective HE3_4 and sections 12.3.11 and 12.3.12 of Volume 1 of the 2014 CDP relating to structures of heritage interest.

- Lack of pedestrian and active travel infrastructure connecting the development to the village centre. Accordingly, if the proposed development is to be considered, it would essentially be contrary to best practice, insofar as meeting CDP aspirations for provision of connected communities with suitable pedestrian linkages.
- Landscape & Visual Amenity: The subject site is in High Landscape Value, and the relevant objective is GI14-9. The proposal would seriously detract from the visual and scenic amenity of this rural and coastal landscape, contrary to Objectives GI14-9 and GI14-12 of the CDP.
- It is noted that while an opening onto the public roadway has been constructed, the agricultural entrance permitted has not been developed in accordance with the permission granted. No application submitted for the retention of unauthorised works.

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 Coimisiún as part of the appeal documentation. The Planning Authority 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:

- Wastewater
- Ecology
- Heritage
- Residential Amenity
- Design
- Landscape & Visual Impact
- Other issues (Planning History & Lack of Infrastructure & Site Entrance)
- Appropriate Assessment
- Water Framework Directive

7.2. **Wastewater**

7.3. The applicant is proposing to install an on-site wastewater treatment system. There is a public wastewater treatment system, however, it is at capacity and there are no plans to upgrade the system.

7.4. The grounds of appeal state the proposal is premature pending the development of wastewater treatment facilities in the settlement. Public health and environmental concerns raised regarding the number of individual wastewater treatment facilities in the area and those proposed. Note objectives WM11-9, DB-01, DB-02, DB-03 and GC-01 of the CDP. It is not possible for the development of 50no. new dwellings in the settlement to all operate off individual wastewater treatment units.

7.5. I recognise that Objective WM11-1 part (g) relates to appropriate wastewater treatment is available which meets the requirements of environmental legislation, the Water Framework Directive and the requirements of the Habitats Directive for new developments. It is further stated that in settlements where no public wastewater

system is either available or proposed new developments will be unable to proceed until adequate wastewater infrastructure is provided. Objective WM11-9 relates to wastewater disposal, part (a) requires 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 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.

- 7.6. However, it should be further acknowledged that Volume 4 South Cork of the CDP relates to objectives and policies for the settlements in South Cork. Objective DB-01 encourages development of up to 50 houses within the development boundary of Shanagarry/Garryvoe during the plan period.
- 7.7. Volume 4 of the CDP also includes objectives DB-02 in relation to the protection of 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.
- 7.8. And objective DB-03 requires 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 to ensure that water quality in the receiving water does not fall below legally required levels.
- 7.9. The appellant also refers to objective GC-01 which relates to Green Infrastructure and that the wetland area which forms part of the Ballycotton, Ballynamona and Shanagarry proposed Natural Heritage Area supports wetland habitat and serves an

important flood storage role which should be protected. This specific objective relates to lands 1.7km east of the subject site.

- 7.10. I have reviewed the documentation submitted and I note the applicant proposes to install a tertiary treatment system and treatment area as it is acknowledged that there is no capacity in the Shanagarry/Garryvoe wastewater treatment plant, and the Planning Report further notes this. The site characterisation report states the site is overlying a Regionally important aquifer with a moderate vulnerability and has stated a ground water response is R1. The resulting T value for the percolation test is 30.58. The sub soil is made up of a Silty/sand. The results indicate that the site is suitable for a tertiary treatment system and treatment area. I note no concerns were raised by the Area Engineer, Environment or Ecology Sections of Cork County Council. It is my opinion that the proposed wastewater treatment system is adequate to treat wastewater at this subject site, the system will be installed as per EPA 2021, Code of Practice, and appropriate conditions shall be attached in order to ensure compliance.
- 7.11. I note the applicant has further concerns in relation to the potential impact on wetlands in Shanagarry/Garryvoe and on the protected sites Ballycotton, Ballynamona and Shanagarry proposed Natural Heritage Area and Ballycotton SPA. Ballycotton Bay SPA is located approximately 40m southeast of the subject site and is separated from the site by well-established tree dominated boundaries with associated hedgebanks, along with an area of arable field. The subject site is located within the Lee, Cork Harbour and Youghal Bay catchment (Farrannamanagh sub-catchment, Hydrometric Area 19). There are no watercourses or other overground active water-features (drainage channel) at the study site. The closest known watercourse is Shannagarry River that flows easterly c. 350m south of the study site in association with a wetland area of Ballycotton Bay SPA, Shanagarry River is of good status under the Water Framework Directive.
- 7.12. A Screening report was carried out to identify whether significant effects on any Natura 2000 site are likely to arise from the proposed development. It is documented that the operational wastewater/foul effluent arising from the study site will be collected by a new wastewater network that will be directed into an on-site wastewater treatment system for secondary and tertiary treatment. The treated wastewater will percolate to ground via an infiltration/percolation area of a specified

design at site. The assessment objectively concluded that no significant adverse effects arising from the development are likely to occur in relation to any Natura 2000 site.

- 7.13. In addition, a Construction and Environmental Management Plan (CEMP) was submitted, this document will be an everyday guide during construction and site personnel will use it to avoid, reduce and or compensate for the environmental impacts of the project work. All works will be carried out using standard mitigation practices.
- 7.14. In regard to the potential impact on ecology, further details section 7.25, and in relation to Appropriate Assessment, please refer to 8.0 and for an assessment of the Water Framework Directive, please refer to section 9.0 of this report.

With regard to prematurity of the proposal, I would point to the CDP designation and the ambition for up to 50 dwellings in the plan period. It is unlikely Uisce Eireann will move to build a dedicated plant in this area in the medium term and as such the only alternative is packaged treatment systems.

- 7.15. Having regard to the EPA 2021, Code of Practice, the submitted characterisation report, the demonstrated separation distance to the existing wastewater treatment systems and the response from the Area Engineer, I am satisfied that the proposed wastewater treatment system is acceptable subject to the conditions requiring installation in accordance with manufacturer's instructions, lifetime maintenance, and desludging logs, the appellants' concerns can be addressed.

7.16. **Heritage**

- 7.17. The subject site boundary is located approximately 46metres east of Kilmahon House (Glebe House) Protected Structure PRS Ref. 01478 and NIAH Reg. 20908920.
- 7.18. The grounds of appeal state that the proposal would seriously detract from the architectural character and setting of Kilmahon House (Glebe House) Protected Structure PRS Ref. 01478 and NIAH Reg. 20908920. The proposal would therefore, materially and adversely affect the character of the area, would seriously injure the visual amenities of the area and would be contrary to the proper planning and

sustainable development of the area. The Planning Authority failed to have proper regard to CDP objectives HE16-14, HE16-20 and HE16-21.

- 7.19. I have carried out a site visit, and I note there is a mature line of trees and established hedgerow along the common boundary between the subject site and the adjacent Kilmahon House site, this forms a substantial visual barrier between the dwelling and the subject site, providing effective year-round screening, as highlighted in the additional photomontages submitted. Therefore, I do not consider that the proposed development will negatively impact on the visual setting of Kilmahon House.
- 7.20. I note the Conservation Officer of CCC concerns that the proposed design of neo-Georgian style/aesthetic of the proposed dwelling may compete with the protected structure. It is acknowledged by the planner; it has been demonstrated in the photomontages that there is limited intervisibility between the proposed dwelling and the protected structure. In addition, the subject site has a private character, and the proposed dwelling will not be readily visual from the public road. Given the dwelling will not be conspicuous from either the protected structure or the public road, the planner is of the view that it is overly onerous to request a further aesthetic revision to the proposed dwelling, particularly in light of the significant reduction in overall scale. Fundamentally it has been shown that a dwelling can be accommodated on this site and same is visually insulated relative to the RPS dwelling. Furthermore, there is a mixture of housing types/styles on neighbouring lands which are arguably more proximate to the RPS building than the subject proposal.
- 7.21. The overall scale of the dwelling was reduced at further information stage The scale of the dwelling has been reduced from 382sqm to 241sqm. In addition, the proposed attached garage has been reduced from 64sqm to 48sqm. The length of the dwelling has been reduced from 16m to 12m, and material choices (rainwater goods) have been improved. I share the opinion of the planner; the site is located to the rear of the existing dwellings along R632 road and there are no direct views of the proposed dwelling from the regional road. In addition, due to the mature trees along the western boundary with Kilmahon Protected Structure and the separation distance of 82 metres, there's limited intervisibility between the existing building and the proposed dwelling. This has been demonstrated by the submitted Verified View Photomontages submitted as part of the further information. Furthermore, a detailed

landscaping plan has been submitted which includes additional planting along the western boundary with native Irish trees, this will further reduce any limited views between the proposed dwelling and the protected structure.

7.22. In regard to contravention of objectives HE 16-2 which relates to protection of archaeological sites and monuments, objective HE16-14 which relates to Record of Protected Structures, objective HE16-20 which relates to Historic Landscapes and HE16-21 relates to Design and Landscaping of New Buildings, the proposed development does not impact on the adjacent protected structure of Kilmahon House, as outlined above, there is little to no intervisibility between the structures due to the mature hedgerow and trees, there is a significant separation distance and the applicant is proposing additional landscaping along the western boundary to further reduce any potential impact.

7.23. The appellant has made reference to Objective HE3_4 and sections 12.3.11 and 12.3.12 of Volume 1 of the 2014 CDP, the 2014 CDP is no longer in operation and it has been replaced with the Cork County Development Plan 2022-2028 and as such the development will be assessed in accordance with the policies and objectives of the current development plan.

7.24. Having regard to the proposed design of the proposed dwelling, the location of the proposed dwelling 82metres from Kilmahon House and the established existing mature treeline and hedgerow along with the proposed landscaping plan with further trees planted along the western boundary, it is my opinion that there will be limited to no intervisibility between the proposed dwelling and Kilmahon House, Protected Structure, therefore, the proposed development will not negatively impact the historic setting or visual setting of Kilmahon House.

7.25. **Ecology**

7.26. The subject site is that of improved agricultural grassland and is located to the rear of existing dwellings along Regional Road R632. The site is accessed via an entrance along the R632, with internal access located between two existing dwellings. There are mature hedgerows and treelines to the western, southern and eastern boundaries. There is also planting along the northern boundary with the existing dwellings along R632. The subject site is not located within a Natura 2000 site. The following designated sites are located within close proximity: Ballycotton

Bay SPA (site code: 004022) is located approximately 40m south of the subject site. Ballycotton, Ballynamona and Shanagarry pNHA (site code: 000076) is located approximately 40 metres south and east of the subject site. Ballycotton Islands pNHA (site code: 001978) are located approximately 3km south of the subject site.

- 7.27. The grounds of appeal state there is potential impact on the adjacent Ballynamona “bog” and environmentally protected areas. The site is in close proximity to Ballycotton Bay and Ballynamona Bird Sanctuary. There is a diverse gathering of birds and wildlife on this site and has become a bird sanctuary. The previous proposal for 21no. dwellings was refused by An Bord Pleanála as the proposed wastewater treatment system discharging to ground would be premature pending the provision of public wastewater collection and treatment facilities for the area. To grant permission for the proposed development would contravene materially a development objective BE15-2 and BE15-6, for the protection of sites, habitats, species and biodiversity in general and would therefore be contrary to the proper planning and sustainable development of the area. The appellant raised concerns in relation to the value and ecological merit of the existing trees along the eastern and northern boundaries of Kilmahon House, including the potential to support bats. The Planning Authority assessment is deficient in terms of demonstrating that no undue negative impacts will arise as a result of the proposed development.
- 7.28. I have carried out a site visit, and I note the site mainly consists of improved grassland and has mature hedgerows and treelines, there was no evidence of any ecological value on site other than the existing hedgerow and mature trees. The applicant is not proposing to cut or trim back the existing hedgerows, they will be further enhanced with additional planting of trees and shrubs native to Ireland. Therefore, I consider the proposal will not negatively impact the habitats of the existing hedgerow and trees and there is no potential to impact bats as there will be no construction works within the hedgerow, and the proposed dwelling is located 25 metres from the nearest boundary. Furthermore, the ecologist of CCC noted that as no boundary vegetation will be lost, the foraging and commuting habitats for a number of mammal and bird species will be maintained and it was further noted that the additional landscaping will lead to biodiversity net gain.
- 7.29. I noted, the subject site is located Ballycotton Bay SPA (site code: 004022) is located approximately 40m south of the subject site. Ballycotton, Ballynamona and

Shanagarry pNHA (site code: 000076) is located approximately 40 metres south and east of the subject site. Ballycotton Islands pNHA (site code: 001978) are located approximately 3km south of the subject site. An Appropriate Assessment (AA) Screening report was carried out to identify whether significant effects on any Natura 2000 site are likely to arise from the proposed development. It is documented that the operational wastewater/foul effluent arising from the study site will be collected by a new wastewater network that will be directed into an on-site wastewater treatment system for secondary and tertiary treatment. The treated wastewater will percolate to ground via an infiltration/percolation area of a specified design at site. It objectively concluded that no significant adverse effects arising from the development are likely to occur in relation to any Natura 2000 site. The ecologist of CCC assessed the AA Screening and outlined given the absence of hydrological links to the SPA and the nature of the site, the potential for impacts to wetland and foraging and roosting habitat can be screened out and there will be no disturbance given the relative size and distance from the SPA, and the existing treeline buffer/screen. Furthermore, it is noted the nearest river is Shanagarry Stream, which forms part of the Shanagarry_010 WFD monitored waterbody. According to current available monitoring data (2016-2021), Shanagarry_010 is at Good status with its Risk Status is in Review. The Stream enters Ballycotton Bay south of the proposed site. The Bay is at Good status and Not at Risk of failing to meet its WFD Objectives by 2027. In addition, a Construction and Environmental Management Plan (CEMP) was submitted, this document will be an everyday guide during construction and site personnel will use it to avoid, reduce and or compensate for the environmental impacts of the project work using standard mitigation measures. Therefore, I consider that substantial evidence has been submitted to demonstrate that there will be no impact to the ecology in the surrounding area.

- 7.30. In regard to objectives BE15-2 which relates to protected sites, habitats and species and BE15-6 which relates to biodiversity and new developments, the proposal complies with these objectives as the assessments submitted demonstrate that there will be no negative impact to protected site, habitats or species and that the existing hedgerows and trees on site will be retained and integrated into the site and additional planting of native trees and plants species will be carried out.

7.31. Having regard to the location of the proposed development, the separation distance to the Ballycotton SPA, Ballycotton, Ballynamona and Shanagarry pNHA, the Appropriate Assessment and Construction and Environmental Management Plan, the response from the Ecology section of CCC, the lack of any significant ecological habitats on site or pathway to the protected site and the retention and enhancement of the existing mature hedgerows and trees, it is my opinion that the proposed development will not negatively impact the ecological features of the subject site.

7.32. Landscape & Visual amenity & Design

7.33. The subject site is located within the village settlement of Shanagarry. The site is zoned as high value landscape. The landscape character area is described as Broad Bay Coast, the landscape value is very high, landscape sensitivity is very high, and the landscape importance is county.

7.34. The grounds of appeal state the size, scale and mass of the dwelling is not in keeping with the character of the area and will injure the visual amenity of the area and not consistent with the advice and guidelines in the Cork Rural Design Guide. The ground levels are higher to the rear, further impacting the dwellings to the north. Although the dwelling will have a lower floor level, the ridge height will be higher. The dwelling will negatively impact on the adjacent listed building.

7.35. I have assessed the proposed site layout and the proposed design of the dwelling; the dwelling is set behind existing dwellings along the R632 and set back approximately 80 metres from the nearest dwelling to the north and approximately 82 metres from Kilmahon House (Protected Structure) to the west. The dwelling is set at a finished floor level of 8.5m and an overall height of 8.6 metres. The design of the proposed dwelling is a mock Georgian style with a hipped roof and a single storey flat roof porch and an attached double single storey garage to the front eastern elevation. The appellant has stated that the dwelling design is not in keeping with the Cork Rural Design Guide due to the size, scale and mass. I have reviewed the Cork Rural Design Guide, the guide aims to achieve better designed houses for people to live in, better located houses to look after the appearance of the countryside, more sustainable and efficient and that integrates into the countryside.

7.36. The subject site is located within the settlement boundary of Shanagarry Village, although a rural village, the subject site is not rural in the sense of the Rural Design

Guide, however, the guide can be use as a guide for designing a dwelling. The subject site is relatively flat and as outlined above, the proposed dwelling is located at a substantial distance from the nearest dwelling at over 80 metres. The overall size, scale and mass is consistent with the dwellings in the surrounding area and is very similar to the recently constructed to the front of the subject site. In my opinion, the size and scale of the proposed development is not out of character for the area.

7.37. In regard to the visual impact on the adjacent Kilmahon House (Protected Structure) to the west, the proposed dwelling is located approximately 82 metres from the protected structure and due to the presence of a mature hedgerows and trees, intervisibility is limited, therefore, I do not consider that there is any visual impact from the proposed development onto the protected structure of Kilmahon House.

7.38. I consider given the separation distance to the nearest dwelling, the overall height, scale and mass which is consistent with similar dwellings in the immediate area, mature landscaping on site. In addition, the subject site is relatively flat and located to the rear of existing dwellings along the R632 with limited views to the public road and to the adjacent Kilmahon House (Protected Structures), therefore, it is my opinion that the proposed dwelling design is consistent with the Rural Design Guide and appropriate for the subject site.

7.39. Having regard to the location of the subject site within the development settlement boundary of Shanagarry Village, located to the rear of existing dwellings and with limited visual impact on the regional road and the adjacent Kilmahon House (Protected Structures). The dwelling design is appropriate for the subject site and can be integrated into the subject site along with the proposed landscaping plan.

7.40. **Residential Amenity**

7.41. The subject site is located to the rear of existing dwellings; the nearest dwelling is located approximately 80 metres to the north and 82 metres to the west.

7.42. The grounds of appeal state that the proposal will create overlooking into the rear gardens of the adjacent dwellings. Additional concerns noise, light and air pollution. The access drive will be less than 10m from their dwelling. There will be loss of views to the south and impact quality of life.

- 7.43. The subject site is located to the rear of existing dwellings and accessed via a driveway located between existing dwellings sites, however, there are mature hedgerows/trees and boundaries, thereby reducing any intervisibility between the proposed and existing sites. I note the appellant is concerned regarding the location of the driveway adjacent to existing dwellings, however, I consider given the separation distance of over 10 metres and the mature hedgerow along with the proposed additional planting along the driveway, any potential impacts will be minimal and will not negatively impact the residential amenity of the adjacent properties.
- 7.44. In regard to potential overlooking for the adjacent rear garden, I note the proposed dwelling is located approximately 40 metres south of the boundary with the adjacent dwelling to the north and over 80 metres to the existing dwelling. The separation distance exceeds the separation distance requirement of the Compact Settlement Guidelines, which state a separation of 16 metres for above ground floor level windows is recommended. Therefore, I do not consider that the proposed development will overlook the existing dwelling or garden space, in addition, landscaping is proposed along the northern boundary of the proposed development and there is an existing hedgerow to the south of the appellant's dwelling.
- 7.45. In regard to noise, light and air pollution, appropriate condition shall be applied to monitor the construction phase and ensure that there is no impact to the residential amenity of the adjacent properties.
- 7.46. Having regard to the separation distance of the proposed dwelling from the existing dwelling, the existing mature hedgerows and trees along the site boundaries and the proposed landscaping plan, I consider that the proposed development will not negatively impact the residential amenity of the adjacent properties and will not negatively overlook the adjacent properties.
- 7.47. **Other issues (devalue property & site access)**
- 7.48. Devalue Property
- 7.49. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously

injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

7.50. Site Access

7.51. In regard to the site entrance, I note that permission was granted for a new agricultural entrance under planning reference 216056. In addition, permission was applied for the proposed site entrance as it is included within the red line boundary, and the site layout plan outlines the proposed gate and sightlines of 70 metres in both directions. No objection was raised by the Area Engineer of CCC. I have assessed the site entrance and in my opinion, the site entrance is acceptable and designed in accordance with DMURS. Any alleged unauthorised works are a matter for the Planning Authority.

7.52. Lack of Infrastructure

7.53. I note the appellant raised concerns in relation to the lack of footpaths. Given that the applicant only has the front entrance directly onto the regional road, it is unreasonable to request the applicant to provide a footpath. Any additional footpath required in the village is a matter for the Planning Authority.

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 c.40m southeast of the subject site.

The proposed development comprises permission for 1no. residential units and all associated site works. The appellant raised concerns in regard to the potential impact on Ballycotton Bay SPA.

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.

- 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 c.40m southeast 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 unit in accordance with EPA Guidelines.
- Surface water disposal in accordance with BRE 365 standards.
- 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 Shanagarry, Co. Cork. Shanagarry River is located appropriately 270metres southwest of the subject site and Ballycotton Bay is located approximately 330 metres south of the subject site. The proposed development comprises permission for 1no. residential dwelling with connection to an on-site wastewater treatment systems, public water and discharge of surface water to soakpit. The appellant raised concerns in relation to water deterioration and impact on ecology.

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 270 metres southwest 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

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 wastewater disposal, ecology, heritage and visual impact and impact on residential amenity of the adjacent properties. The proposed development would not seriously injure the historic setting of Kilmahon House, the ecology in the area or 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 11th day of September 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The entrance gates to the proposed house shall be set back not less than four metres and not more than six metres from the edge of the public road. Wing walls forming the entrance shall be splayed at an angle of not less than 45 degrees and shall not exceed one metre in height.</p> <p>Reason: In the interest of traffic safety.</p>
3.	<p>(a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.</p> <p>(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be</p>

	<p>caused to existing roadside drainage.</p> <p>Reason: In the interest of traffic safety and to prevent flooding or pollution.</p>
4.	<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 and/or wastewater collection network.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
5.	<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 11th September 2025 and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent \leq 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 \leq 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 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>

	Reason: In the interest of public health and to prevent water pollution.
6.	<p>The landscaping scheme shown on drawing number 25-02-P.002, as submitted to the planning authority on the 3rd day of December 2025 shall be carried out within the first planting season following substantial completion of external construction works.</p> <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>Reason: In the interest of residential and visual amenity.</p>
7.	<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>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
8.	<p>A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.</p>

	Reason: In the interest of environmental protection, residential amenities, public health and safety and environmental protection.
9.	<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 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>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.</p>

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.

Jennifer McQuaid
 Planning Inspector
 28th April 2026

Appendix A: Form 1 - EIA Pre-Screening

Case Reference	PL-500712-CK-26
Proposed Development Summary	Permission for the construction of dwelling house and attached garage, new wastewater treatment unit and all associated site works.
Development Address	Shanagarry South, Midleton, Co. Cork.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input 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 checked="" 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	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Schedule 5, Part 2, Class 10b(i) Construction of more than 500 dwelling units.</p> <p>The proposal consists of 1 no. residential units on a site size of 0.44ha hectares.</p>

<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ Date: _____

Appendix A: Form 2 - EIA Preliminary Examination

Case Reference	PL-500712-CK-26
Proposed Development Summary	Permission for the construction of dwelling house and attached garage, new wastewater treatment unit and all associated site works.
Development Address	Shanagarry South, Midleton, Co. Cork.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The proposed development consists of planning permission for 1 no. dwellings and all associated site works. 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. Surface water will be discharged to a soakpit as per BRE365 Wastewater will be discharged to on-site wastewater treatment system. Public water mains are available.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The 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: <ul style="list-style-type: none"> • Ballycotton Bay SPA (site code: 004022) is located approximately 110m south of the subject site. My appropriate assessment screening concludes that the proposed development would not likely have a significant effect on any European site. The subject site is not located within a flood risk area.
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).	The site size measures 0.44ha. 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.

Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

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				
Step 1: Description of the project and local site characteristics				
Brief description of project		Construction of 1no. dwelling, wastewater treatment systems and associated site works.		
Brief description of development site characteristics and potential impact mechanisms		<p>The site is not located within the Natura 2000 area. Ballycotton Bay SPA is located c.40m southeast of the subject site.</p> <p>The site is currently greenfield.</p> <p>The proposed development will consist of 1 no. individual wastewater treatment unit constructed in accordance with EPA Guidelines.</p> <p>Surface water will be disposed to a soakpit designed to BRE365 standards.</p> <p>The subject site will be connected to public water.</p>		
Screening report		Yes (Prepared by Kelleher Ecology Services Ltd)		
Natura Impact Statement		No		
Relevant submissions		None		
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
<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	Distance from proposed	Ecological connections	Consider further in screening. Y/N

	objectives (NPWS, date)	development (km)		
Ballycotton Bay SPA (site code: 004022)	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>)	c.40metres southeast of the subject site.	Surface water runoff – no hydrological links. Wastewater – On-site wastewater treatment unit designed in accordance with EPA guidelines – no receptor pathway Potential disturbance/displacement impacts of fauna through noise.	Yes

	<p>Turnstone (Arenaria interpres) Common Gull (Larus canus) Lesser Black- backed Gull (Larus fuscus) Wetland and Waterbirds. Ballycotton Bay SPA National Parks & Wildlife Service Dated: 30th March 2026</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)	<p><u>During Construction</u> Temporary Indirect water quality impacts for potentially surface water runoff.</p>	<p>The site is not of significant ex-situ ecological value for waterbirds in general, including the qualifying</p>

	<p>Noise</p> <p><u>During Operation</u></p> <p>Indirect surface water runoff.</p> <p>Wastewater potential runoff</p>	<p>interest species of the nearby Ballycotton Bay SPA.</p> <p>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.</p> <p>No significant adverse impact-receptor pathway on any Natura 2000 site regarding potential impacts from wastewater/foul effluent arising at the proposed development.</p> <p>No significant adverse impact-receptor pathway associated in regard to potential disturbance/displacement impact.</p> <p>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.</p>
<p>Yes</p>	<p>Likelihood of significant effects from proposed development (alone):</p>	
	<p>No</p>	

Yes	Possibility of significant effects (alone) in view of the conservation objectives of the site.
	No
<p>Further Commentary/discussion</p> <p>Surface water will be disposed of to a soakaway designed in accordance with BRE 365 standards.</p> <p>Wastewater will be treated in accordance with EPA Guidelines Code of Practice 2021.</p>	
<p>Step 4 Conclude if the proposed development could result in likely significant effects on a European site.</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>Screening Determination</p> <p>Finding of likely significant effects</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"> • 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 c.40m southeast 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 unit in accordance with EPA Guidelines.
- Surface water disposal in accordance with BRE 365 standards.
- 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

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	PL-500712-CK-26	Townland, address	Shanagarry, Co. Cork.
Description of project		Permission for construction of 1 no. residential dwellings and associated site works.	
Brief site description, relevant to WFD Screening,		<p>The site is located within the urban settlement of Shanagarry, Co. Cork; the site is a greenfield site to the rear of existing dwellings. The proposed development will be connected to public water.</p> <p>An on-site wastewater treatment facility will be provided.</p> <p>Surface water will be disposed of via a soakaway and will be designed in accordance with BRE365 standards.</p> <p>There are no water features on site or adjacent the subject site.</p> <p>The site is not in a flood risk area.</p>	

Proposed surface water details	Surface water will be disposed via a soakaway and will be designed in accordance with BRE365 standards.
Proposed water supply source & available capacity.	Public mains are available.
Proposed wastewater treatment system & available capacity, other issues	An on-site wastewater treatment facility will be provided in accordance with EPA Code of Practice.
Others?	

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

Identified water body	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body.	Pathway linkage to water feature (e.g., surface run-off,	Mitigation Measures proposed	Is mitigation sufficient? Will there be any residual impacts?

					drainage, groundwater)		
Groundwater	Cloyne Site code: IE_SW_G_028	Good	Not at Risk	None Identified	Surface water run-off & Wastewater run-off	Surface water will be disposed off via a soakaway designed to BRE Standards. On-site wastewater treatment system will be designed to EPA Code of Practice 2021.	Yes, no residual impacts.