



<b>Development</b>	Decommissioning of existing septic tank system servicing existing dwelling house and installation of new replacement wastewater treatment system.
<b>Location</b>	Leenane, Crookhaven, Co. Cork,
<b>Planning Authority</b>	West Cork County Council
<b>Planning Authority Reg. Ref.</b>	256555
<b>Applicant(s)</b>	Ronan Ryan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission + Conditions
<b>Type of Appeal</b>	Third Party Normal Planning Appeal
<b>Appellant(s)</b>	Phillip Browne
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	9 <sup>th</sup> April 2026
<b>Inspector</b>	Matthew McRedmond

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## **1.0 Site Location and Description**

- 1.1. The subject site is located in the townland of Leenane, Crookhaven, Co. Cork, on the west side of Griffin's Bay/Crookhaven Harbour. The site is accessed off a local laneway on the west side of the L-8406, which itself is accessed off the R591.
- 1.2. The site is at an elevated position above the L-8406 local road and is accessed off a steep laneway, that also provides access to other properties to the west. The site itself is approximately 0.14 hectares in area and currently consists of a site entrance to an existing chalet type structure on a raised concrete base. There is a garage to the north of the dwelling and a garden to the east of the chalet building where the existing septic tank to be removed is currently positioned, and the proposed wastewater treatment system is to be located.

## **2.0 Proposed Development**

- 2.1. The proposed development permission is for the decommissioning of an existing septic tank system and provision of a new wastewater treatment system within the front garden of the existing structure/dwelling on site.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. On the 21<sup>st</sup> November 2025, Cork County Council granted permission for the proposed development, subject to 5no. conditions.
- 3.1.2. Relevant conditions include Condition 5, which requires the removal of the existing unauthorised wastewater treatment system, within 6 months of the final grant of permission.

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

- 3.2.1. The Local Authority planning report had regard to the location of the site, planning history, national and local policy and to the referral responses received. The basis of the Planning Authority's decision was provided under the assessment section of the Area Planner's Report and may be summarised as follows:

- Proposed waste water treatment works are not exempted development as is well established. Proposal is for regularisation of works that have taken place at the site including decommissioning of the existing septic tank and replacement with new system.
- Application cannot be considered invalid as there is no requirement under the Planning and Development Act 2000 to state when unauthorised works have taken place.
- The proposal is in accordance with EPA Code of Practice 2021 and is an improvement on the existing situation. Public health and neighbouring properties are relevant in this regard.
- Existing septic tank would be removed, and a proprietary treatment unit would be installed, along with a polishing filter. Council Engineer has approved the proposal.
- Proposal of condition to remove existing septic tank within 6 months and ensure new system is in place and overseen by a competent person, will ensure EPA Code of Practice 2021 is met.
- No impacts on European site as there are no significant watercourses or streams in the area.
- Proposal would address enforcement issues and grant of permission is recommended.

### 3.2.2. Other Technical Reports

**Area Engineer** –Site suitability and analysis and proposals are acceptable, subject to conditions.

**Ecology** – No objection to the proposed development.

### 3.3. Prescribed Bodies

3.3.1. None.

### 3.4. Third Party Observations

3.4.1. There was 1no. third party observation that may be summarised as follows:

- Proposal does not comply with planning regulations or EPA code of practice. Reference to existing septic tank on notices is misleading as there is no legitimate planning in place for such works. This is contrary to fair procedures as outlined in the planning regulations.
- Local Authority have been informed of unauthorised works at the subject site and warning letters have been issued by them to the landowner.
- Observer therefore seeks the invalidation of the subject application and requires outcome of enforcement case SKB 25011 in relation to ongoing use of septic tank on site which is prejudicial to public health due to potential impacts on main water supply and to adjoining property rights.

## 4.0 Planning History

- 4.1. **Cork County Council (CCC) Reg. Ref 16/792:** Permission granted to demolish the existing timber house on site and construct a new 4-bedroom house. Wastewater treatment conditioned to be by means of a proprietary wastewater treatment system to EPA Code of Practice 2009. Existing septic tank to be removed and backfilled.
- 4.2. **CCC Reg. Ref. 21/485:** Extension of duration for the above referenced permission (16/792) that was granted permission, with a new expiry date of 22<sup>nd</sup> March 2027. Not yet commenced on my visit to site.
- 4.3. **CCC Reg. Ref. 23/657:** Permission granted for a garage/domestic store at ground level with ancillary residential accommodation at first floor, to the north of existing dwelling, in general location of existing garage. Not commenced on my visit to site.
- 4.4. **Enforcement File Ref. SKB25011:** Warning letter in relation to unauthorised works to septic tank and wastewater treatment system on site. Subject application is a response to this warning letter.

## 5.0 Policy Context

### 5.1. National and Regional Planning Policy

- 5.1.1. A central aim of national policy (National Planning Framework/NPF) is to recognise the role of the rural countryside as a lived-in landscape and focusing on the

requirements of rural economies and rural communities based on “agriculture, forestry, tourism, and rural enterprise while at the same time avoiding ribbon and over-spill development from urban areas and protecting environmental qualities”. The Regional Spatial and Economic Strategy (RSES) reflects the NPF position.

5.1.2. Chapter 5 of the National Planning Framework (NPF) is entitled ‘Planning for Diverse Rural Places’ and it sets out to Strengthening Ireland’s rural fabric and supporting rural communities.

## 5.2. **Section 28 Ministerial Guidelines**

5.2.1. Sustainable Rural Housing Guidelines for Planning Authorities (2005) are relevant. The guidelines aim for proper planning of the countryside and a fair balance between accommodating housing needs of rural community and managing areas of acute development pressure.

5.3. The Environmental Protection Agency (EPA) Code of Practice (CoP) – Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ ) is the relevant policy document to assess the subject proposal. The CoP includes information on:

- Policy and legal background;
- Waste water characteristics and loadings;
- How to characterise a site and decide on the type of DWWTS;
- Required minimum separation distances, depths of unsaturated soil and/or subsoil above the bedrock and the water table, and percolation values (PVs);
- Design, installation, operation and maintenance.

## 5.4. **Cork County Development Plan 2022-2028**

5.4.1. The site is not specifically zoned and is located within an area of West Cork designated as High Value Landscape and a Tourism and Rural Diversification Area. Scenic Routes S102 and S103 are in proximity to the site, with S102 immediately adjacent to the site and S103 located approximately c.700m south.

5.4.2. The following objectives are of relevance to the subject development and proposal:

- **RP 5-23: Servicing Single Houses (and ancillary development) in Rural Areas:** a) 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  $\leq 10$ ) 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.

b) Surface water should be disposed of using sustainable drainage systems and in a manner that will not endanger the receiving environment or public health. The use of permeable paving should also be considered to reduce run off.

- **WM 11-3:** a) Preserve and protect groundwater and surface water quality throughout the County.  
b) Prevent or limit, as appropriate, the input of pollutants into groundwater and prevent the deterioration of the status of all bodies of groundwater.  
c) Protect, enhance and restore all bodies of groundwater and ensure a balance between abstraction and recharge of groundwater with the aim of achieving good groundwater quantitative status and good groundwater chemical status.  
d) Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity in order to progressively reduce pollution of groundwater.  
e) Achieve compliance with any standards and objectives established for a groundwater dependant protected area included in the register of protected areas.
- **WM 11-4:** In order to protect groundwater quality, new developments must have regard to any Groundwater Protection Scheme and/or Groundwater Protection Zones in place and existing developments and abstractions.
- **WM 11-5:** a) Ensure that proposals for development incorporating on-site wastewater disposal systems comply with the EPA Code of Practice Domestic Waste Water Treatment Systems March 2021 (Population

Equivalent  $\leq 10$ ) 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.

b) Continue to support the roll out of the National Inspection Plan 2018–21 for domestic waste-water treatment systems, and any successor plans, with prioritisation of Blue Dot Catchments and Protected Areas.

c) Protect the County's waters from wastewater pollution, through the implementation of the Local Government (Water Pollution) Acts 1977 to 2007, ensuring that all development shall comply with the provisions where applicable.

**Objective HE 16-19 – Vernacular Heritage, seeks to:**

'a) Protect, maintain and enhance the established character, forms, features and setting of vernacular buildings, farmyards and settlements and the contribution they make to our architectural, archaeological, historical, social and cultural heritage and to local character and sense of place.

b) Cork County Council encourages best conservation practice in the renovation and maintenance of vernacular buildings including thatched structures through the use of specialist conservation professionals and craft persons. Development proposals shall be accompanied by appropriate documentation compiled by experienced conservation consultant.

c) There will generally be a presumption in favour of the retention of vernacular buildings and encouragement of the retention and re use of vernacular buildings subject to normal planning considerations, while ensuring that the re-use is compatible with environmental and heritage protection.'

**5.5. Natural Heritage Designations**

5.5.1. The subject site is not located within any designated site. The closest Natura 2000 site is Barley Cove to Ballyrisode Point SAC (Site Code:001040), approx. 100m to east. The nearest part of Sheep's Head to Toe Head SPA (Site Code 004156) is approx. 0.45km to the southeast.

## 6.0 EIA Screening

- 6.1.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations) and therefore can be ruled out for environmental impact purposes at preliminary examination stage and a screening determination is not required. Please see Appendix 1 attached.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

- 7.1.1. A Third-Party appeal has been submitted against the decision of Cork County Council to refuse permission for the proposed development.
- 7.1.2. The grounds of the appeal can be summarised as follows:

#### Ground 1

- Undesirable precedent, project splitting and overall development not appropriately assessed for wastewater.
- Proposal is only to serve existing chalet of one bathroom, one kitchen, one double and three single bedrooms. Overall permitted developments including residential in adjoining garage not accounted for.
- Noted that the submitted site assessment report submitted in 2016 and 2021 certifies that due to site constraints in terms of site size, a conventional septic tank and percolation area is unsuitable as the required percolation area would be too large. Proposal would contravene principles of proper planning and sustainable development as set out in the Planning and Development Act 2000.
- Reference to existing septic tank is a concealment by the applicant, as this septic tank is unauthorised based on works from March 2025.
- No authorised wastewater treatment plant in place to serve existing or permitted developments, which is contrary to Objective RP 5-23 of the

Development Plan and Government issued circular letters in relation to compliance with the EPA CoP.

### Ground 2

- Proposal will devalue the appellant's property and result in loss of vernacular architectural heritage that will be prevented from renewal as a result of the proposal. This is in contravention of Objective 16-9 of the Development Plan in relation to Vernacular Heritage. Proposals for upgrade of these structures have been on hold on foot of enforcement investigations into the unauthorised wastewater system.
- Proposal does not comply with Article 22 and 23 of the Planning and Development Regulations as ground level differences to the north are not shown. 2.5m level difference exists and the proposed filtration area is within 4m of the property boundary, contrary to EPA guidance.
- Filtration levels of T=3.75 min/25mm is a fast filtration rate and appropriate site inspection was not undertaken to provide alternatives that would avoid contamination of boundary wall to north, with the appellant's property. Alternative tertiary sand polishing filter or redesigned infiltration area could have been proposed away from the property boundary.

### Ground 3

- Unauthorised development took place at the site during March 2025 to remove an existing wastewater system and install a concrete block built septic tank and percolation area, within one metre of appellant's property.
- Unfair procedures followed given landowners family relationship with Council engineer.
- Warning letters issued to landowners who reside permanently in USA.
- Appellant was only informed of removal of unauthorised wastewater treatment system when referred to in a condition on the Cork CC grant of permission. This refers to objective bias given Council Engineer, a relative of the applicant's, is a colleague of the deciding Area Planner.

- Allegations of conflicts of interest given Council Engineer is entitled to live in the permitted ancillary building (2023 permission Ref. 23/00657) having submitted the planning application, and this was done in an attempt to install an unauthorised septic tank and percolation to circumvent the planning process.

## 7.2. Applicant Response

7.2.1. The applicant provided a response to the appeal that may be summarised as follows:

### Ground 1

- Neither of existing permissions for the site have been commenced. March 2025 works were on the mistaken assumption by the applicant that those works were exempted development. Permission is to decommission the existing septic tank and replace it with a new wastewater treatment system in line with the previously approved 2016 permission.
- Site suitability assessment carried out in 2016 proposed a 6PE treatment plant that complies with EPA code of practice. The combined loading of the existing permissions is not expected to exceed 6PE or 4 bedrooms.
- Treatment plant could be increased from 6PE to 7PE by way of condition as the proposed polishing filter of 45m trench length can accommodate the 42m requirement.

### Ground 2

- Proposed wastewater treatment system will provide wastewater treatment to a significantly higher standard than historic system on site, in compliance with EPA Code of Practice. Section 1.3 of the CoP allows variances to requirements once human health and the environment are protected.
- A tertiary system would require a pumped rather than gravity system which is more prone to malfunction and is not suitable for an intermittently used dwelling.

### Ground 3

- Claims in relation to applicant and family members are unsubstantiated and undue influence on the planning process is denied.
- Proposal is simply for the upgrade of an existing septic tank system with a new wastewater treatment system in compliance with current standards, which will reduce risks to the local environment by providing improved levels of wastewater treatment.

### **7.3. Planning Authority Response**

7.3.1. None on file.

### **7.4. Observations**

7.4.1. None.

## **8.0 Assessment**

8.1. Having reviewed the submitted details and visited the site, the main issues relevant to this appeal are as follows:

- Procedural Issues
- Wastewater Disposal

### **8.2. Procedural Issues**

- 8.2.1. The third party appeal raised issue with the perceived unauthorised works related to an underground attenuation tank at the subject site and they seek for this current application to be refused until the matter of the unauthorised works are resolved.
- 8.2.2. I have considered the alleged unauthorised wastewater treatment works on site, the photographs submitted in the third party appeal and noted the relatively recent lid of an underground tank towards the south end of the front garden when I visited the site, where the currently proposed replacement wastewater treatment system is to be located.
- 8.2.3. I confirm it is not a function of An Coimisiún Pleanála to pursue matters of enforcement or alleged unauthorised development, and I do not propose to do so as part of my assessment of this appeal. The matter of enforcement falls under the

jurisdiction of the planning authority and is a separate process to an application for permission.

8.2.4. Ultimately, I am satisfied that the subject application is for the decommissioning of the existing septic tank and subsequent installation of a new replacement wastewater treatment system. The applicant has confirmed this is in response to a Warning Letter from Cork County Council and I am satisfied this is an appropriate process to address matters of unauthorised development. I note the submitted Site Layout Plan shows the existing septic tank system to be decommissioned in dashed orange, and this is consistent with my observations on site, particularly the above ground element to the south end of the site, with the replacement system illustrated separately on the site layout plan. I therefore consider there to be sufficient grounds to consider the subject proposal on its own merits and set aside any matters of unauthorised development as raised by the third party as an enforcement issue, within the jurisdiction of the planning authority.

### 8.3. **Wastewater Disposal**

8.3.1. The proposed dwelling is intended to be served by an onsite wastewater treatment system (WWTS). The relevant guidance for assessment purposes is the EPA Code of Practice (2021) (CoP) which applies to site assessments and associated wastewater treatment installations with P.E. ≤10 carried out on or after 7th June 2021. The County Development Plan includes relevant policies under Policy Objective WM 11-5 'Discharges in unsewered Areas' and RP 5-23 'Servicing Single Houses' to ensure compliance with this standard.

8.3.2. I note the third party appeal submits that the proposal will have an undue impact on their property and significantly impact their ability to redevelop vernacular, derelict structures on the boundary with the appeal site.

8.3.3. The Geological Survey Ireland (GSI) confirms the appeal site is in an area with a locally important aquifer. The groundwater vulnerability is described as X (Extreme). The submitted Site Characterisation form notes a soil type of 'SRPT – Preliminary Shallow Soils derived from non-calcareous rock or gravels or with peaty surface'. According to the GSI online mapping system the soil types on the property are likely to be 'SRPT - shallow, rocky, peaty/non peaty mineral complexes'. The vulnerability rating also suggests that bedrock may be close to the surface. Areas with an

Extreme vulnerability and located on a locally important aquifer require a R2<sup>1</sup> response as set out in Table E1 of the EPA CoP. For R2<sup>1</sup> the depth of subsoil over bedrock should be given specific attention and I note the observation of 2.1m of sandy silt in the trial hole inspections on site and a DWWTS is acceptable subject to normal good practice in these circumstances.

- 8.3.4. The Site Characterisation Form (SCF) states that existing land use is a domestic garden with some bracken growth and that ground conditions are very firm and dry. This is consistent with my site visit and visual assessment of the land in April 2026.
- 8.3.5. The EPA CoP 2021 requires that a trial hole should have a minimum depth of 2.1m. The submitted site characterisation form confirms this depth was reached. There was no evidence of mottling, bedrock or water ingress within the trial hole, which suggest the water table and bedrock is greater than 2.1m below ground level.
- 8.3.6. Section 3.2 of the SCF shows that the surface and subsurface presoak tests was carried out within a 24 hour period (10:00, 8<sup>th</sup> December 2016 to 09:00, 9<sup>th</sup> December 2016), was outside the proposed percolation area as shown on the site layout plan and the trial holes were left open for more than 48 hours prior to inspection.
- 8.3.7. This is within the 4-to-24-hour period and other methodologies recommended by the CoP to be followed as part of the pre-soak prior to the percolation test procedure. I am therefore satisfied that the true percolation values were recorded in the Site Characterisation Form. The recorded soft, brown soil is generally accepted as well aerated and provides good drainage. T and P values are given as <210 minutes per 25mm.
- 8.3.8. Table 6.4 identifies a range of options for a DWWTS, with a percolation value above 3. The subject site is 3.75, which is acknowledged as fast. The SCF notes that due to area constraints, the site is unsuitable for a conventional septic tank and percolation area. A packaged treatment plant and soil polishing filter is therefore proposed. This falls within the acceptable systems as set out in Table 6.4 of the EPA CoP and would be an underlying gravity discharge system. The applicant response notes that a tertiary treatment system as suggested by the third party appellant would require pumping and this has associated maintenance issues, which is not suitable for an intermittently utilised dwelling. I accept this rationale and that a gravity-based system

is suitable for this site, given ground gradients from west to east and associated flow directions.

- 8.3.9. As set out in Tables 6.3 and 8.2 of the CoP, minimum depth of unsaturated soil/and or subsoil depth for a GWPR R2<sup>1</sup> for polishing filters following secondary systems is 0.9m, which is provided in the subject proposal, as shown on the site sections submitted.
- 8.3.10. I note the third party concerns in relation to proximity to their property boundary, and associated implications for property values and potential for redevelopment of a derelict structure that forms a boundary with the subject site, and has a ground level 2.5m below the height of the garden of the appeal site. I have had regard to Objective HE 16-9 in this regard. The proposed percolation area is located 3.84m from the property boundary to the north/northeast. While this is adjacent to the property boundary and some derelict structures, the percolation is at least 25m from the neighbouring dwelling to the north. Table 6.2 of the EPA CoP requires a separation distance of 3m from property boundaries, 4m from slope break/cuts and 7m from a neighbouring dwelling. The area works off a group water scheme and therefore there are no private wells identified in the surrounds. There are no identified watercourses or streams, and the site is located approximately 75m from the foreshore area of Crookhaven Harbour.
- 8.3.11. The outcome is a system that is designed to EPA CoP standards and that reduces the potential risk of contamination occurring and discharge of untreated, or partially treated wastewater, to groundwater and/or surface water receptors. An outdated drainage system had been in place prior to the implementation of unauthorised works and the subsequent submission of planning permission for an approved system. I therefore do not accept the appeal rationale that the subject proposal would reduce the possibility of works to derelict structures in line with objective HE 16-9 of the Development Plan. The subject proposal is adequately set back from property boundaries, provides for improved public health and environmental protection and therefore does not contravene policy objective HE 16-9.
- 8.3.12. I note the third party appeal submits that the applicant has not complied with Article 22 of the Planning and Development Regulations 2001. The applicant has provided information and details in relation to the proposed system, in line with statutory

requirements and I am satisfied there is sufficient information before me to adjudicate on the proposal. In summary, I consider that the surface and sub-surface test results can be relied upon in this case and that the applicant has sufficiently demonstrated the proposed method of wastewater treatment is in accordance with the EPA CoP 2021. This is consistent with the Rural Housing Guidelines by providing an upgrade of the wastewater treatment on site, that was previously in unknown condition and was confirmed by the applicant as difficult to precisely identify in advance of the unauthorised works on site. I consider the subject proposal to be consistent with the proper planning of the countryside and will protect human health and the environment by providing a system that is consistent with EPA Code of Practice guidelines.

- 8.3.13. Table 8.1 of the EPA CoP sets out requirements for typical intermittent soil filters. Details include minimum soil thickness of 1.2m, percolation value of between 3 and 75, lateral centre separation of 2.5m for gravity systems, and durable gravel to surround perforated drainpipes. All of these details are complied with in the submitted drawings, sections and specifications and I am satisfied that the proposed system is therefore in compliance with relevant standards and is therefore consistent with the requirements of objectives RP 5-23 and WM 11-5 of the Development Plan that require wastewater treatment systems to be compliant with EPA CoP requirements.
- 8.3.14. I note Section 1.3 and 2.2 of the EPA CoP allow for retrofitting existing systems that do not comply with the CoP, as referenced in the First Party response to the appeal. It is further noted in the CoP that where the site is unsuitable, the proposed upgrade must provide improved treatment and reduced environmental impact. I am satisfied that the site and ground conditions are acceptable for the system proposed. I note the proposed percolation area is less than 4m from the property boundary, however on my site visit I note the thick boundary vegetation at the boundaries of the site, that provides additional separation before the ground break. I make this note given the level differences submitted in the third party appeal. However, I am satisfied that given the existing nature of the residential dwelling, the thickness of the boundary wall and boundary vegetation that would bring the separation distance to the ground break to be in excess of 4m and that the proposal provides an improvement in wastewater treatment from the existing situation, the proposal is consistent with EPA CoP standard requirements.

- 8.3.15. The first party response to the appeal confirms that the proposed system may be extended to 7 population equivalent as the proposed trenches are 45m in length and therefore can accommodate the 42m requirement for this size of treatment system as set out in Table 10.1 of the CoP. I have regard to the existing 4no. bedrooms in the existing structure, the permitted conversion of the first floor residential at the adjacent garage and the permission in place for a replacement dwelling with 4no. bedrooms at the subject site. I consider it prudent for the currently proposed waste water treatment system to also include capacity for the permitted developments on site and I note from the 6no. 7.5m trenches proposed, a total of 45m trench length is included, which would allow for a population equivalent of 7. I recommend the packaged treatment plant is increased in size to match this capacity and therefore propose a condition to address this requirement is included with any grant of permission.
- 8.3.16. In my conclusion, the proposed development would improve the protection of human health and the environment and can be considered a sustainable wastewater treatment solution as a result. I am satisfied based on the information available on file, together with my physical inspection of the site having regard to its drainage characteristics, that the effluent generated by the development as proposed could be suitably attenuated and disposed of in a manner that would not be prejudicial to public health.
- 8.3.17. The existing septic tank system is to be decommissioned as part of the proposed development, and I recommend incorporation of the Cork County Council Condition 5 into any grant of permission issued by An Coimisiún Pleanála, to ensure this removal and replacement takes place.
- 8.3.18. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area, and, for this reason, I recommend that permission be granted.

## 9.0 **AA Screening**

- 9.1.1. Having reviewed the details on file and having regard to the nature and scale of the proposed development, the location of the site within a rural area, the absence of strong ecological and/ or hydrological connections, and the physical separation distances to European Sites, I consider the potential of likely significant effects on

European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

- 9.1.2. Please refer to the attached appendices for detailed Stage 1 Appropriate Assessment.

## 10.0 **Water Framework Directive**

- 10.1.1. 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 based on the mitigation measures, drainage arrangements and management of surface water as set out in the proposed development. Please see WFD Assessment attached at Appendix 3 of this report.

## 11.0 **Recommendation**

- 11.1.1. I recommend that permission for the development be granted for the following reasons and considerations.

## 12.0 **Reasons and Considerations**

- 12.1.1. Having regard to the objectives of the Cork County Development Plan 2022-2028, the nature, scale and design of the development which is consistent with Objectives 5-23 and WM 11-5 for complying with the EPA Code of Practice 2021 Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ ), it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of public health and would not result in adverse impacts on the environment. It is considered that the proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

## 13.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as received by the planning authority, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>a) Within six months from the date of Final Grant of planning permission the existing wastewater treatment system shall be completely removed and the replacement wastewater treatment system, as detailed in the plans and particulars received on the 21st November 2025, shall be fully implemented and completed to EPA Code of Practice 2021, subject to (b).</p> <p>b) Packaged treatment plant to be increased in size from 6PE to 7PE with revised drawings showing this amendment to be submitted and agreed in writing with the Planning Authority, prior to the commencement of development.</p> <p><b>Reason:</b> In the interests of public health, to prevent pollution and to ensure the new replacement wastewater treatment system is compliant with the EPA Code of Practice 2021 and to remove the unauthorised development that is in situ.</p>
3.	<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 and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent <math>\leq 10</math>)” – 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 Waste Water Treatment Systems (Population Equivalent <math>\leq 10</math>)” – Environmental Protection Agency, 2021.</p> <p>(c) Within three months of the completion of the wastewater treatment system, 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> <p><b>Reason:</b> In the interest of public health and to prevent water pollution</p>
4.	<p>Prior to commencement of development, details of the proposed surface water drainage measures shall be submitted to and agreed in writing with the planning authority and shall comply with the requirements of the planning authority for such works.</p> <p><b>Reason:</b> In the interests of traffic safety and to prevent flooding or pollution.</p>
5.	<p>Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interest of public safety and amenity.</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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

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Matthew McRedmond  
Senior Planning Inspector

19<sup>th</sup> May 2026

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

<b>Case Reference</b>	PL-500833-WC-26
<b>Proposed Development Summary</b>	Decommissioning of existing septic tank and provision of new wastewater drainage system.
<b>Development Address</b>	Leenane, Crookhaven, Co. Cork
<b>IN ALL CASES CHECK BOX / OR LEAVE BLANK</b>	
<b>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</b>	<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)	

<p><b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b></p>	
<p><input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b></p>	
<p><input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>	
<p><b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b></p>	
<p><input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.  <b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p>	

<p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	
<p><b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b></p>	
<p>Yes <input type="checkbox"/></p>	<p><b>Screening Determination required (Complete Form 3)</b></p>
<p>No <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

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

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

## Appendix 2: AA Screening Determination

### Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects				
<b>Step 1: Description of the project and local site characteristics</b>				
<b>Brief description of project</b>	Decommissioning of existing septic tank and provision of new wastewater treatment system.			
<b>Brief description of development site characteristics and potential impact mechanisms</b>	Small domestic development on 0.14ha site. Site in developed, residential format, existing natural boundaries, located c. 100m to European site, potential impact on ground water from effluent disposal and disposal of surface water. Barley Cove to Ballyrisode Point SAC (Site Code:001040), approx. 100m to east. The nearest part of Sheep's Head to Toe Head SPA (Site Code 004156) is approx. 0.45km east, across Crookhaven Harbour.			
<b>Screening report</b>	No.			
<b>Natura Impact Statement</b>	No.			
<b>Relevant submissions</b>	No submissions relevant to AA issues.			
<b>Step 2. Identification of relevant European sites using the Source-pathway-receptor model</b>				
Two European sites are identified as being located within a potential zone of influence of the proposed development as detailed in Table 1 below. I note that no further range of European Sites is necessary for consideration in relation to this proposed development.				
<b>Table 1:</b>				
European Site (code)	Qualifying interests <sup>1</sup> Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections <sup>2</sup>	Consider further in screening <sup>3</sup> Y/N
Barley Cove to Ballyrisode Point SAC (001040)	Mudflats and sandflats not covered by seawater at low tide [1140]	100m east	Yes, proximity and potential surface water run off to SAC	Y

	<p>Perennial vegetation of stony banks [1220]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>European dry heaths [4030]</p> <p>Petalophyllum ralfsii (Petalwort) [1395]</p> <p><a href="#">Barley Cove to Ballyrisode Point SAC   National Parks &amp; Wildlife Service</a></p>			
<p>Sheep's Head to Toe Head SPA (Site Code 004156)</p>	<p>Peregrine (Falco peregrinus) [A103]</p> <p>Chough (Pyrrhocorax pyrrhocorax) [A346]</p> <p><a href="#">Sheep's Head to Toe Head SPA   National Parks &amp; Wildlife Service</a></p>	<p><b>450m south/southeast</b></p>	<p><b>Yes, proximity and potential surface water run off to SAC</b></p>	<p><b>Y</b></p>

<sup>1</sup> Summary description / **cross reference to NPWS website** is acceptable at this stage in the report

<sup>2</sup> Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

<sup>3</sup>if no connections: N

Given the proximity of the site to Barley Cove to Ballyrisode Point SAC and to Sheep's Head to Toe Head SPA, potential effects could occur due to surface water run off during construction and operation and foul water discharge during operation, will require management to avoid impacts on SAC.

Significant effects from other pathways have been ruled out i.e., habitat loss, spread of invasive species, impacts from noise and disturbance.

**Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites**

The proposed development will not result in any direct effects on the Sheep's Head to Toe Head SPA or to Barley Cove to Ballyrisode Point SAC. However, due to the application of the precautionary principle, impacts generated by the construction and operation of the proposed development require consideration to the SAC and SPA, due to proximity.

Sources of impact and likely significant effects are detailed in the table below.

**AA Screening matrix**

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<p><b>Site 1: Barley Cove to Ballyrisode Point SAC (Site Code: 001040)</b> QI list: As above</p>	<p>Direct: No direct impacts within the SAC.</p> <p>Indirect:</p> <p>Localised, temporary, low magnitude impacts from dust and construction related emissions.</p> <p>Localized, low magnitude impacts on water quality (pollution and sedimentation) from surface water disposal from development and from on site effluent disposal.</p>	<p>Having regard to</p> <ul style="list-style-type: none"> <li>- the domestic nature and small scale of development proposed,</li> <li>- lack of direct connections or pathways,</li> <li>- the distance to receiving features,</li> <li>- normal best construction practices,</li> <li>- disposal of uncontaminated storm water to ground,</li> <li>- disposal of effluent on site to normal EPA CoP standards,</li> </ul> <p>it is highly unlikely that the proposed development could generate impacts of a magnitude</p>

		<p>that could affect habitat quality or QI species of the SAC.</p> <p>No significant disturbance to birds that may occasionally use the existing vegetation on the site.</p> <p>Low risk to SAC related to any minor construction related emissions.</p> <p>Low risk of surface or ground water borne pollutants or sediments reaching the SAC.</p> <p>Conservation objectives would not be undermined.</p>
	<b>Likelihood of significant effects from proposed development (alone): N</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects? The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area.</b>	
<b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b>		
<p>The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of the Barley Cove to Ballyrisode Point SAC. Due to distance and lack of meaningful ecological connections there will be no changes in ecological functions due to any construction related emissions or disturbance. There will be no direct or ex-situ effects from disturbance on mobile species during construction or operation of the proposed development. No mitigation measures beyond normal standard construction mitigation and drainage works are required to come to these conclusions.</p>		
	<b>Impacts</b>	<b>Effects</b>
<p><b>Site 2: Sheep's Head to Toe Head SPA (Site Code: 004156)</b>  QI list:  As above</p>	<p>Direct:  No direct impacts within the SAC.</p> <p>Indirect:   Localised, temporary, low magnitude impacts from dust and construction related emissions.</p>	<p>Having regard to</p> <ul style="list-style-type: none"> <li>- the domestic nature and small scale of development proposed,</li> <li>- lack of direct connections or pathways,</li> <li>- the distance to receiving features,</li> </ul>

	<p>Localized, low magnitude impacts on water quality (pollution and sedimentation) from surface water disposal from development and from on site effluent disposal.</p>	<ul style="list-style-type: none"> <li>- normal best construction practices,</li> <li>- disposal of uncontaminated storm water to ground,</li> <li>- disposal of effluent on site to normal EPA CoP standards,</li> </ul> <p>it is highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality or QI species of the SPA.</p> <p>No significant disturbance to birds that may occasionally use the existing vegetation on the site.</p> <p>Low risk to SPA related to any minor construction related emissions.</p> <p>Low risk of surface or ground water borne pollutants or sediments reaching the SPA.</p> <p>Conservation objectives would not be undermined.</p>
	<p><b>Likelihood of significant effects from proposed development (alone): N</b></p>	
	<p><b>If No, is there likelihood of significant effects occurring in combination with other plans or projects? The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area.</b></p>	
<p><b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b></p>		
<p>The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of the Sheep's Head to Toe Head SPA. Due to distance and lack of meaningful ecological connections there will be no changes in ecological functions due to any construction related emissions or disturbance. There will be no direct or ex-situ effects from disturbance on mobile species during construction or operation of the proposed development. No mitigation measures beyond normal standard construction mitigation and drainage works are required to come to these conclusions.</p>		
<p><b>Screening Determination</b></p>		

### **Finding of no likely significant effects**

Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites within the surrounding area namely, Barley Cove to Ballyrisode Point SAC, Sheep's Head to Toe Head SPA or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site
- Distance from and weak indirect connections to the European sites
- No ex-situ impacts
- Disposal of effluent on site to normal EPA CoP standards,

## Appendix 3: Water Framework Assessment

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
<b>An Comisiún Pleanála ref. no.</b>	<b>PL-500833-WC-26</b>	<b>Townland, address</b>	<b>Leenane, Crookhaven, Co. Cork</b>
<b>Description of project</b>		<b>Decommissioning of existing septic tank and provision of new wastewater treatment system.</b>	
<b>Brief site description, relevant to WFD Screening,</b>		<p style="text-align: center;"><b>Site is location of a residential dwelling in a rural area.</b></p> <p style="text-align: center;"><b>No water features on the site or adjacent to the site.</b></p> <p style="text-align: center;"><b>Site not located within a flood zone area.</b></p> <p style="text-align: center;"><b>Site rises steeply and bank and ditches along roadside boundary.</b></p> <p style="text-align: center;"><b>Site is c. 100m to Crookhaven Harbour and is within the WFD Catchment of Bandon-Ilen</b></p>	
<b>Proposed surface water details</b>		<b>Surface water to on site soakaway</b>	
<b>Proposed water supply source &amp; available capacity</b>		<b>Group Water Scheme</b>	
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>		<b>Onsite wastewater treatment system</b>	

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	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, drainage, groundwater)
Coastal	C. 150m east	Roaring Water Bay IE_SW_140_0000	Good	Not at Risk	None Identified	Potential Surface water Runoff
Groundwater	Underlying site	Skibereen-Clonakilty  Code: IE_SW_G_085	Good	Not at risk	None identified	Surface water drainage to ground Effluent treatment and disposal to ground
Step 3: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.						

CONSTRUCTION PHASE							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
	Coastal	Roaring Water Bay IE_SW_140_0000	Surface water	Pollution and sedimentation	Standard best practice construction	No	Screened Out
	Ground	Skibereen-Clonakilty Code: IE_SW_G_085	underground	Pollution, ground filtration	standard best practice construction	No	Screened out
OPERATIONAL PHASE							
	Coastal	Roaring Water Bay IE_SW_140_0000	Surface run off	Pollution and sedimentation	On site drainage and soakaways	No	Screened Out
4.	Ground	Skibereen-Clonakilty Code: IE_SW_G_085	underground	pollution and ground filtration	On site drainage to BRE standards,	No	Screened out

					WWTS to EPA CoP standards		
<b>DECOMMISSIONING PHASE</b>							
5.	NA						