

An  
Bord  
Pleanála

**Board Direction**  
**BD-007938-21**  
**ABP-308459-20**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19/04/2021.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

### **Reasons and Considerations**

1. On the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not result in adverse effects on the integrity of Kilkeran Lake and Castlefreke Dunes SAC (Site Code: 001061), in view of the site's Conservation Objectives. This determination is based on the following:
  - The nature and extent of the proposed development which includes discharge of effluent to a wastewater treatment system that is non-compliant with its Emission Limit Values as required under licence and that comprises a treatment system which is overloaded organically in the summer and hydraulically in the winter
  - The proximity to Kilkeran Lake and Castlefreke Dunes SAC (Site Code: 001061), and
  - The known pathway between the bay into which the wastewater treatment plant discharges and Kilkeran Lake and Castlefreke Dunes SAC (Site Code: 001061).



In such circumstances the Board is precluded from granting permission.


2. It is a development objective for Owenahincha as set out in the West Cork Municipal District Local Area Plan 2017, that appropriate and sustainable wastewater infrastructure that will help secure the objectives of the relevant River Basin Management Plan and, where applicable the protection of Natura 2000 sites, needs to be provided in tandem with development (Objective DB-07). Having regard to documentation submitted with the application and appeal including the Irish Water, Annual Environmental Report 2019 for Rosscarbery/Owenhincha (D0172-010) which notes that the annual mean and maximum hydraulic loadings at the wastewater treatment plant are greater than the peak treatment plant capacity, and that the treatment plant is non-compliant with the Emission Limit Values set out in the wastewater discharge licence, it is considered that the proposed development would conflict with the above mentioned development plan objective and would be premature by reference to the existing deficiency in the provision of public piped sewerage facilities serving the area and the period within which the constraint involved may reasonably be expected to cease. The proposed development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.



**Note 1:** The Board noted the reason for refusal relating to visual impact, as recommended by the Inspector. However, on the basis of the information submitted with the application and appeal and including the assessment of visual impact prepared by the planning authority, the Board did not share the view of the Inspector on this matter.

**Note 2:** The Board noted the reason for refusal relating to traffic hazard and obstruction of road users, as recommended by the Inspector. The Board was of the opinion that the issue of pedestrian, cycle and vehicular movements to and from the proposed development, including the availability of sight lines would warrant further consideration, including potential further detail regarding overall access options and works to the public road. However, given the substantive reasons for refusal as set out above, it was decided not to pursue this matter in the context of the current appeal.

**Board Member**

  
Chris McGarry

**Date:** 20/04/2021

